

DIVISION 4

**BOARD OF HEALTH
REGULATIONS**

Chapter 201

CODE OF REGULATIONS

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[HISTORY: Adopted by the Board of Health of the Town of Northbridge 10-24-2011.¹ Amendments noted where applicable.]

§ 201-1. Administrative.

- A. Definitions. As used in these regulations, the following terms shall have the meanings indicated:

APPROVED — Licensed by the Board of Health of the Town of Northbridge in accordance with accepted standards of the State Department of Public Health and/or the State Department of Education.

BOARD OF HEALTH or BOARD — The legally constituted Board of Health of the Town of Northbridge, Massachusetts, or its agent.

LICENSE and PERMIT — The same.

1. Editor's Note: These regulations superseded former Ch. 201, Code of Regulations, adopted by the Board of Health effective 1-14-1997, as amended.

OPERATOR — The person in control of a particular establishment.

PERSON — Any person, company, corporation, trust or any other entity.

B. Procedures.

- (1) 105 CMR 400, Chapter I of the State Sanitary Code, as most recently amended, which outlines administrative procedures relative to the Sanitary Code, is hereby adopted as a local regulation for the Town of Northbridge.
- (2) 310 CMR 11.00, Title I of the State Environmental Code, as most recently amended, which outlines administrative procedures relative to the Environmental Code, is hereby adopted as a local regulation of the Town of Northbridge.
- (3) All applications shall be made on a form approved by the Board of Health.
- (4) The license fee is considered part of the application.
- (5) Renewal of a permit is the sole responsibility of the permit holder. Any holder of a valid permit who fails to file for renewal of a permit before its expiration, and continues to operate after expiration of a permit, shall be assessed a late fee in the amount of \$50. Applications for renewal exceeding 30 days past the permit expiration shall be assessed a late fee in the amount of \$100.

- C. The Board of Health of the Town of Northbridge, in order to adequately protect the public health, and acting under the authority of Chapter 111 of the Massachusetts General Laws, hereby makes the following health regulations. All regulations previously made by the Board of Health shall no longer be in effect, except as to those matters currently pending. Any condition which existed prior to the effective date of these regulations shall not be grandfathered or regarded as exempt from these regulations.

§ 201-2. Food regulations.

- A. 105 CMR 590.000, Chapter X of the State Sanitary Code, Food Establishment Regulations, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. No person shall operate a food establishment without first obtaining a permit from the Northbridge Board of Health. All food permits shall expire on December 31 of the year issued. Permits are not transferable. [See § 201-23, Fee Schedule.]
- C. Every permit holder must possess current copies of the Northbridge Food Regulations, 105 CMR 590.000, and any other regulations the Board of Health may reasonably require.
- D. A plan review shall be required for all new establishments, the remodeling of an existing establishment, including the installation of any new equipment, and for establishments that are changing ownership. Plans and specifications for all new establishments and of all proposed and/or fixed equipment, walls, floors, ceilings, shelving, etc., are considered a part of the plan review application.

- E. All food equipment installed in a food establishment, including refrigeration and freezer units, cooking equipment, hot and cold holding units and tables used for the preparation of food, must be National Sanitation Foundation (NSF) approved.
- F. Hand-wash sinks shall be located in each food preparation, food dispensing and ware-washing area. Hand-wash sinks shall be limited in size to a maximum width of 20 inches and depth of eight inches and shall not be installed in any counter or with drain boards. Food preparation, serving or storage areas shall be protected from contamination from the hand-wash sink. The hand sink must be wall hung and be National Sanitation Foundation (NSF) approved.
- G. Floors in the food preparation areas of all new or remodeled food establishments shall be constructed of the following materials or their equivalent: quarry tile, ceramic tile, or durable grades of vinyl or plastic tile. Floors shall be easily cleanable and maintained in good repair. Sealed concrete, sealed wooden floors or similar materials shall not be used. Anti-slip floor coverings, for use in areas where necessary for safety reasons, may be used, provided that they are easily cleanable and nonabsorbent.
- H. Walls behind cooking and ware-washing areas, dish machines, hand sinks and other areas generating heavy splash and/or steam, such as mop sinks and service sinks, shall be covered with formica, Mylar, stainless, fiberglass-reinforced paneling (FRP) or equivalent materials.
- I. Mobile food operations shall provide a copy of the food permit for their base of operations upon initial application, and annually thereafter, indicating approval of said facility by the mobile food operator. Mobile food operators shall also supply annually to the Board a list of stops and times of operation within Northbridge.
- J. Any application for a temporary food permit shall be submitted to the Board of Health no less than 14 days before the event. Applications received less than 14 days prior to an event shall be assessed a late fee of \$25. No applications received within 48 hours of an event will be accepted by the Board.
- K. Existing establishments that are transferring to a new owner and there will be no modification of the type of product offered nor modification of the facility must submit a plan review and food permit application a minimum of 30 days prior to the transfer date. Establishments previously grandfathered must be brought into compliance with these regulations.
- L. No food establishment shall add any form of food service without the written approval of the Board of Health. Application for the approval of any such additional service must be done in writing to the Board of Health.
- M. Every food service permit holder, including residential kitchens, shall employ at least one full-time equivalent person in charge who shall be an on-site manager or supervisor and is at least 18 years of age and who by being a certified food protection manager has shown proficiency of required information through passing a test that is part of an accredited program recognized by the Massachusetts Department of Public Health. Each food service establishment shall be required to have a certified food protection manager on staff at all times that food is being prepared and served. Documentation of successful

completion must be on file in the Board of Health office. One approved course must be taken every five years. If the certified food protection manager is transferred, terminated or terminates employment, the owner/permit holder shall notify the Northbridge Board of Health in writing and shall have 60 days to employ a replacement. The Board may grant an extension not to exceed an additional 60 days to comply with this requirement if deemed necessary.

- N. Each establishment having a seating capacity of 25 persons or more shall have one or more persons on duty when food is being served who is trained in choke-saving techniques as required by MGL c. 94, § 305D, and must file proof of training with the Board of Health with new and renewal applications.
- O. All caterers licensed by the Northbridge Board of Health must maintain a record of catered functions which include at least the following: date, person (name, address and telephone number) contracting services, menu, food preparation staff, wait staff and approximate number of persons served.
- P. No vehicle used to transport trash, rubbish, garbage or other wastes shall be allowed to transport food intended for human consumption.
- Q. Routine inspections of food establishments shall be conducted by an agent of the Board of Health every six months. The Board may choose to adopt a risk-performance-based inspection schedule prioritizing more frequent inspections based upon its assessment of a food establishment's history of compliance with 105 CMR 590.000 and the establishment's potential as a vector of foodborne illness. Whenever an inspection of a food establishment is made, the findings shall be recorded on a printed inspection report form. This inspection report shall be deemed an official order to correct the violations noted therein. Time permitted for compliance shall depend upon the nature of the violation and shall be noted within the inspection report form.
- R. All food establishments shall be required to contract with a Massachusetts-licensed pesticide applicator for pest control services. Said contract shall specify monthly inspection of the establishment by the contractor and elimination of any infestation, if encountered, at a minimum. Each establishment shall make available for review by the Board or its agent a copy of said contract and all receipts of pesticide application undertaken by the licensed applicator.
- S. Any request for a variance from the regulations contained in § 201-2 must be submitted in writing to the Board. The Board shall, within 21 days of receipt of the request for variance, hold a public meeting, at which time the applicant must demonstrate to the Board, by clear and convincing evidence, that there will be no adverse effect on the public health by the granting of the variance request. All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.
- T. It is the responsibility of the permit holder to renew his/her food establishment permit. As a courtesy to permit holders, permit renewal reminder notices shall be sent by the Board of Health a minimum of 15 days prior to the expiration date of the food permit.

§ 201-3. Frozen dessert machines at retail level.

- A. 105 CMR 561.000, Frozen Desserts, Frozen Dessert Mixes, and Ice Cream Mix Regulations, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. Permits are required for frozen dairy dessert machines at the retail level. [See § 201-23, Fee Schedule.]
- C. The permit period is from March 1 to February 28.
- D. By the 28th day of the month, laboratory tests must be conducted for a standard plate count and a standard coliform count by a certified laboratory during each month that a machine is in use. These results are due in the Board of Health office by 12:00 noon on the second Friday of the following month. Yogurt machines are exempt from the standard plate count but not the coliform count.
- E. Failure to submit this report will result in revocation of the permit.
- F. Permission to resume using and selling products from the machine(s) again will not be granted until the laboratory results are submitted to the Board of Health office, and the laboratory results are within acceptable standards, and the Health agent contacts the establishment and grants permission to reoperate the machine(s).
- G. The Board of Health may require a new permit fee for each establishment that has its permit revoked.

§ 201-4. Installation and maintenance of grease traps; removal of grease from food establishments.

- A. Authority. The Northbridge Board of Health, acting under the authority of Chapter 111, § 31, of the Massachusetts General Laws and any amendments and additions thereto, and by any other power thereto enabling, has adopted the following rules and regulations during its June 13, 2001, meeting.
- B. Purpose. The purpose of this regulation is to protect the residents and business owners within the Town of Northbridge from blockages of the Town's sanitary sewer caused by grease discharged from food service establishments located in the Town.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

AGENT — Any duly authorized agent of the Northbridge Board of Health as specified under MGL c. 111, § 30.

FOOD ESTABLISHMENT — Any establishment issued a permit to operate a food service establishment by the Northbridge Board of Health and which has 10 or more seats or is equipped with a fryolator.

GREASE TRAP — Also referred to as a "grease interceptor" by the State Plumbing Code, is a device designed to remove dissolved and/or suspended grease and waste oil

from wastewater and which bears the seal of acceptance of P.D.I. (Plumbing and Drainage Institute).

PERMITTED OFFAL HAULER — Any offal hauler that holds a current permit issued by the Northbridge Board of Health to remove, transport and dispose of garbage, offal or other offensive substances.

PLUMBING FIXTURE — A fixture that introduces more than the allowable 11 mg/liter of fats, oils and grease into the sewer system, including, but not limited to, all pot sinks, rinse sinks or troughs attached to dish machines, any other sink in which fats, oils, and grease may be introduced, floor drains and/or sinks into which kettles may be indirectly wasted or poured, automatic hood wash units that connect or flow indirectly through the waste system, wok unit drains, and any other fixture or drain through which significant amounts of fats, oils, and grease may be introduced into the sewer system.

SEWER PIPE — Any building or town sanitary sewer piping, including but not limited to interior and exterior building sanitary sewer piping and any main or lateral sanitary sewer piping, regardless whether it is located on private or municipal land.

WASTE GREASE OR OIL — Waste oil or grease generated by a food service establishment during the cooking process.

D. General provisions.

- (1) Grease trap installation. All grease traps and interceptors shall be installed and maintained in accordance with Code of Massachusetts Regulations for Plumbing and Gas Fitter, 248 CMR 2.09.
- (2) Food establishment or related business. All plumbing fixtures in a food service establishment shall require grease traps and interceptors protection.
- (3) New or remodeled food establishments. New or remodeled establishments that prepare food with a seating capacity in excess of 75 seats must install an external grease trap with a minimum capacity of 1,500 gallons.
- (4) Grease trap maintenance.
 - (a) All internal grease traps shall be cleaned a minimum of four times per year by a licensed company that cleans grease traps or by the food service establishment using the following guidelines:
 - [1] When cake of grease equals 1/4 of the liquid capacity of the trap.
 - [2] Point-of-use grease traps shall be cleaned a minimum of once per month or as directed by the Board of Health or its agent.
 - [3] All large in-line grease traps shall be cleaned a minimum of once quarterly or as directed by the Board of Health or its agent.
 - (b) External grease traps must be pumped by a permitted offal hauler every four months.

- (c) Service records must be maintained on forms approved by the Board of Health and in a binder readily accessible to Board of Health inspectors and agents.
 - (5) Cleaning products. Only bacterial products intended for grease trap cleanings, drain maintenance, and odor control may be used for grease trap cleaning. The use of bacteria to augment the maintenance of grease traps will not eliminate the need to manually clean grease traps at the specified intervals. Detergents, bleaches or ammonias shall not be used for this purpose.
 - (6) Waste grease and oil storage and removal. Waste grease and oil shall not be disposed of by the sanitary sewer. All waste oil and grease must be collected in an appropriate container provided by an approved vendor, stored in an approved location on the premises. The container must be stored on an impervious surface, such as concrete or pavement. All waste and grease oil shall be removed by a permitted offal hauler; said material should be removed from the premises monthly at a minimum. While being stored, all grease containers and surrounding areas must be kept in a sanitary condition at all times.
- E. Enforcement and inspection.
- (1) The Board of Health shall enforce the provisions of this regulation. Any agent of the Board of Health may, according to law, enter upon any premises at any reasonable time to inspect for compliance.
 - (2) All records pertaining to purchasing, storage, and removal of grease-related products, and waste products, shall be retained by the owner or operator on the premises for no less than two years.
 - (3) Upon request by an agent of the Board of Health, an owner or operator shall furnish all information required to enforce and monitor compliance with this regulation, including, but not limited to, a complete inventory of all food- and maintenance-related products that are purchased by the establishment and receipts from permitted offal haulers retained to remove waste grease or oil from the establishment.
 - (4) The Board of Health may, after providing opportunity for a hearing, order the revocation of a permit to operate a food establishment or the termination of one or more particular operations for:
 - (a) Serious or repeated violations of the regulation.
 - (b) Interference with the Board of Health in the performance of its duty.
 - (c) Keeping or submitting any misleading or false records or documents required by the regulation.
- F. Violation. Written notice of any violation of this regulation shall be given to the owner and operator by an agent of the Board of Health, specifying the nature, time and date of the violation, any preventative measure required to avoid future violations, and a schedule of compliance.

- G. Variance. Any requests for a variance from the provisions of this regulation must be presented in writing; the request should specify if the variance is being requested due to restrictions in the amount of available space, and/or economic hardship. Variance requests regarding the size of a grease trap should be accompanied by kitchen flow calculations prepared by a Massachusetts-licensed plumber supporting an alternate size.
- H. Hearing. The person or persons to whom any order or notice issued pursuant to this regulation has been directed may request a hearing before the Board of Health. Such request shall be in writing and shall be filed in the office of the Board of Health within 10 days after receipt of the order or notice.
- I. Penalty. Any person that violates any provision of this regulation may be punished, under Chapter 40, § 21D, of the Massachusetts General Laws, by a fine of no more than \$100 or by filing a criminal complaint at the appropriate venue. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. Failure to correct violations of any provision of this regulation may result in the suspension or revocation of a permit to operate a food establishment or refusal to issue a permit to operate a food establishment as provided in 105 CMR 590.012 or 105 CMR 590.014.
- J. Severability. Each provision of this regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

§ 201-5. Sewage disposal.

- A. 310 CMR 15.00, Title V of the State Environmental Code, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. Percolation and soils evaluation testing procedures.
 - (1) Application for percolation/soils evaluation testing must be filled out completely and submitted with appropriate fee to the Board of Health office prior to testing. This form shall include the name of the applicant, owner if different, street address, map and parcel number (available from the Assessor's office), the location of the proposed testing and the name of the registered professional engineer, registered sanitarian or other professional authorized by law who will be performing the test in the presence of the Board of Health agent. Included with this application shall be the Assessor's map showing the location of the testing with directions to the site (off road), etc. For large tract testing a copy of the proposed lots will be required. Utility pole number nearest lot may also be required. All documentation will be required prior to testing.
 - (2) The Board of Health will issue a permit number for each application submitted. This number is required when scheduling testing with the Board of Health agent. No testing will be scheduled without this number. The Engineer for the applicant requesting the testing shall contact the Board of Health agent a minimum of seven days prior to the requested date. Testing will be scheduled on a first-come first-served basis.

- (3) Percolation and soils evaluation tests may be made at any scheduled time during the year. However, an acceptable percolation test does not mean the lot is buildable.
- (4) Soils evaluation holes on single lots must be excavated prior to the agent's arrival on site and are to be left open for inspection. Soils evaluation holes shall be excavated on the day of testing and not the day before.
- (5) At the time of testing, the engineer performing the test will set a permanent bench mark and provide the Board of Health agent with elevations of each percolation and soils evaluation test performed. The engineer shall also provide horizontal ties to all permanent landmarks, property corners, utility poles, etc. This includes failed tests and abandoned tests as well.
- (6) For new construction only, the engineer will be required to place grade stakes in all soils evaluation holes. These stakes will be marked with the test number and date of testing. The stakes will serve to locate the testing at future dates. This is not a requirement for soils testing on septic system repairs.
- (7) For testing on large tracts of land or land not easily accessible, the engineer performing the test will provide to the Board of Health within 60 days of testing, but in any case prior to submitting design plans, the above information (elevations and ties) or the results will be considered null and void and a new application and fee will be required. This will also violate 310 CMR 15.018 which gives soil evaluators 60 days to submit test information or face revocation of certification.
- (8) In areas of rock outcrops, ledge, or other areas comprised of less than four feet of natural occurring pervious material, a minimum of four soils evaluation holes will be required to ensure on-site suitability. The Board of Health agent may require additional holes if necessary.
- (9) In the case of a cancellation of testing, the Board of Health agent must be notified 24 hours prior to the scheduled test to avoid forfeiture of application fee. This does not include cancellation due to weather conditions.
- (10) The applicant's engineer must submit, within 60 days of the date of the percolation and/or soils evaluation, the results of those tests on Department of Environmental Protection approved forms pursuant to 310 CMR 15.018. When testing is done separately results shall be forwarded and not left until the testing has been completed.
- (11) A complete soils test shall be valid for a period of two years. A complete soils test shall be considered the performance of both the soils evaluation holes and percolation test. The two-year period shall commence upon the performance of the complete soils test.
- (12) If the tests are done separately (soils evaluation one time, percolation test another), then the remaining part of the test must be completed within one year of the performance of the first part of the test to avoid forfeiture of the application. A new application will be required to continue testing.

- (13) If one or both tests should fail and the lot is comprised of enough area, then all other testing must be performed at least 60 feet from the failed test. A second application with appropriate fee may be required prior to testing. Abandoned test (other than due to high groundwater) will be considered as failures.
- (14) Unused applications will be good for a period of one year, after which time they shall be considered null and void and a new application submitted; application fees are nonrefundable.
- (15) Additional tests due to movement of the system or other engineering requirements will need a new application and will be subject to scheduling procedures.
- (16) Extensions beyond the two-year time limit for completed test are allowed with certain provisions. Please see § 201-5M of these regulations.
- (17) As of March 31, 1998, the Board of Health will no longer accept soils data performed under the 1978 Title 5 Code.

C. Plan requirements.

- (1) All requests for plan reviews shall be submitted to the Board of Health office using the request for plan review form. Each request must include the appropriate fee, an application for disposal works construction permit and six sets of the design plan.
- (2) All plans are to show name of applicant, owner's name and name of individual for whom the percolation test was performed (if different from present applicant), engineer at the time of testing, and agent witnessing the test as well as others present on site. The house number and street location of the lot should be shown and reference made to the lot designation used when the percolation tests were performed (if different) as well as the permit number from the subsurface testing.
- (3) The minimum effluent loading rate for design shall be 0.6 gpd/sq. ft.
- (4) The following information will be required on all plan review submittals and shall be considered amendments to 310 CMR 15.00, Title 5 of the State Environmental Code:
 - (a) Title block.
 - [1] Name of applicant.
 - [2] Street address and lot number.
 - [3] Name of engineer/sanitarian.
 - [4] Address and phone number of engineer/sanitarian.
 - [5] Engineer/sanitarian stamp (wet stamp; including discipline).
 - [6] Engineer/sanitarian signature and date.
 - [7] Revisions, date and type.

- (b) Design criteria.
 - [1] Number of bedrooms.
 - [2] Number of people (if required).
 - [3] Square footage of building (if required).
 - [4] Number of gallons per day.
 - [5] System in nitrogen-sensitive area (then no more than 440 gpd per acre required; well and septic quality as nitrogen sensitive).
 - [6] Size of septic tank (minimum of 1,500 gallons).
 - [7] Note that no garbage disposal is allowed.
 - [8] Note that hydraulic cement is required to seal all connections at the septic tank and D-box.
 - [9] Note that water softeners are not to be connected to tank.
- (c) Property plan.
 - [1] Property lines with bearings and distances.
 - [2] Building setback lines in accordance with zoning.
 - [3] Lot number, area and deed reference.
 - [4] Existing topography shown as dashed lines at two-foot contour intervals minimum (at least 100 feet in all directions).
 - [5] Proposed topography shown as solid lines at two-foot contour intervals minimum (at least 100 feet in all directions).
 - [6] Plan at 20 scale (30- and 40-scale plans will not be allowed); locus plans allowable at a lesser scale.
 - [7] North arrow.
 - [8] Locus map.
 - [9] Property abutter(s) (direct abutters only).
 - [10] Two permanent bench marks with good descriptions shown on the lot out of the construction area; ties to bench marks will be required.
 - [11] Street name and width; note public or private.
 - [12] Note any stormwater drainage or note that none exists.
 - [13] Note any wetland areas and who flagged or state that no wetlands are found within 200 feet of the disturbed area.

- [14] Show all water supplies, existing and proposed, within 200 feet (well and municipal) of the proposed septic system or note if over 200 feet.
- [15] Show all septic systems within 150 feet of the proposed septic system or note if greater than 150 feet.
- [16] Distance ties to well.
- [17] Distance ties to septic system (include at least two ties to opposite corners).
- [18] Any and all easement, shown and labeled with metes and bounds.
- [19] Show Flood Hazard Map reference and state if project falls within a flood hazard area.
- [20] Note if area is tributary to a drinking water supply or note if not.
- [21] Show any and all public drinking water supply wells or note if none exist.
- [22] Show any overhead wires and underground utilities or state that none exist.
- [23] A Dig Safe note and telephone number shall appear on all plans.
- [24] State which zone the parcel lies in and show setback requirements. (This will be reviewed by the Building Inspector.)
- [25] Legend.
- [26] House/building sill and basement floor elevations.
- [27] Proposed spot elevations at house (pipe exit); all corners of house; septic tank; D-box; system.
- [28] Septic tank and D-box shown and labeled; also pump chamber when applicable.
- [29] Show removal of A and B horizons (top and subsoil) on plan view and in general notes.
- [30] Show reserve area clearly.
- [31] Show all testing, including failed testing. (System should be placed in test area.)
- [32] Show monuments/markers that were used to field locate all testing.
- [33] Clearly indicate that breakout is achieved for the complete system.
- [34] Show all means of stabilizing slopes. (For any slope two to one or less, environmental matting will be used.)

- [35] Clearly indicate how runoff from the system will be handled; do not direct to others property. (Rip-rap may be required.)
 - [36] Show a limit of construction on the plan view.
 - [37] When wetlands are present then all mitigating measures (haybales/fencing) will be shown with details.
 - [38] If a clay barrier is used, the clay specifications must be at 10^{-7} cm/s; a detail showing the width and elevations for the barrier will be provided as well as the origin of the clay used. (No tailings, backwash, etc., shall be used.)
- (d) Soils testing data.
- [1] Date(s) of all testing.
 - [2] Applicant at time of testing.
 - [3] Those present at time of testing (engineer; Board of Health agent; excavator).
 - [4] Soils test pit data; including estimated high groundwater.
 - [5] Percolation test data.
 - [6] Soils certification: "I certify that on (date) I have passed the examination approved by the Department of Environmental Protection and that the above analysis has been performed by me consistent with the required training, expertise and experience described in 310 CMR 15.018(2)."
- (e) Proposed profile.
- [1] Invert at building.
 - [2] Invert into septic tank.
 - [3] Invert out of septic tank.
 - [4] Invert into D-box.
 - [5] Invert out of D-box.
 - [6] Invert at beginning of all components.
 - [7] Invert at end of all components.
 - [8] Spec out SCH 40 pipe (perforated) for system.
 - [9] Spec out 1 1/2-inch double-washed stone only.
 - [10] Spec out 3/8-inch double-washed pea-stone only.

- [11] Note pipe diameter and slope.
- [12] Show pipe length (distance) and slope.
- (f) Cross section.
 - [1] Dimensions shown and labeled.
 - [2] Spacing between trenches (triple width or depth).
 - [3] Spec out SCH 40 pipe (perforated) for system.
 - [4] Spec out 1 1/2-inch double-washed stone only.
 - [5] Spec out 3/8-inch double-washed pea-stone only.
 - [6] Note pipe diameter and slope.
- (g) Pump system.
 - [1] Pump calcs and curves.
 - [2] Type of pump.
 - [3] Size of chamber.
 - [4] Show all elevations on plan for pump on; pump off; alarm; bottom of chamber; and invert in and out.
 - [5] Show and note separate audio and visual alarms.
 - [6] Show vent with charcoal filter (detail).
 - [7] Buoyancy calcs.
- (5) Massachusetts General Law allows for a forty-five-day review period to review subsurface sewage disposal system design plans. If plans are returned for revisions, the forty-five-day review period begins anew upon resubmission of plans. New sets of plans must be submitted when revisions are required. The original plans will not be allowed to be resubmitted for review.
- (6) The line from house to the septic tank shall be run straight with no bends. After tank, angles greater than 22 1/2° shall not be permitted.
- (7) When a concrete retaining wall is to be used to confine septic breakout, a complete plan showing all details will be required. This plan must include all types of steel required, including spacing and number. Elevations of the wall must be shown on both the detail plan and the plan view on the septic plan. (Specify air-entrained concrete at 4,000 psi.) This plan must be stamped by a Commonwealth of Massachusetts professional civil or structural engineer. This engineer will be responsible for all construction and inspection of the wall and will be required to certify as such.

- (8) Systems utilizing a clay barrier to contain breakout must show a detail plan of the proposed barrier, including top and bottom elevations. All plans utilizing a clay barrier will specify clay at 10-cm/sec.
- (9) Systems for repair using alternative technology shall be accompanied by data on the use and design as well as the Department of Environmental Protection approval status. The name and telephone number of the alternative technology company shall appear on the plan.
- (10) Plans must have a locus map and all utility poles with their respective numerical designation shall be shown within 100 feet of the property line or within 150 feet of the soil testing area, whichever is lesser.
- (11) The applicant's engineer is to design and submit the plans in accordance with Title 5 and any local regulations using the checklist provided by the Board of Health office. The minimum scale for all plans submitted for review shall be one inch equals 20 feet. All plans shall be blue or black line prints on white background. No photocopies will be allowed unless wet-stamped and signed in blue ink. If, in the opinion of the Board of Health or its agent, the plan is not legible, it shall be returned without review.
- (12) Topography at a minimum of two-foot contour intervals shall be shown on the plan to a minimum of 100 feet in all directions from proposed sewage system and expansion area. The Board or its agent shall require additional topography if, in its opinion, a greater distance is required to evaluate the proposed sewage system as to compliance with all local regulations. Driveways with appurtenant grading must be shown if within 100 feet of a sewage system.
- (13) No garbage disposal units shall be installed in buildings served by subsurface sewage disposal systems. No water softener shall discharge to a septic system.
- (14) Sufficient elevations shall be shown, including final grades at each of the four corners of the building, to indicate clearly how the surface drainage is to be handled. In some cases it shall be necessary to consider effect on nearby properties. No low spots that allow ponding of rainfall runoff shall be permitted. All existing landmarks, including edge of pavement, stone walls, wire fences, old foundations, etc., must be shown.
- (15) Limits of topsoil and subsoil being removed and replaced must be shown when a system is to be constructed in or about that zone. Plans will not be approved with this information not shown.
- (16) All wetlands, as defined by the Wetlands Protection Act and Rivers Protection Act, shall be shown within 200 feet of the sewage system.
- (17) No soil absorption system shall be placed closer than 50 feet to any wetlands, watercourse or any other watercourse. The Title 5 definition of watercourse shall apply.
- (18) No repair septic system shall be placed closer than 25 feet to a watercourse even if utilizing alternative technology.

- (19) The location of all wells and water supplies within 200 feet of the proposed system shall be shown or a statement of certification that none are known to exist within 200 feet of the leach area. All sewage systems within 150 feet of a proposed well location shall be shown or a statement of certification that none are known to exist within that distance shall be indicated on the plans.
- (20) Wells shall be placed a minimum of 10 feet from the property lines.
- (21) There must be sufficient property line information to clearly show the location of the system on the lot. Ties from the well and septic system to the property lines must be shown.
- (22) Two bench marks must be provided, one of which is to be of a permanent nature. One bench mark should be located near the leach area so that the installer does not have to run levels to install the system. Both bench marks are to appear on the plan with both being on the lot or in front of it and out of any excavation or fill area. The statement "2nd bench mark to be set prior to construction" is not valid.
- (23) A cross section of the leach area should be shown (need not be to scale) with dimensions and elevations. The profile of the sewage system shall be shown (need not be to scale) with invert and bottom elevations indicated.
- (24) Interceptor trenches utilized to lower groundwater in the system area must be installed prior to construction of the proposed septic system to ensure proper functioning of the system. Once installed, monitoring pipes on each side of the trench may be used to check elevations during the deep hole season. Interceptor trenches installed during the dry season (June to November) must be functioning at least 30 days prior to testing and must be tested during the wet season (December to May). Only after approval of this trench will a disposal works construction permit be issued.
- (25) Plans requiring additional testing will not be approved until testing is completed.
- (26) Systems requiring a local upgrade approval and/or a state variance will not be issued a disposal works construction permit until the Board of Health has approved the local upgrade request and, when applicable, been notified by Department of Environmental Protection that the request for variance has been approved.
- (27) Systems requiring an order of conditions from the Conservation Commission will not be issued a disposal works construction permit until the appeal period has lapsed and the Commission has notified the Board of Health that work on the system may commence.
- (28) Upon approval of the subsurface sewage disposal plan, the Board of Health will sign the building permit, provided a private well is not required. If a private well is required, the Board of Health will sign the building permit only after a well permit is issued and quantity and quality results have been submitted and approved by the Board of Health.
- (29) A statement shall appear on the plan recommending that the well be tested a minimum of every two years.

- (30) Plans will be valid for a period of three years commencing on the date of approval shown on plan. The applicant will then have three years from that approval date to pull a permit for construction.
- (31) All plans shall note the use of two-compartment tanks.

D. Disposal works installer's license.

- (1) No person shall engage in the construction, repair or replacement of an on-site sewage disposal system without first obtaining a disposal works installer's license from the Northbridge Board of Health. All such licenses shall expire December 31 of the calendar year in which they were issued.
- (2) All applicants for disposal works installer's licenses shall be required to take and pass an examination to demonstrate their knowledge of Title 5 and these rules and regulations. A grade of 70% will be considered passing.
- (3) The Board of Health may at its discretion waive the testing requirement if the applicant possesses current licenses with three other Massachusetts cities or towns.
- (4) Installers are required to keep their license to install active by submitting a minimum annual fee of \$25 by March 1. Total annual license renewal fee [See § 201-23, Fee Schedule.] balance shall be paid when the first disposal works construction permit is taken out. Failure to renew a license by March 1 may require a reexamination of the written test at the expense of the applicant in the Board of Health office.
- (5) Applications for a license to install must be accompanied by a certificate of insurance with liability insurance in a minimum amount of \$100,000 and must be up-to-date. The certificate of insurance must be issued to the individual seeking to obtain the installer license.
- (6) When installing, repairing or replacing a subsurface sewage disposal system or any of its components, the licensed installer shall be required to appear in the Board of Health office to fill out a disposal works construction permit.
- (7) The installer shall be required to submit an installer as-built certification form to the Board of Health for approval. The installer shall also be required to sign the certificate of compliance upon completion of work.

E. Installation inspection procedures.

- (1) Only an installer licensed by the Board of Health can install or repair a septic system. The licensed installer must fill out the appropriate paperwork at the Board of Health office and pay any and all fees. The installer who holds the license must sign the paperwork and the permit. The installer must have the approved septic design plan and permit prior to construction.
- (2) For new construction where the system components will be located within 15 feet of the property line, the property corners and all proposed structures, including house, well and system components, the system must be staked out by a

Commonwealth of Massachusetts registered professional land surveyor prior to any construction on site. For repair and upgrade systems, this procedure will not be a requirement unless the situation warrants. The installer will be responsible for the placement of the on-site system. It is recommended that the installer hire a surveyor to stake the system.

- (3) The design engineer and the Board of Health agent must first review any changes to the proposed construction by the installer. The request for change will be made, in writing, by the design engineer, giving the reason and the description of the change. All changes are subject to Title 5, and should the proposed change require a variance it will be subject to variance procedures. The change(s) must be approved by the agent and Board of Health and must be shown on the as-built plan.
- (4) The system will be inspected by both the Board of Health agent and the design engineer at the following points:
 - (a) Excavation of the A and B horizons (top and subsoil). The installer shall excavate the proposed area for disposal in accordance with the provisions on the design plan. The bottom of the excavation area must be scarified at the time of inspection. The design engineer will measure the length and width of the excavated area and show these on the as-built forms.
 - (b) Installation and placement of components.
 - [1] The installer will construct the system in accordance with the approved plan and any approved changes. The installer will provide to the Board of Health the origin of the stone and sand used in the construction process. Placement of all tees, gas baffles and endcaps will be required at time of inspection. The tees in the septic tank will be brought to the middles of the manhole opening. All unused openings in the tank and D-box will be sealed with hydraulic cement. The installer is to leave the vertical four-inch pipes at the ends of the system to allow the measurement of the depth of stone. The installer will have 24 hours to cover the system after inspection. If a pump is installed, a licensed electrician is required to obtain an electrical permit from the Town Electrical Inspector and be inspected according to town requirements.
 - [2] The design engineer will be responsible for the verification of all elevations of the system and its components, including building sill, top of septic tank and top of distribution box.
 - [3] The Board of Health agent may at his discretion shoot the elevation of any system component for verification. Additionally, the Board of Health agent will be required to shoot all grades and elevations for systems constructed by a design-build firm.
 - (c) Final cover and grading. The installer will be required to have all the final grading in place as well as all the breakout grades. All areas around the site will be clear of any construction debris, including downed trees, stumps,

rocks, etc. The area will be ready for loaming and seeding. Manhole covers will be brought to within four inches of this grade, The design engineer will take measurements of the grading around the entire system, including breakout grading, top of system, top of D-box, top of tank, at all corners of the house and where the pipe exits the house.

- (d) Stabilization of area.
 - [1] The installer, upon approval to proceed, will stabilize the entire system area to prevent erosion and keep the system area free from any and all trees, debris or rocks of any size. During the growing season acceptable methods of stabilization shall be loaming and seeding or the laying of sod. If the growing season has passed, the acceptable method of temporary stabilization shall be the use of matting and hay on the entire system until final placement of loam and seed or sod in the spring. In areas that have a greater than three to one slope, environmental matting will be used to ensure slope stability while the growing process continues. The installer will be responsible for any earth settling that may occur and will repair as needed.
 - [2] Any deviation from the above methods of stabilization must get approval from the Board of Health or its agent prior to the signing off of a certificate of compliance.
- (5) Calls for inspections by the Board of Health will be as follows:
 - (a) All requests for inspections will go through the Board of Health office. This is true for all inspections.
 - (b) All inspections will require a forty-eight-hour notice.
 - (c) Once the inspection has been performed the installer will be notified of the results and may proceed once approved.
 - (d) All reinspections will require a notice to the Board of Health, and new inspection fees will be required.
 - (e) Any installer who proceeds with installation of the system at any stage without notice from the Board of Health or its agent will be subject to license revocation. In addition, any work performed will be subject to removal and replacement.
- (6) A copy of the approved design plan must be left on site in a location where the Board of Health agent may have access to it.
- (7) After the system has been covered the installer shall place caution tape around the entire system to ensure no construction vehicles pass over the system.
- (8) Title 5 states that systems will not be constructed in frozen ground. If temperatures during the winter months drop below freezing at night, then the Board of Health or

its agent may place a moratorium in effect until the temperature rises above the freezing point.

F. Repair procedures.

- (1) All repairs shall be consistent with 310 CMR 15.00, Title 5, and the regulations of the Northbridge Board of Health. All repairs must be reviewed and approved by the Board of Health agent.
- (2) Any disturbance within the area of the subsurface sewage disposal system shall be considered a repair and shall require Board of Health approval. All necessary permits and fees shall apply.
- (3) The definition of "repair" shall include but not be limited to the replacement of system components, i.e., septic tank, distribution box, soil absorption system. The pumping of a tank or leach pit or the installation of baffles or a riser in conjunction with a Title 5 inspection shall not be included in this definition.

G. Engineer's as-built plans.

- (1) Once the system has been inspected and covered, the design engineer will forward to the Board of Health an as-built plan for review and approval by the Board of Health agent. For review purposes four copies of the as-built plan will be submitted superimposed on the approved design plan showing location and elevation of the system as it is constructed. Review will include groundwater offset and slope constructed. Review will include groundwater offset and slope breakout as well as proximity to testing. All as-built submittals will show the following information, all of which will be shown in red ink:
 - (a) Location of the septic system as it appears in the field shown on the design plan.
 - (b) All proposed and as-built elevations, including sill.
 - (c) All grading and spot grades in conjunction with Subsection E(4)(c) above.
 - (d) Swing ties from house corners to tank and D-box, and ends of leaching system.
 - (e) Well location and distance from tank and system.
 - (f) All other wells within 200 feet.
 - (g) Inspection dates and who was present for the engineer.
 - (h) Location of house, referencing mortgage plot plan and showing as-built footprint.
 - (i) Show field footprint of house.
- (2) The design engineer shall be required to submit four copies of the engineering as-built certification form and certificate of compliance form, along with four sets of the as-built plan, to the Board of Health for approval.

H. Installer's certificate.

- (1) The licensed installer will submit the installer as-built certification form with all data required. The Board of Health agent will not sign the certificate of compliance without this information.
- (2) The certificate will have at least one dated copy of the origin of the gravel and sand (and clay, if applicable) used in the construction of the system.
- (3) Certification by the operator of gravel/sand pit where the sand fill material originated that the sand fill material is in compliance with Department of Environmental Protection Title 5 specifications must be provided by the installer to the Board of Health prior to issuance of the certificate of compliance. Certification shall be dated no greater than 60 days prior to the issuance of the disposal works construction permit to construct the system.

I. Component replacement procedures.

- (1) 310 CMR 15.404(1) allows for replacement of a particular component should a system fail a Title 5 inspection. When replacement is requested other than during a Title 5 inspection, the applicant must seek Board of Health approval.
- (2) The replacement of a steel tank or unsuitable concrete tank and/or distribution box may be made by a licensed installer without an engineer. The installer is required to take out a disposal works construction permit in the Board of Health office and submit the proper application and fees for the inspection of the component replacement. The installer will also be required to sign the component certificate of compliance. All tank replacements shall be at a minimum a one-thousand-five-hundred-gallon two-compartment tank.
- (3) For systems which were constructed prior to 1978 or for systems for which exists no record, the soil absorption system (leaching facility) will not be allowed to be replaced without proper soils testing and design.
- (4) For systems constructed after 1978 which have approved plans and are only failed due to a clogged biomat, then replacement may be made by a licensed installer. The installer will be required to have an engineer submit an as-built plan showing elevations and location of the system. Prior to a permit being allowed for replacement a report stating the cause of the failure must be submitted by an engineer to the Board of Health.
- (5) Once a permit is allowed for any component replacement, normal inspection procedures will be followed and a component certificate of compliance must be completed, signed and submitted to the Board of Health for approval.
- (6) For soil absorption system replacements, the certificate of compliance will not be considered complete until the submission of both the installer as-built certification and the engineering as-built certification forms.

J. Certificate of compliance.

- (1) A new individual sewage disposal system and alteration or repairs to an existing individual system shall not be placed in service, nor shall new buildings or dwellings or additions thereto which must rely on individual sewage disposal systems for sewage disposal be occupied, until the Board of Health has issued a certificate of compliance indicating that said disposal system has been located, constructed, altered or repaired in compliance with the of the permit and the requirements of Title 5 and these rules and regulations.
- (2) The certificate of compliance is the last document to be signed in the approval process. Once the design engineer and installer have submitted their as-built plans and installation certificates, they must then sign the certificate of compliance. Please note that if the as-built plans have been submitted and approved and the installation certification has been submitted, but either the design engineer and/or installer have not signed the certificate of compliance, then the Board of Health agent cannot sign off on this certificate of compliance.
- (3) The Board of Health agent will only sign the certificate of compliance after all system components have been inspected (including final grading and stabilization) and the design engineer and installer sign the form first.
- (4) It is the owner/applicant's responsibility to see that he/she has all signatures necessary and that all documents are received in the Board of Health office well in advance of any real estate closing date. It will not be the responsibility of the Board of Health or its agent to review as-built plans to ensure a closing date.
- (5) All designers/installers are to fill out the required certificate of compliance as-built requirement form and submit four copies to the Board of Health.

K. Wetlands and floodplains.

- (1) No disposal facility shall be closer 50 feet to watercourses or wetlands.
- (2) The applicant should be aware of his obligations to comply with the requirements established by the Division of Water Pollution Control pursuant to MGL c. 21, § 43, and the Wetlands Protection Act, MGL c. 131, § 40.

L. Local upgrade and state variance procedures.

- (1) Plans requiring a state variance or local upgrade using the provisions of 310 CMR 15.401 through 15.422 must be accompanied by a letter requesting the variance and/or upgrade. The section numbers, subparagraphs and the reason for the request must be clearly noted in the letter and filed with the local Board of Health. It will be the responsibility of the applicant and/or his engineer to file the request with the Department of Environmental Protection. All requests shall be shown on the proposed design plan.
- (2) Local upgrades and variances will not be granted for new construction.
- (3) Plans requiring a local upgrade must be submitted upon the approved Department of Environmental Protection form with abutter notification when required. The applicant must notify the abutter by certified mail at least 10 days prior to the

Board of Health meeting at which the variance/upgrade request will be on the agenda. The applicant is responsible for obtaining an abutter's list from the Assessor's office and is also responsible for mailing fees. Proof of notification (certified return receipts) must be submitted to the Board prior to the scheduled meeting date.

- (4) More than one upgrade request will result in the need for a state variance when requesting a three-foot offset to groundwater. All requests shall be shown on the proposed plan.
- (5) State variances are required when the proposed system cannot be designed in full compliance with the code or by granting local upgrade provisions. The Board of Health must approve or deny the variance. This decision must be in writing.
- (6) A public hearing, when required, shall be held on all requests for state variance and local upgrades. The Board of Health office shall notify the applicant's engineer of the date and time of the hearing. No public hearing will be scheduled until a plan has been approved by the Board of Health agent. An approved plan by the agent is for technical review only and does not imply Board of Health approval.
- (7) Voluntary upgrades of systems not in failure shall be required to comply fully with 310 CMR 15.00.
- (8) In the case of a Title 5 variance request, notice of the grant of each variance and date issued must be filed with the Department of Environmental Protection (Department of Environmental Protection) by the design engineer.
- (9) The Department of Environmental Protection shall, within 30 days of receipt of the notice, approve, disapprove or modify the variance. If the Department of Environmental Protection fails to comment within 30 days, approval shall be presumed.
- (10) No work may be done under any Title 5 variance until the Department of Environmental Protection approves it or until 30 days have elapsed without Department of Environmental Protection comment, unless the Board of Health certifies, in writing, that an emergency exists.
- (11) Any variance granted under Title 5 might later be modified, suspended, revoked or allowed to expire by the Board of Health or Department of Environmental Protection. This action may apply to the entire variance or a section thereof. Before any action may be taken, however, the holder of the variance must be notified, in writing, and given the opportunity to request a hearing.
- (12) Any person aggrieved by the decision of the Board of Health or Department of Environmental Protection may seek relief by appealing within 30 days in any court of competent jurisdiction as provided by the laws of the commonwealth.

M. Extensions: percolation/soils evaluation results.

- (1) Applications for extensions of percolation and soil evaluations require a request for extension to be filed at the Board of Health office with the appropriate fee in order to be considered by the Board of Health at its next scheduled meeting.
- (2) Criteria for extensions:
 - (a) The testing to be extended must have been performed after March 31, 1995, and certified by an approved soils evaluator.
 - (b) The applicant or his/her agent must apply for the extension prior to the expiration of the first two-year period. This is solely the responsibility of the applicant and his/her agent.
 - (c) The Board of Health agent will perform a site investigation to determine if any topographical changes or excavations have occurred since the completed soils testing was finished.
 - (d) If requested after the Board of Health agent's inspection, the application for extension must be accompanied with an engineer's sketch (need not be to scale), showing the location of the testing (using offset ties) and the elevations of the site (showing bench marks). Sketch must be legible.
- (3) The Board of Health agent, upon visual inspection of the site, shall notify the Board of Health of the findings. The Board of Health reserves the right to approve or deny the request for extension.
- (4) Periods of extension will be granted for a two-year period. Each subsequent extension will also be for a two-year period.
- (5) An extension of the soil evaluation is not required when the sewage disposal plan approval is on file with the Board of Health unless the periods of extension for the plan have been exhausted, then a soils evaluation extension request prior to the expiration of the plan approval would be required.

N. Extensions: approved septic system design plans.

- (1) Applications for extensions of approved septic system design plans require a request for extension to be filed at the Board of Health office with the appropriate fee in order to be considered by the Board of Health at its next scheduled meeting. A new application for disposal works construction permit shall also be filed with the request for extension.
- (2) Criteria for extensions:
 - (a) The testing to be extended must have been performed after March 31, 1995.
 - (b) The applicant or his/her agent must apply for the extension prior to the expiration of the first three-year period. This is solely the responsibility of the applicant and his/her agent.

- (c) The Board of Health agent will perform a site investigation to determine if any topographical changes or excavations have occurred since the completed soils testing was finished.
 - (3) The Board of Health agent, upon visual inspection of the site, shall notify the Board of Health of the findings. The Board of Health reserves the right to approve or deny the request for extension.
 - (4) Periods of extension may be granted for a one-year period only.
 - (5) If construction of the sewage disposal system has not commenced prior to the expiration of all extensions received, it will be necessary for the applicant/owner to apply for an extension of the soils evaluation. If approved, new sewage disposal plans in compliance with current Title 5 regulations will need to be submitted for approval utilizing the soils evaluation on file. If the soils evaluation extension request is denied, then a new soils evaluation will be required and a new sewage disposal plan in compliance with current Title 5 regulations will be required.
- O. Septage hauler permits.
- (1) No person shall engage in the pumping of a septic system or the hauling of septic waste without first obtaining a septage hauler permit from the Board of Health.
 - (2) The appropriate fee and certificate of insurance in the amount of \$100,000 to \$300,000 general liability must accompany all applications for septage hauler permits.
 - (3) All septage haulers licensed by the Board of Health must submit a copy of the pumping slip for those systems pumped within the Town of Northbridge. These slips must include street address, owner of property and amount of sewage collected and where disposed, and date of collection. These slips are due within days of the actual date of pumping.
- P. Building permit considerations (other than new construction).
- (1) All building permit applications which require an expansion or upgrade to the on-site sewage disposal system or where a connection to municipal sewer is proposed to accommodate the additional flow shall be required to be upgraded prior to Board of Health approval of the building permit application.
 - (2) Aboveground pools shall be set back a minimum of 10 feet from both the septic tank and the sewage disposal system.
 - (3) When a bedroom-count deed restriction is deemed necessary by the Board of Health, the deed restriction shall be recorded at the Registry of Deeds prior to Board of Health approval of the building permit application.

§ 201-6. Floor drain regulations.

- A. Purpose. Whereas floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure (e.g., dry well, cesspool, leach field) or a septic

system; and poor management practices and accidental and/or intentional discharges may lead petroleum and other toxic or hazardous materials into these drainage systems in facilities managing these products; and improper maintenance or inappropriate use of these systems may allow the passage of contaminants or pollutants entering the drain to discharge from the leaching structure or septic system to the ground; and discharges of hazardous wastes and other pollutants to floor drains leading to leaching structures and septic systems have repeatedly threatened surface and ground water quality throughout Massachusetts; and surface and ground water resources in the Town of Northbridge contribute to the Town's drinking water supplies; the Town of Northbridge Board of Health adopts the following regulation, under its authority as specified in Subsection B, as a preventative measure for the purpose of preserving and protecting the Town of Northbridge's drinking water resources from discharges of pollutants to the ground via floor drains, and minimizing the threat of economic losses to the Town due to such discharges.

- B. Scope of authority. The Town of Northbridge Board of Health adopts the following regulation pursuant to authorization granted by MGL c. 111, §§ 31 and 122. The regulation shall apply, as specified herein, to all applicable facilities, existing and new, within the Town of Northbridge.
- C. Definitions. For the purposes of this regulation, the following words and phrases shall have the following meanings:

COMMERCIAL OR INDUSTRIAL FACILITY — A public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but not limited to manufacturing, processing, or other industrial operations; service or retail establishments; printing or publishing establishments; research and development facilities; small- or large-quantity generators of hazardous waste; laboratories and hospitals.

DEPARTMENT — The Massachusetts Department of Environmental Protection.

DISCHARGE — The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

DRINKING WATER RESOURCE — Any and all potable water supplies, including but not limited to public water supply, public wells, private wells, and surface and ground water.

FACILITY — Commercial or industrial facility as defined above.

FLOOR DRAIN — An intended drainage point on a floor constructed to be otherwise impervious which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

LEACHING STRUCTURE — Any subsurface structure through which a fluid that is introduced will pass and enter the environment, including, but not limited to, dry wells, leaching catch basins, cesspools, leach fields, and oil/water separators that are not watertight.

OIL/WATER SEPARATOR — A device designed and installed so as to separate and retain petroleum-based oil or grease, flammable wastes as well as sand and particles from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity. Other common names for such systems include MDC traps, gasoline and sand traps, grit and oil separators, grease traps, and interceptors.

TOXIC OR HAZARDOUS MATERIAL — Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Northbridge. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under Massachusetts General Laws (MGL) Chapters 21C and 21E or Massachusetts Hazardous Waste regulations (310 CMR 30.000), and also include such products as solvents, thinners, and pesticides in quantities greater than normal household use.

USE OF TOXIC OR HAZARDOUS MATERIAL — The handling, generation, treatment, storage, or management of toxic or hazardous materials.

- D. Prohibitions. With the exception of discharges that have received (or have applied and will receive) a Department-issued permit prior to the effective date of this regulation, no floor drain shall be allowed to discharge, with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system in any industrial or commercial facility if such floor drain is located in either:
- (1) An industrial or commercial process area;
 - (2) A petroleum, toxic, or hazardous materials and/or waste storage area; or
 - (3) A leased facility without either Subsection D(1) or (2) of this section, but in which the potential for a change of use of the property to a use which does have either Subsection D(1) or (2) is, in the opinion of the Board of Health or its agent, sufficient to warrant the elimination of the ground discharge at the present.
- E. Requirements for existing facilities.
- (1) The owner of a facility in operation prior to the effective date of this regulation with a prohibited (as defined under Subsection D) floor drain system shall:
 - (a) Disconnect and plug all applicable inlets to and outlets from (where possible) applicable leaching structures, oil/water separators, and/or septic systems;
 - (b) Remove all existing sludge in oil/water separators, septic systems and, where accessible, leaching structures. Any sludge determined to be a hazardous waste shall be disposed of in accordance with state hazardous waste

regulations (310 CMR 30.000). Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department policies;

- (c) Alter the floor drain system so that the floor drain shall be either:
 - [1] Connected to a holding tank that meets all applicable requirements of Department policies and regulations, with hauling records submitted to the Town of Northbridge Board of Health at the time of hauling;
 - [2] Connected to a municipal sanitary sewer line, if available, with all applicable Department and local permits; or
 - [3] Permanently sealed. (Any facility sealing a drain shall be required to submit for approval to the Board of Health a hazardous waste management plan detailing the means of collecting, storing, and disposing any hazardous waste generated by the facility, including any spill or other discharge of hazardous materials or wastes.)
- (2) Any oil/water separator remaining in use shall be monitored weekly, cleaned not less than every 90 days, and restored to proper conditions after cleaning so as to ensure proper functioning. Records of the hauling of the removed contents of the separator shall be submitted to the Board of Health at the time of hauling.
- (3) Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire Code requirements.
- (4) Upon complying with one of the options listed under Subsection E(1)(c), the owner/operator of the facility shall notify the Department of the closure of said system by filing the Department's UIC notification form (which may be obtained by calling 617-292-5770) with the Department and sending a copy to the Northbridge Board of Health.

F. Effective date. The effective date of this regulation is July 1, 2003.

- (1) Existing facilities:
 - (a) Owners/operators of a facility affected by this regulation shall comply with all of its provisions within 120 days of the effective date of this regulation;
 - (b) All applicable discharges to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain.
- (2) New facilities:
 - (a) As of the effective date of the regulation, all new construction and/or applicable change of use within the Town of Northbridge shall comply with the provisions of this regulation.

- (b) Certification of conformance with the provisions of this regulation by the Board of Health shall be required prior to issuance of construction and occupancy permits.
 - (c) The use of any new oil/water separator shall comply with the same requirements as for existing systems, as specified above in Subsection E(2).
- G. Penalties. Failure to comply with provisions of this regulation will result in the levy of fines of not less than \$200, but no more than \$1,000. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation. [Note: Effective 1992, under MGL c. 111, § 31 (violation of health regulation), maximum fines increased from \$500 to \$1,000, and under MGL c. 111, § 122 (violation of nuisance regulations), maximum fines increased from \$100 to \$1,000.]
- H. Severability. Each provision of this regulation shall be construed as separate to the end that if any provision or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

§ 201-7. Smoking and tobacco and tobacco or nicotine delivery products; youth access regulations. [Amended 9-24-2013, effective 10-4-2013]

- A. Statement of purpose. Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and whereas more than 90% of all smokers begin smoking before the age of 18 (See Preventing Tobacco Use Among Young People, Surgeon General's Report, 1994.); and whereas an estimated 3,000 minors begin smoking every day in the United States (See Cancer Facts & Figures - 1993, American Cancer Society); and whereas the United States Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; and whereas, despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; now, therefore, it is the intention of the Northbridge Board of Health to curtail the access of tobacco products by minors.
- B. Authority.
- (1) This regulation is promulgated pursuant to the authority granted to the Northbridge Board of Health by MGL c. 111, § 31, that Boards of Health may make reasonable health regulations.
 - (2) These regulations are to be inserted into the Code of Regulations of the Board of Health § 201-7, replacing any and all existing regulations previously adopted by the Board of Health regarding the sale of tobacco and tobacco or nicotine delivery products.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:
- E-CIGARETTE — Any electronic nicotine delivery product, composed of a mouthpiece, heating element, battery and/or electronic circuits, that provides a vapor of liquid nicotine

to the user or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

MINOR — Any individual who is under the age of 18.

NICOTINE DELIVERY PRODUCT — Any manufactured article or product, made wholly or in part of a tobacco substitute or containing nicotine, that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for the approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

PERSON — A person, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale of tobacco or nicotine delivery products.

SELF-SERVICE DISPLAYS — Any display of tobacco or nicotine delivery products which is located such that said products are accessible to customers without assistance from an employee or store personnel.

TOBACCO/TOBACCO PRODUCTS/TOBACCO OR NICOTINE DELIVERY PRODUCTS — Cigarettes, cigars, chewing tobacco, pipe tobacco, snuff, tobacco in any of its forms, e-cigarettes or any other tobacco or nicotine delivery product.

VENDING MACHINE — Any automated or mechanical self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco or nicotine delivery product.

D. Permit required.

- (1) No person or entity shall sell or otherwise distribute tobacco or nicotine delivery products within the Town of Northbridge without first obtaining a tobacco and nicotine delivery product sales permit issued annually by the Northbridge Board of Health.
- (2) The fee for a tobacco and nicotine delivery product sales permit shall be determined by the Northbridge Board of Health. All such permits shall be renewed annually on July 1.
- (3) Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco sales permit can be issued.
- (4) As part of the application process, the applicant will be provided with the Northbridge Board of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco and nicotine delivery product sales regarding both state laws regarding the sale of tobacco and this regulation.

- (5) No tobacco and nicotine delivery sales permit holder shall allow any employee to sell cigarettes or other tobacco or nicotine delivery products until such employee reads this regulation and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulations and applicable state laws.
- (6) A separate permit is needed for each retail establishment selling tobacco or nicotine delivery products.
- (7) The tobacco and nicotine delivery product sales permit shall be displayed on the premises in a conspicuous location.
- (8) A tobacco and nicotine delivery product sales permit is nontransferable, except a new permit will be issued to a retailer who changes location.
- (9) Issuance of a tobacco and nicotine delivery product sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

E. Posting state law.

- (1) In conformance with and in addition to Massachusetts General Law, c. 270, § 7, a copy of Massachusetts General Laws, c. 270, § 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco or nicotine delivery products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Northbridge Board of Health. Such notice shall be at least 48 square inches and shall be posted at the cash register which receives the greatest volume of tobacco product sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. For all other cash registers that sell tobacco or nicotine delivery products, a notice shall be attached which is no smaller than nine square inches, which is the size of the sign provided by the Massachusetts Department of Public Health. Such notice must be posted in a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of no less than four feet or more than nine feet from the floor.
- (2) Signs shall be provided by the Massachusetts Department of Public Health and be available from the Northbridge Board of Health.

F. Sales to minors prohibited.

- (1) No person shall sell tobacco or nicotine delivery products or permit tobacco or nicotine delivery products to be sold to a minor or, not being the minor's parent or guardian, give tobacco or nicotine delivery products to a minor.
- (2) Each retailer shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser is 18 years of age or older. No such verification is required for any person over the age of 26.

- (3) Each vendor shall each day display prominently the date and year with the explicit provision that anyone born after that day may not legally purchase tobacco or nicotine delivery products.

G. Free distribution.

- (1) No person shall distribute tobacco or nicotine delivery products substantially reduced in price from the prevailing average retail price of the particular brand in the Town of Northbridge. No free or nominal-cost tobacco or nicotine delivery products shall be distributed or sold within the Town of Northbridge.
- (2) No person shall distribute any coupon or voucher redeemable for free or nominal-cost tobacco or nicotine delivery products within the Town of Northbridge.
- (3) No tobacco and nicotine delivery product sales permit holder shall redeem or honor any coupons or vouchers redeemable for tobacco or nicotine delivery products within the Town of Northbridge.

H. Packaging.

- (1) The sale or distribution of tobacco or nicotine delivery products in any form other than original factory-wrapped package is prohibited.
- (2) No manufacturer, distributor or retailer may sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than 20 cigarettes, including single cigarettes.

I. Self-service displays.

- (1) All self-service displays of tobacco or nicotine delivery products are prohibited. All humidors, including but not limited to walk-in corridors, must be locked.

J. Vending machine sales of tobacco or nicotine delivery products.

- (1) All tobacco and/or nicotine delivery product vending machines are prohibited.

K. Violations and penalties.

- (1) The Board of Health, its agent or designee may, in accordance with MGL c. 40, § 21D, and the Northbridge Code of Bylaws § 1-109A, enforce these regulations through the disposition of noncriminal fines as set forth below:
 - (a) Sale of tobacco or nicotine delivery products to a minor.
 - [1] In the case of a first offense: a fine of \$100, mandatory appearance before the Board of Health within 30 days of violation, and mandatory merchant education training.
 - [2] In the case of a second offense within 24 months of the date of the current violation: a fine of \$200, and the tobacco and nicotine delivery products sales permit shall be suspended for a period of 15 consecutive

business days, and mandatory appearance before the Board of Health within 30 days of the violation.

[3] In the case of a third offense within 24 months of the date of the current violation: a fine of \$300, and the tobacco and nicotine delivery products sales permit shall be suspended for a period of 60 consecutive business days, and mandatory appearance before the Board of Health within 30 days of the violation.

[4] In the case of a fourth and subsequent offenses within 24 months of the date of the current violation: a fine of \$300, and the tobacco and nicotine delivery product sales permit shall be suspended for a period of one year, and mandatory appearance before the Board of Health within 30 days of the violation.

[5] Renewal of a tobacco and nicotine delivery product sales permit after a fourth or subsequent offense of these regulations shall be at the discretion of the Board of Health.

(b) All other provisions of these regulations shall be punishable by a fine of \$50 for the first offense; \$100 for the second offense within 12 months of the date of the current violation; and \$150 for third and subsequent offenses within 12 months of the date of the current violation.

(2) Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.

(3) The Board of Health may, at its discretion, file criminal complaints for violations of this regulation. Said complaints shall be filed with the District Court.

L. Suspension of permit.

(1) The Board of Health of the Town of Northbridge shall provide written notice to the permit holder of the intent to suspend a permit for the sale of tobacco and nicotine delivery products. The notice shall contain the reasons for the suspension and establish a date and time for a hearing. The date of the hearing shall be no earlier than seven business days and no later than 30 business days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision and reasons in writing.

(2) The Board of Health, after a hearing, may suspend the tobacco sales permit.

(3) All tobacco and nicotine delivery products shall be removed from display upon a suspension of the tobacco sales permit. Removal from display shall be accomplished by conducting an inventory of all tobacco and nicotine delivery products in the presence of a representative from the Board of Health and placing all tobacco and nicotine delivery products in a package and then sealing that package. Placement of all sealed packages shall be in a storage area not located within the viewing area of the store.

- (4) When the suspension has been fulfilled, the holder of the permit shall, in the presence of a representative from the Board of Health, inventory all tobacco and nicotine delivery products prior to restocking.
 - (5) The establishment shall post a sign, supplied by the Board of Health, at all customer entrances and at all points of sale, which notify the public that the store is prohibited from selling tobacco and nicotine delivery products until further notice.
 - (6) Any sale of tobacco or nicotine delivery products during the suspension period or failure to remove tobacco and nicotine delivery products from display in accordance with this regulation shall result in an additional period of suspension of the tobacco and nicotine delivery products sales permit for a period of time equal to the permit suspension period currently assessed against the establishment. A mandatory hearing before the Board is necessary for reapplication, with the ultimate decision of issuance of such permit at the sole discretion of the Board of Health.
 - (7) Any permit holder who does not pay the assessed fine within 21 days from fine issuance may be subject to criminal proceedings.
- M. Enforcement. Enforcement of this regulation shall be implemented by the Board of Health of the Town of Northbridge or its designated agent(s).
- N. Severability. Each of these regulations shall be construed as separate to the end that if any regulation or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force and effect.
- O. Effective date. These regulations shall become effective July 1, 2002.

§ 201-8. Human habitation.

- A. 105 CMR 410.000, Chapter II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. Effective January 1, 1989, rental property owners shall be charged an inspection fee [See § 201-23 Fee Schedule.] for each inspection exceeding the reinspection specified in 105 CMR 410.830(B) of the State Sanitary Code. This housing inspection fee shall only apply to the inspections performed after the thirty-day compliance period set forth in 105 CMR 410.830(B) and does not apply to initial inspections performed within the thirty-day compliance period.
- C. All tenants who live in units built before 1978 must be given two copies of the Tenant Lead Law Notification and Tenant Certification Form. If any of the following documents exist for the unit, the tenant must also be given a copy of them: Lead Inspection or Risk Assessment Report, Letter of Compliance or Interim Control. In any residence in which a child under the age of six resides, documentation must be provided to the Board of

Health that shows the property is in compliance with the provisions of the Massachusetts General Laws that govern the use of lead paint.

§ 201-9. Ban on sale of drug paraphernalia and synthetic cannabinoids. [Added 12-11-2012, effective 1-1-2013]

- A. Purpose. Whereas, it has been reported by various agencies that synthetic cannabinoids, synthetic cathinones, and synthetic hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body; and whereas these synthetic cannabinoids, synthetic cathinones, and synthetic hallucinogens pose health, safety, and welfare issues; now, therefore, the Board of Health of the Town of Northbridge adopts these regulations banning the sale of drug paraphernalia and synthetic cannabinoids as part of our mission to protect the health, safety and welfare of the public.
- B. Authority. These regulations are promulgated under the authority granted to the Board of Health under MGL c. 111, § 31.
- C. Definitions. The following terms shall have the meaning ascribed to them below:

CANNABIMIMETIC AGENTS — Unless specifically exempted by law, any material, compound, mixture or preparation which contains any quantity of cannabimimetic agents, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. As used in this regulation, "cannabimimetic agents" mean:

- (1) Any substance that is a cannabinoid receptor type 1 (CB 1 receptor) as demonstrated by binding studies and functional assays within the following structural classes:
- (a) 2-(3-hydroxycyclohexyl) phenol with substitution at the 5-position of the penolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
 - (b) 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;
 - (c) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;
 - (d) 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; or
 - (e) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

- (2) Any substance which includes any one or more of the following chemicals:
- (a) CP 47,497; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
 - (b) Cannabicyclohexanol; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
 - (c) JWH-015; (2methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;
 - (d) JWH-018; 1-pentyl-3-(1-naphthoyl) indole;
 - (e) JWH-019; 1-hexyl-3-(1-naphthoyl)indole;
 - (f) JWH-073; 1-butyl-3-(1-naphthoyl)indole;
 - (g) JWH-081; 1-pentyl-3-(1-4-methoxynaphthoyl)indole;
 - (h) JWH-122; 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
 - (i) JWH-200; 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole;
 - (j) JWH-203; 1-pentyl-3-(2-chlorophenylacetyl)indole;
 - (k) JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;
 - (l) JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
 - (m) AM2201; 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;
 - (n) AM694; 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
 - (o) SR-19 and RCS-4; 1-pentyl-3-(4-methoxy-benzoyl)indole; and
 - (p) SR-18 and RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole.
- (3) Any substance which includes any one or more of the following chemicals:
- (a) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
 - (b) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
 - (c) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
 - (d) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
 - (e) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
 - (f) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
 - (g) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
 - (h) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine(2C-N); and
 - (i) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)

ILLEGAL CHEMICAL PRODUCT — Any substance which includes any one or more of the following chemicals:

- (1) 3,4 - methylenedioxy-methcathinone, MDMC;
- (2) Medphradone (4-methylmethcathinone);
- (3) 4 - methylmethcathinone, 4 - MMC;
- (4) 4 - methoxymethcathinone, bk - PMMA, PMMC;
- (5) 3, 4 - fluoromethcathinone, FMC;
- (6) Naphthylpyrovalerone, NRG-1;
- (7) Beta-Keto-N-methylbenzodioxolylpropylamine;
- (8) 2-(methylamino)-propiofenone; or alpha-(methylamino) propiofenone;
- (9) 3-methoxymethcathinone;
- (10) 2-(methylamino)-1-phenylpropan-1-one;
- (11) 4-ethylmethcathinone;
- (12) 3,4-dimethylmethcathinone;
- (13) Alpha-Pyrrolidinopentiophenone;
- (14) Beta-Keto-Ethylbenzodioxolylbutanamine;
- (15) 3,4-methylenedioxy-N-ethylcathinone;
- (16) 4-methyl-alpha-pyrrolidinobutyrophenone;
- (17) Methylenedioxy-pyrovalerone or [(MDPV) (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone)]; and
- (18) MDAI; 5,6-methylenedioxy-2-aminoindane.

DRUG PARAPHERNALIA — Drug paraphernalia shall be defined pursuant to MGLA c. 94C, § 1. Drug paraphernalia shall, in addition to the definition under MGLA c. 94C, § 1, include blunt wrappers and rosebud glass tubes or other nontraditional tobacco smoking apparatus.

PERSON — An individual, corporation, partnership, wholesaler, retailer, or any licensed or unlicensed business.

- D. No person shall sell, offer to sell, gift, or publicly display for sale any drug paraphernalia within the Town of Northbridge. Any loose products, including but not limited to steel wool pads and plastic bags, displayed in a business establishment for sale or distribution, individually, out of the manufacturer's customary packaging, will be considered drug paraphernalia. In determining whether an object is being sold or offered for sale as drug

paraphernalia, the enforcing officer, court and/or reviewing authority should consider all other logically relevant factors.

- E. No person shall sell, offer to sell, gift, or publicly display for sale any cannabimimetic agent, illegal chemical product, or like products, that shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, or distortion of audio, visual, or mental processes, that are similar to a controlled substance or imitation controlled substance.
- F. No person shall knowingly possess, inhale, or ingest any cannabimimetic agent or illegal chemical product or like products, that shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, or distortion of audio, visual, or mental processes, that are similar to a controlled substance or imitation controlled substance.
- G. This regulation shall apply whether the cannabimimetic agents or illegal chemical products, as herein defined, are desired as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked or ingested.
- H. Violations and penalties. This regulation shall be enforced by the Northbridge Board of Health and/or the Northbridge Police Department through any lawful means in law or in equity, including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL c. 40, § 21, by noncriminal disposition pursuant to MGL c. 40, § 21D, and/or through revocation of any or all licenses and permits issued by the Town of Northbridge. The fine for violation of this regulation shall be \$300 for each offense. A separate offense shall be deemed committed for each sale, offer to sell, gift, or public display for sale.
- I. Enforcement. The enforcement of this regulation shall be by the Northbridge Police Department, the Northbridge Board of Health, or its designated agent.
- J. Seizure of controlled substances. All substances, found in plain view, being used in violation of this regulation may be seized and held until final adjudication, whereupon they will be destroyed by the Northbridge Police Department.
- K. Effective date. These regulations shall become effective on January 1, 2013.

§ 201-10. Wells.

- A. Purpose and authority. The Board of Health of the Town of Northbridge, to protect the public health, and acting under the authority of Chapter 111 of the Massachusetts General Laws, hereby makes the following health regulations. The intent of these regulations is to protect the quality and quantity of drinking water supplies within the Town of Northbridge. These regulations are to be inserted into the Code of Regulations of the Board of Health § 201-10, replacing any and all existing regulations previously adopted by the Board of Health regarding the construction and/or abandonment of wells,

except as to those matters currently pending. Any condition that existed prior to the effective date of these regulations shall not be grandfathered or regarded as exempt from these regulations.

B. Definitions.

APPLICANT — Any person who intends to have a private well constructed.

BEDROOM — Any room providing privacy, intended primarily for sleeping, and consisting of floor space of no less than 70 square feet, electrical service, ventilation and at least one window.

BOARD — The Board of Health of the Town of Northbridge, Massachusetts, or its authorized agent.

CERTIFIED LABORATORY — Any laboratory currently certified by the Department of Environmental Protection for drinking water. Provisional certification shall also qualify.

CROSS-CONNECTION — Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other of which contains water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

GROUND SOURCE HEAT PUMP (GSHP) WELL — A well constructed for the purpose of transferring heat to or from the earth for heating and cooling purposes. Ground source heat pump wells may be open-loop, closed-loop, or direct exchange.

HYDROFRACTURING — A process whereby water is pumped under high pressure into a well to fracture the surrounding rock, thereby increasing the well yield.

POTABLE WATER — Water that is tested by a state certified laboratory and satisfies state drinking water standards for culinary and domestic purposes.

PRIVATE WELL — A water supply well which will not serve either a number of service connections or a number of individuals sufficient to qualify as a public water system as defined in 310 CMR 22.02.

PUMPING TEST — A procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.

REGISTERED WELL DRILLER — Any person registered with the Department of Environmental Management/Office of Water Resources to dig or drill wells in the Commonwealth of Massachusetts.

REQUIRED VOLUME — The volume of water necessary to support the household's daily needs based on number of bedrooms and storage capacity of the drilled well.

STATIC WATER LEVEL — The level of water in a well under nonpumping conditions.

C. Well construction.

- (1) Pursuant to 313 CMR 3.00, Water Well Diggers and Drillers Registration Regulations, no person in the business of digging or drilling shall construct a well unless registered with the Department of Environmental Management Office of Water Resources.
- (2) No person shall drill, dig, or otherwise develop any new well for water or engage in the destruction of a private well within the Town of Northbridge without first obtaining a permit issued by the Board of Health. Said permit shall be valid for a one-year period. Permits may be extended for one additional six-month period, provided that a written request is received by the Board prior to the one-year expiration date.
- (3) A plan and application form must be submitted to the Board of Health with required fee. The plan must be prepared by a registered sanitarian, professional engineer, or other professional person authorized by the Commonwealth of Massachusetts and/or the Board of Health to prepare such plan, showing, at a minimum, the property owner, the address, the bounds of the lot, the proposed well, proposed water line, the building(s) to be served, any subsurface sewage disposal systems and well, both proposed and existing within 200 feet, and any waste disposal sites within 1,000 feet. The proposed well must be located on the lot which it serves and must meet these minimum distance requirements:

Distance From	Number of Feet
Leaching facility	100
Leaching reserve area/existing cesspool	100
Septic tank	50
Any structure or dwelling	20
Property line	10
Driveway	25
Public/private way	25
Rights-of-way	15
Stable/manure storage	100
Storm drain	25
Underground storage tank (exception: propane tanks)	200
Wetland	50
Waste disposal site/landfill	500

- (4) All wells shall be constructed in compliance with the recommendations of the latest edition of the Department of Environmental Protection Private Well Guidelines.

- (5) All lines from a well shall be located a minimum of 10 feet from a building sewer constructed of durable corrosion-resistant material with watertight joints or 50 feet from a building sewer constructed of any other type of pipe.
- (6) Pressure water supply lines shall be installed at least 10 feet from and 18 inches above any sewer line. Whenever water supply lines must cross sewer lines, both pipes shall be pressure-tested to assure watertightness.
- (7) The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above or to increase the above distances when the Board deems it necessary. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.
- (8) A well from which the water is not intended for human or animal consumption or for the irrigation of foods or food ingredients must meet the same requirements as a drinking water well.
- (9) The Board of Health may refuse to issue a permit if it deems that the location of the proposed well will unreasonably interfere with the probable future installation or repair of a septic system on a neighboring lot of land or for any reason which may be contrary to sound public health policy as determined by the Board of Health.
- (10) No person shall allow the connection of any building, or other facility, to the municipal water supply and to a private water supply concurrently. Such constitutes a cross-connection and is prohibited.
- (11) When the Board of Health determines that the supply of potable water from privately operated wells may be jeopardized with respect to drinking water quality and/or supply due to prolonged drought and could potentially affect the health of those using such wells, the use of private wells for irrigation purposes may be prohibited until such time as the Board determines.
- (12) The Board of Health may require the connection to a municipal water line, where available, when it determines that the supply of potable water from a private well may be jeopardized with respect to drinking water quality and the potential health effects to those using said well.

D. Water quality.

- (1) Before use or, in the case of new construction, before the issuance of a building permit, the well water must be tested by a laboratory that is certified by the Department of Environmental Protection to test drinking water for the parameters analyzed. All analyses shall be performed in accordance with United States Environmental Protection Agency methods for drinking water analysis.
- (2) The laboratory performing the testing must collect such samples. Written proof of the individual's certification must be supplied to the Board of Health upon request. The original results of the water quality tests, chain of custody, and verification of the laboratory's certification for the parameters analyzed must be submitted directly

to the Board of Health within two weeks of sampling. In no event shall a water treatment device be installed prior to sampling.

- (3) If the initial test did not pass and a filter or other treatment system is necessary, a second representative sample for laboratory analysis must be collected in accordance with Subsection D(2) above after the treatment system is installed. The second sample shall be retested for all failed parameters, plus any other parameters deemed necessary by the Board. A laboratory report indicating that all test results meet Environmental Protection Agency drinking water standards must be submitted to the Board prior to issuing a certificate of occupancy.
- (4) The following parameters shall be tested:
 - (a) Total bacteria.
 - (b) Coliform bacteria.
 - (c) Turbidity.
 - (d) Inorganic compounds:
 - Antimony
 - Arsenic
 - Barium
 - Beryllium
 - Cadmium
 - Chromium
 - Copper
 - Cyanide
 - Flouride
 - Lead
 - Mercury
 - Nitrate
 - Nitrite
 - Selenium
 - Sodium
 - Thallium
 - (e) Volatile organic compounds (VOC's) (using Environmental Protection Agency method 524.2).
 - (f) Radon.
 - (g) Secondary standards for drinking water:

Aluminum
Ammonia
Chloride
Color
Copper
Flouride
Iron
Manganese
Odor
Ph
Silver
Sulfate
Total dissolved solids
Zinc

(h) Hardness.

NOTES:

1. High concentrations of nitrate, chloride, and ammonia could indicate that the well is drawing in septic effluent. Further testing of VOC's may be requested by the Board of Health.
 2. High concentrations of iron, manganese, total dissolved solids, nitrogen (as ammonia or nitrate) and hardness could indicate that the well is drawing in landfill leachate. Further testing of regulated and unregulated VOC's may be requested by the Board of Health.
- (5) The Board of Health may require that any well drilled within 500 feet of a landfill, waste site, or 21E site, may be required to conduct water quality analysis of synthetic organic chemicals (SOC's).
- (6) The United States Environmental Protection Agency Drinking Water Standards for Primary and Secondary Drinking Water Maximum Contaminant Levels (MCL's) shall be used as the guidelines for private water supplies.
- (7) All costs and laboratory arrangements for collections of water samples and testing are the responsibility of the applicant.
- E. Water supply certificate.
- (1) The issuance of a water supply certificate by the Board shall certify that the private well may be used as a drinking water supply. A water supply certificate must be issued for the use of a private well prior to the issuance of an occupancy permit for an existing structure or prior to the issuance of a building permit for new construction which is to be served by the well.

- (2) The following shall be submitted to the Board of Health to obtain a water supply certificate:
 - (a) A well construction permit.
 - (b) A copy of the water well completion report as required by the Department of Environmental Management Office of Water Resources (313 CMR 3.00).
 - (c) A copy of the pumping test report required pursuant to Subsection F of these regulations.
 - (d) A copy of the water quality report required pursuant to Subsection D of these regulations.
- (3) Upon the receipt and review of the above documents, the Board shall make a final decision on the application for a water supply certificate. A final decision shall be in writing and shall comprise of one of the following actions:
 - (a) Issue a water supply certificate.
 - (b) Deny the applicant a water supply certificate and specify the reasons for the denial.
 - (c) Issue a conditional water supply certificate with those conditions which the Board deems necessary to ensure fitness, purity and quantity of the water derived from that private well. Said conditions may include but not be limited to requiring treatment or additional testing of the water.

F. Water quantity.

- (1) A completed Department of Environmental Management well completion report shall be submitted to the Board of Health by the driller within 30 days of drilling the well.
- (2) In order to demonstrate the capacity of the well to provide the required volume of water, a pump test shall be conducted.
- (3) Required volume shall be calculated by adding volume of water and storage capacity as defined below:
 - (a) $\text{Volume of water} = (\text{number of bedrooms} + 1) \times (110 \text{ gallons/BR}) \times (\text{safety factor of } 2) = \text{number of gallons needed daily.}$
 - (b) Storage capacity of well is calculated using the measured static water level and the depth and radius of the drill hole or casing. (See Table 1 below.)

Table 1
Gallons of Water per Foot of Depth for Various Casing or Hole
Diameters

Diameter of Well Casing (in inches)	Gallons of Water Per Foot of Water Depth	Gallons of Water Per 100 Feet of Water Depth	Diameter of Well (in Feet)	Gallons of Water per Foot of Water Depth
1 1/2	0.092	9.2	2	23.5
2	0.163	16.3	3	52.9
3	0.367	36.7	4	94.0
4	0.653	65.3	5	146.9
5	1.020	102.0	6	211.5
6	1.469	146.9	7	287.9
8	2.611	261.1	8	376.0
10	4.080	408.0	9	475.9
12	5.876	587.6	10	587.6

(c) Example. For a four-bedroom house with a well that is six inches in diameter and contains 100 feet of standing water:

[1] Volume of water = (4 bedrooms +1 bedroom) = (5 bedrooms) x (110 gallons per bedroom) x (2) = 1,100 gallons needed daily.

[2] Storage capacity: volume of six-inch well is 1.47 gallons for every foot of length; therefore (100 feet of standing water) x (1.47 gallons/foot) = 147 gallons.

[3] Required volume = 1,100 gallons + 147 gallons = 1,247 gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity.

(4) All wells shall be tested in the following manner:

(a) The well will be pumped at whatever rate is desired.

(b) Following the pump test the water level in the well must be shown to recover to within 85% of the prepumped static water level within a twenty-four-hour period.

(c) If the well fails to yield the required volume within a twenty-four-hour period or if the water level in the well fails to recover to within 85% of the prepumped static water level within the twenty-four-hour period, the well shall be redeveloped, hydrofractured and/or deepened. Another pump test shall be conducted.

- (d) The results of the pump test shall be recorded and certified by the well driller on a form approved by the Board of Health and submitted to the Board of Health within 30 days of the test.
- (5) The results of the pump test and water quality test must be received and reviewed by the Board of Health prior to use of the water supply.
- (6) The well must be capable of producing an amount greater than 0.5 gpm.

Table 2
Flow Volumes in Gallons per Minute and Corresponding Flow Volumes in Gallons per Day

Flow Volume (gpm)	Flow Volume (gpd)
0.3	432
0.4	576
0.5	720
0.6	864
0.7	1,008
0.8	1,152
0.9	1,296
1.0	1,440
1.5	2,160
2.0	2,880
2.5	3,600
3.0	4,320
3.5	5,040
4.0	5,760
4.5	6,480
5.0	7,200

G. Abandonment of wells.

- (1) All abandoned private water supply wells, test holes, and dry or inadequate borings associated with private well installation and not used for water quality monitoring shall be plugged in a manner that will permanently prevent vertical movement of water within the borehole, the well, and the annular space between the well casing and the wall of the boring.
- (2) No person shall engage in the business of destruction of private wells within the Town unless registered as a well driller/digger with the Department of Environmental Management Office of Water Resources, pursuant to 313 CMR 3.00.

- (3) The destruction or abandonment of a well shall be done in compliance with the recommendations of the latest edition of the Department of Environmental Protection Private Well Guidelines.
 - (4) No person shall allow a well to be left uncovered or in an unsafe condition.
- H. Variances. The Board of Health may vary the application of any provision of these regulations to any particular case when in its opinion the enforcement thereof would manifest an injustice, provided that the decision of the Board of Health shall not conflict with the spirit of these regulations and the applicant has proven that the same degree of public health and environmental protection can be achieved without strict application of a particular provision(s). The applicant for any variance shall pay for any advertising and/or mailings required for processing the variance.
- I. Enforcement and penalties.
- (1) Any member of the Board of Health or its agents, or other person designated by the Board of Health, may enforce this section. Any violation of this regulation, of the regulations of the Department of Environmental Protection or of the Laws of the Commonwealth of Massachusetts by the permittee shall be grounds for suspension, modification, or revocation of the permit.
 - (2) Criminal complaint. Whoever violates any provision of these rules and regulations may be penalized by complaint brought in the District Court or Housing Court. Each day on which a violation exists shall be deemed to be a separate offense.
 - (3) Noncriminal complaint.
 - (a) Under MGL c. 40, § 21D, and the Northbridge Code of Bylaws § 1-109A, any person who violates any provision of these rules and regulations as adopted by the Board of Health pursuant to MGL c. 111, § 31A, shall be subject to a penalty in the amount of:
 - [1] First offense: \$25.
 - [2] Second offense: \$50.
 - [3] Third and subsequent offenses in a calendar year: \$150.
 - (b) Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter or regulation violated shall constitute a separate offense.
 - (4) Enforcing persons: Northbridge Board of Health, its agents or its designee.
- J. Severability. If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect, and to that end the provisions of this Code are hereby declared separable.
- K. Fees.

- (1) The fee for installing a well shall be set by the Board. [See § 201-23, Fee Schedule.]
 - (2) The fee for abandoning a well shall be set by the Board. [See § 201-23, Fee Schedule.]
- L. Effective date. These regulations were adopted by vote of the Northbridge, Massachusetts, Board of Health, at its regularly scheduled meeting held on October 3, 2001, and are to be in full force and effect on and after October 10, 2001. Before said date, these regulations shall be published, and a copy thereof shall be placed on file in the Board of Health offices and filed with the Department of Environmental Protection, Division of Wastewater Management (formerly Division of Water Pollution Control) in Boston. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.
- M. Disclaimer. The issuance of a well permit shall not be construed as a guarantee by the Board or its agents that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.
- N. GSHP wells. Open-loop GSHP wells must meet Department of Environmental Protection primary drinking water standards and Northbridge Board of Health water quality standards.
- O. GSHP wells UIC registration. No well permit shall be issued for an open-loop system without a Department of Environmental Protection underground injection control registration number. Closed-loop and direct exchange wells also require a UIC registration unless a groundwater discharge permit is required.
- P. GSHP well setback requirements for open-loop, closed-loop and direct exchange (DX) wells. Ground source heat pump wells shall be set back a minimum of 25 feet from potential sources of contamination, including but not limited to septic tanks/fields, lagoons, livestock pens, and oil or hazardous materials storage tanks, and 10 feet from any property line. Closed-loop and DX wells shall be sited at least 50 feet from any private potable water supply well and 10 feet from any surface water bodies. If a dual-purpose well, then all primary potable water setbacks must be met.

§ 201-11. Minimum standards for keeping of farm animals.

- A. Purpose. The Northbridge Board of Health is responsible for the protection of the public health and welfare in the Town of Northbridge. In an effort to protect the health and safety of the public and farm animals in the Town, the following regulations are promulgated.
- B. Authority. These regulations are adopted in accordance with the provisions of Massachusetts General Laws, Chapter 111, Sections 31 and 155.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

CORRAL or PADDOCK — A fenced area designed to allow for the free roaming of animals.

FARM ANIMAL — Shall include, but not be limited to, any horse, donkey, pony, mule, goat, swine, sheep or any other animal except household pets.

HOUSEHOLD PETS — Animals that are normally kept inside a residential dwelling, including but not limited to dogs, cats, ferrets, fish, domestic or exotic birds, or other small rodents.

LOT — A contiguous area of land, under one ownership, with definite boundaries.

MANURE MANAGEMENT PLAN (MMP) — A plan for the handling of manure and other wastes. An MMP shall address cleaning, composting, storage, utilization and removal of manure and other wastes.

STABLE — A building or enclosure used to house or confine one or more animals and to store the food supplies normally associated with the keeping of animals.

- D. Permit required. No person shall keep any farm animal without first obtaining a permit from the Board of Health, nor shall any person, firm or corporation owning or responsible for the custody of a farm animal within the limits of this Town, for the purpose of stabling such animal, use or occupy any building, shed or other structure which does not conform to the requirements of these regulations.
- E. No permit shall be issued to keep a farm animal on any lot of land containing less than one acre. Additional farm animals up to a total of four shall not be permitted unless the lot contains a minimum of $\frac{2}{3}$ acre per each additional animal. More than four farm animals may be permitted to be kept on lots containing more than three acres, provided that lot dimensions are acceptable to the Board of Health, and provided that the granting of such permit will not adversely affect the public health, safety, and welfare.
- F. Applications for all permits required by these regulations shall be made to the Board of Health. Each application shall state the name of the applicant and the location of the premises to be used, and each application shall specify the area and the location of the premises for which a permit is requested and shall specify the number and type of farm animals which are to be kept therein. Such permits shall cover only one location. Each application shall also contain a certified plot plan noting location of dwelling, stable, corral, and dwellings located on abutting property, including locations of any on-site sewage disposal systems and private drinking water wells within 200 feet of the proposed stable and corral area. Said plan shall note all distances between each structure, sewage system, and well. The Board may require additional information upon review of the permit application.
- G. All permits shall expire on March 31 of each year but may be renewed annually on application, provided that the applicant is then qualified to receive a permit and the premises for which a renewal is sought is suitable for such purpose.
- H. No person shall erect, occupy or use for a stable any building in the Town of Northbridge unless such use is approved by the Board of Health. Each stall shall contain

a minimum of 100 square feet for the first animal and at least 60 additional square feet for each additional animal.

- I. Any person who proposes to remodel a building or a portion thereof which is being used as a stable or who proposes to construct a new building which is to be used in whole or in part as a stable shall, prior to such remodeling, renovation or constructing, submit plans, in duplicate, to the Board of Health for approval. Such construction must begin within 90 days of date of approval. The stable shall not be occupied until a certificate of occupancy is issued by the Inspector of Buildings.
- J. All premises used for the keeping or stabling of farm animals shall be adequately fenced so as to prevent the escape of the animals therefrom. At no time will animals be allowed to roam unattended.
- K. No such permit shall be issued which would involve a violation of the zoning or protective bylaw of the Town.
- L. Sanitary requirements.
 - (1) Each stable shall be furnished with an adequate and safe water supply for feeding, cleaning and fire protection services.
 - (2) Animal feed shall be stored in sealed, moistureproof and verminproof containers.
 - (3) Each stall in the stable shall be provided with adequate drainage so as to remain dry and clean, in a manner satisfactory to the Board of Health.
 - (4) Bedding shall consist of straw, hay or like substances but shall not contain in whole or in part any wool waste.
 - (5) All manure must be removed from the stalls at least once each day and shall not be allowed to accumulate in corrals or other areas on the property. Manure shall be collected at a single location carefully chosen to maximize the distance from abutting properties and watercourses.
 - (6) Provisions should be made for the disposal of manure with sufficient frequency and in such a manner as to be satisfactory to the Board of Health and in such a manner as to prevent the creation of objectionable conditions.
 - (7) Location of manure pits must be approved by the Board of Health. In fly-breeding seasons, manure shall be periodically treated with chemicals for fly control. Any chemical approved by the United States Department of Agriculture shall suffice.
 - (8) Manure shall not be stockpiled between April 15 and October 15.
 - (9) Floors shall consist of any material acceptable to the Board of Health, such as a thin layer of sand and clay over a gravel base or crushed stone.
 - (10) For ventilation purposes, each stable shall have an effective window area of at least 10% of the total floor area.

- (11) Each stable shall be located on land with good drainage and not susceptible to flooding.
- (12) Location of stables, corrals and paddocks on lot.
 - (a) Each stable and corral or paddock shall be located on a lot not less than:
 - [1] Twenty-five feet from an abutting property line.
 - [2] One hundred feet from any swamp, stream, pond or drainage easement.
 - [3] One hundred feet from any abutting dwelling.
 - [4] One hundred feet from any private drinking water well.
 - (b) These requirements may be enlarged or increased in any particular case at the discretion of the Board of Health.
- (13) Permit cost shall be set by the Board. [See § 201-23, Fee Schedule.]
- M. Any property used to house farm animals shall be subject to inspection by the Inspector of Animals, the Board, or its agent, at any reasonable time. Failure to allow an inspection upon request shall be cause for permit revocation. The Board or its agent may revoke a permit for cause without a public hearing if a condition exists which may endanger the health, safety or welfare of the animals or the general public or which is a nuisance. The Board maintains the authority to hold a public hearing to consider the revocation of a permit. Any person aggrieved shall have the right to appeal such revocation at a public hearing of the Board if no hearing was held prior to the revocation.
- N. A permit to stable or keep farm animals on property in the Town of Northbridge is not transferable.
- O. All permits issued for the stabling of animals prior to the adoption of these regulations shall be valid and may be renewed subject to the regulations in effect prior to the adoption of these new regulations, providing conditions contained in the original application have not changed and that no conditions exist that would be injurious to public health or restrict the normal use and enjoyment of contiguous property.
- P. Variance procedure. Any request for a variance from the regulations contained in § 201-11 must be submitted in writing to the Board. The Board shall, within 21 days of receipt of the request for variance, hold a public meeting, at which time the applicant must demonstrate to the Board, by clear and convincing evidence, that there will be no adverse effect on the public health by the granting of the variance request. All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.

§ 201-12. Swimming pools and hot tubs.

- A. 105 CMR 435.000, Minimum Standards for Swimming Pools, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.

- B. A permit is required to operate any public, semipublic, or special-purpose pool or hot tub. A fee shall be required. [See 201-23, Fee Schedule.] No permit is required for the use of residential pools or hot tubs maintained by an individual for his own or his family's use or for the use of personal guests of his household.
- C. Hot tubs and pools shall be inspected a minimum of two times per year.
- D. Special-purpose pools and hot tub permits shall expire December 31 of each year.
- E. Pool permits shall expire December 31 of each year.

§ 201-13. Bathing beaches.

- A. 105 CMR 445.000, Minimum Standards for Bathing Beaches, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. A permit to operate a bathing beach is required. [See § 201-23, Fee Schedule.]
- C. Bathing beach permits shall expire no later than October 1 of the year issued.
- D. Bathing beach water quality analysis shall be conducted within the five days immediately preceding the opening of the bathing beach and at least weekly during the bathing season. The bathing beach operator shall be responsible for all costs associated with water testing and shall be responsible for reporting results of all testing to the Board of Health.
- E. No permit to operate a bathing beach shall be issued without first submitting the bathing beach water quality test to the Board of Health.
- F. If water quality analysis deems the bathing beach unsafe for swimming, the beach operator shall immediately notify the Board of Health office and properly post the bathing beach closed and unsafe for swimming. The beach may not reopen until water tests indicate that the beach water is safe to swim in and approval is granted by the Board of Health.

§ 201-14. Tanning facilities.

- A. 105 CMR 123.000, Tanning Facilities, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. A permit to operate a tanning facility is required. [See § 201-23, Fee Schedule.]
- C. All tanning facility permits shall expire on December 31.
- D. All tanning facilities shall be inspected twice yearly.
- E. Operator manuals for each tanning bed or booth shall be made available to the Board of Health inspector at the time of his/her inspection.
- F. Each tanning booth or bed shall be disinfected after each use. Disinfectant shall be Environmental Protection Agency approved.

- G. Only replacement bulbs as specified by the manufacturer in the operator manual may be used in the tanning booth or bed.

§ 201-15. Recreational camps for children.

- A. 105 CMR 430.000, Minimum Sanitation and Safety Standards for Recreational Camps for Children, State Sanitary Code Chapter IV, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. Camp permits shall expire at the close of the camp season for which the applicant has sought a permit.
- C. 105 CMR 430.020, Definitions, shall be amended as follows:
Day Camp means a program which:
- (1) Operates on a site for more than two hours but less than 24 hours a day;
 - (2) Operates for at least three days during a two-week period; and
 - (3) Meets the definition of a recreational camp for children.
- D. Enforcement and penalties. For the purposes of noncriminal disposition under MGL c. 40, § 21D, and the Northbridge Code of Bylaws, § 1-109A, the owner, operator, or camp director of a recreational camp for children that operates a recreational camp in the Town of Northbridge without first obtaining a permit from the Board of Health shall be subject to a penalty in the amount of \$300 and immediate closure of all camp activities until camp obtains full compliance with 105 CMR 430.000.

§ 201-16. Funeral directors.

- A. No person shall be licensed by the Board of Health as a funeral director in the Town of Northbridge unless certified by the Board of Registration in embalming and funeral directing before May 1 of each year.
- B. All funeral director licenses shall expire on April 30 of each year.

§ 201-17. Commercial, residential and municipal solid waste and recyclable materials collection.

- A. Authority and purpose. The Town of Northbridge Board of Health, under the authority of MGL c. 111, §§ 31A and 31B, hereby makes the following regulations in an effort to protect the public health and to promote increased recycling and responsible refuse disposal. These regulations are to be inserted into the Code of Regulations of the Board of Health, replacing any and all existing regulations previously adopted by the Board of Health regarding the permitting and operation of garbage, rubbish, and refuse collection and disposal, except as to those matters currently pending. Any condition that existed prior to the effective date of these regulations shall not be grandfathered or exempt from these regulations.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL WASTE — Nonhazardous solid waste generated by businesses, such as office buildings, retail and wholesale establishments, and restaurants.

FACILITY — A licensed solid waste disposal or handling facility approved or licensed by the Department of Environmental Protection (DEP).

PERMITTEE — Any person(s) or company which has applied for and obtained the appropriate permit to collect refuse within the corporate limits of the Town of Northbridge.

RECYCLABLE MATERIALS — Those items listed in Subsection G of these regulations.

SOLID WASTE — All rubbish, trash, garbage, or refuse normally generated, excluding explosives, oil, sludges, highly flammable substances, cesspool or other human wastes, human or animal remains, construction materials, demolition debris, and hazardous refuse of any kind, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used as filter media, cleaning fluid and refuse of similar nature. Recyclable materials, as defined in these regulations, are specifically excluded from solid waste.

- C. General.

- (1) Any person engaged in the collection of solid waste and/or recyclable materials in the Town of Northbridge shall remove the same to an approved location or facility in accordance with these rules and regulations, as well as all other applicable rules and regulations.
- (2) The permittee shall at no time dispose of recyclable materials by landfilling or incineration without written permission from the Board of Health.
- (3) The permittee shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection solid waste bans and any other item deemed feasible by the Board of Health. Items required to be recycled are set forth in Subsection G below and are subject to amendment by the Board of Health.
- (4) In servicing establishments generating commercial waste, the permittee may limit recycling service to paper products, as listed in Subsection G.
- (5) Separation of recyclable materials from solid waste will take place at the source (i.e., individual homeowners/tenants/business owners will perform separation).

- D. Permitting procedure.

- (1) All persons collecting solid waste and/or recyclable materials in the Town of Northbridge shall obtain a permit from the Board of Health prior to commencing with collection.

- (2) At the time of application or as otherwise specified, the applicant shall submit to the Board of Health the following:
 - (a) A nonrefundable permit fee. [See § 201-23, Fee Schedule.]
 - (b) A schedule of customer fees to be charged for residential, commercial, and industrial pickup of solid waste and recyclable materials.
 - (c) A description of the collection vehicle(s) to be used, including the make, model, year, type and size of compactor, and registration number.
 - (d) Certificates of insurance as defined in Subsection F.
 - (e) Total tonnage of solid waste and recyclable materials collected on a quarterly basis. Statistics for solid waste and recyclable materials must be supported by weight slips and/or vendor receipts. Estimates may be accepted at the discretion of the Board if sufficient justification for subject estimation is presented to the Board and can be verified. Statistics shall be submitted within 30 days of the close of each quarter; quarters shall be defined as January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.
 - (f) Name and location of approved facility at which solid waste and recyclable materials were incinerated, deposited, and/or recycled.
- (3) The permit shall be valid for a period of not more than one year, renewable annually on the first day of January, subject to review and approval by the Board of Health.
- (4) No permit shall be transferable except with the approval of the Board of Health.

E. Operational procedures.

- (1) The permittee shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection solid waste bans and any other item deemed feasible by the Board of Health, as set forth in Subsection G.
- (2) The permittee shall offer collection of solid waste on a weekly basis.
- (3) The permittee shall offer collection of recyclable materials a minimum of once every other week or on a schedule approved by the Board of Health.
- (4) Permittees shall provide their customers with a list of acceptable waste types and recyclable materials, with a list or description of proper packaging or bundling methods of same.
- (5) The permittee shall collect solid waste and recyclable materials from its customers in Northbridge.
- (6) Recyclable materials shall be placed curbside or at another approved location, on specified days, in their own approved reusable containers.

- (7) The permittee may refuse to collect any commercial, industrial, municipal or residential solid waste and/or recyclable materials if there is an indication that the material is not solid waste as defined in these regulations, or if the recyclable materials are not properly packaged or bundled. The permittee shall notify such customers of the reason(s) for refusal to collect. The permittee may notify the Board of Health of any customer who continues with repeated offenses.
- (8) The permittee shall take all reasonable care in the collection of solid waste. Solid waste shall not be scattered about the streets or onto private property. Solid waste which is spilled shall be immediately picked up by the permittee and removed with other wastes.
- (9) All vehicles and other equipment used by the permittee shall be kept in good repair and appearance and in a sanitary condition.
- (10) Vehicles shall be appropriately marked to identify the owner's and/or company's name in lettering large enough to be seen from a distance of 100 feet and shall clearly display all local, state, and federal registrations, permits and licenses.
- (11) The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure compliance with applicable state and local laws, bylaws, and regulations.
- (12) The permittee shall provide for the collection of bulk items, such as, but not limited to, couches, chairs, mattresses, white goods, etc.
- (13) Any violation of these regulations or any other applicable laws or regulations by the permittee will be grounds for suspension, modification, or revocation of said permit.

F. Insurance.

- (1) The permittee shall provide a certificate of insurance as evidence of having comprehensive general liability insurance naming the Town of Northbridge as an additional insured. The comprehensive general liability policy shall be in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage.
- (2) The insurance policies shall be so written that the Board of Health will be notified of cancellation or restriction amendments at least 30 days prior to the effective date of such cancellations or amendments.

G. Recyclable materials.

- (1) This section is subject to amendment and revision by the Board of Health and the Commonwealth of Massachusetts as additional rules and regulations may be promulgated. The Board of Health may amend this section upon written notice to all permittees following public hearing and after reasonable notice to all permittees.

- (2) Recyclable materials shall be defined as materials that have the potential to be recycled and which are not commingled with solid waste.
- (3) The following items shall be deemed recyclable materials:
 - (a) Paper products (tied in bundles or placed in brown paper bags):
 - [1] Newspaper and glossy inserts.
 - [2] Magazines.
 - [3] Phone books.
 - [4] Junk (and other) mail.
 - [5] Cereal boxes, packaging, toy boxes, etc.
 - [6] White, colored, and computer paper.
 - [7] Corrugated cardboard.
 - (b) Glass (empty, rinsed, and dry whole bottles and jars. Labels, caps, and neck rings may remain on bottles.):
 - [1] Clear, brown or green food and beverage containers only.
 - (c) Metal (empty, rinsed, and dry. Labels may remain and lids may be attached or placed inside the can; webbing must be removed from aluminum furniture; empty aerosol cans will be accepted.):
 - [1] All metal cans, tins, steel, aluminum, etc.
 - [2] Aluminum foil and food trays.
 - (d) Plastics (empty, rinsed, and dry. Labels, caps, and neck rings may remain.):
 - [1] Plastic milk, juice, and water jugs.
 - [2] Soda bottles.
 - [3] Detergent bottles.
 - [4] Plastics No. 1 through No. 7.

H. (Reserved)

I. Indemnification.

- (1) Permittees shall enter into arrangements for the collection of solid waste and recyclable materials with individual residents, the municipality, and commercial and industrial customers of the Town, in which the permittee will be paid directly by the customer.

- (2) The permittee agrees to indemnify the Town from any loss that may arise from the improper treatment, storage, or disposal of hazardous wastes collected within the Town.
- J. Suspension, modification or revocation of permits. Any solid waste/recyclable collection permit may be suspended, modified, or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the permittee has not conformed to the requirements of these regulations or such further regulations as may be adopted or to any applicable state or federal statute, regulations, rule or order regarding transportation or disposal of rubbish. Appeals of such suspensions, modification or revocations may be directed to the Board of Health within 10 business days of said suspension, modification, or revocation.
- K. Severability. Each of these regulations shall be construed as separate to the end that, if any regulation, clause, or phrase thereof should be held invalid for any reason, the remainder of the regulations and all other regulations shall continue to be in force.
- L. Variances. Any request for variance from these regulations must be submitted in writing to the Board of Health. The Board shall, within 21 days of receipt of the request for variance, hold a public hearing, at which time the applicant must demonstrate to the Board, by clear and convincing evidence, that there will be no adverse effect on the environment or the public health and safety by the granting of the variance request. All fees associated with the public hearing shall be paid by the applicant. All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.
- M. Noncriminal disposition method of enforcement. For the purposes of noncriminal disposition under MGL c. 40, § 21D, and the Northbridge Code of Bylaws, § 1-109A, any violation of any section of these regulations shall be subject to a penalty in the amount of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and subsequent offenses in the same calendar year. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.
- N. Effective date. These regulations shall become effective on May 30, 2001.

§ 201-18. Trash collection; contractors; dumpster regulations.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CONSTRUCTION AND DEMOLITION (C & D) DUMPSTER — Any container used solely for the collection of construction, demolition and remodeling waste.

CONTRACTOR — The company or firm which is the owner of the dumpster.

DUMPSTER — Any container used for the collection of garbage, offal or other offensive substances with a minimum capacity of 1.5 cubic yards.

TEMPORARY — A period of time no greater than 30 days.

B. Regulations.

- (1) Any contractor that operates or supplies a dumpster or trash collection service shall be required to obtain a permit from the Board of Health in accordance with § 201-17 of the Regulations of the Town of Northbridge Board of Health and MGL c. 111, § 31A. [Exception: Contractors who supply dumpster services solely for the purpose of the collection of construction, demolition and remodeling waste need not comply with § 201-17.]
 - (a) Construction and demolition dumpster contractors shall be required to obtain a dumpster permit from the Board of Health office. Applications for C & D dumpster permits shall include name and address of owner, location of dumpster on the property, and name, address, and phone number of the owner of the dumpster.
 - (b) The fee for a temporary C & D dumpster permit shall be set by the Board. Said permit may be renewed for an additional 30 days upon application and payment of an additional fee. [See § 201-23, Fee Schedule.]
 - (c) An annual C & D dumpster permit may be issued by the Board for large projects that may be ongoing (i.e., subdivision construction) or whose completion will not occur within a six-month period of time.
 - (d) The fee for an annual C & D dumpster permit shall be set by the Board. Said permit may be renewed annually at the close of the calendar year that the permit was issued upon application to the Board and payment of a renewal fee. [See § 201-23, Fee Schedule.]
 - (e) There shall be no commingling of household waste with C & D waste.
 - (f) All other regulations outlined in this chapter shall apply to C & D dumpsters.
- (2) The contractor's name and business telephone number shall be conspicuously displayed on the dumpster.
- (3) The property owner or authorized agent of the premises utilizing the collection service shall assure that each dumpster is of sufficient size and capacity to prevent overflowing.
- (4) Each dumpster must be situated so as not to obstruct the view of flowing traffic.
- (5) All dumpsters must be secure, free from tipping, in good working order and shall be capable of being closed. [Exception: Dumpsters used for the disposal of demolition, construction or remodeling wastes may have open tops.]
- (6) It shall be the responsibility of the property owner or agent being serviced to maintain the dumpster area free of odors, scattered debris, overflowing and all other nuisances.
- (7) The contractor shall have the dumpster deodorized and/or sanitized as necessary or as ordered by the Board of Health.

- (8) A contractor shall not leave an uncontracted dumpster or container at a property. Said container must be removed within 72 hours after termination of service.
 - (9) The Board of Health, when deemed necessary, may require that a dumpster site be enclosed or screened by the property owner or authorized agent.
 - (10) These regulations apply to all dumpsters in the Town of Northbridge whether for residential, commercial or industrial use.
- C. Violations of these rules and regulations.
- (1) Suspension of licenses. Any refuse collection license may be suspended or revised by the Board of Health upon receipt of evidence satisfactory to the Board that the licensee has not conformed with the requirements of these regulations or such further regulations as may be adopted for the collection and disposal of refuse or upon recommendation of the Board of Health.
 - (2) Violations. Violations of these regulations shall be punishable by a fine of \$25 per violation. Each day shall constitute a new violation.
- D. Severability. Each of these regulations shall be construed as separate to the end that, if any regulation or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in force.

§ 201-19. Prohibition of smoking in workplaces and public places. [Added 9-24-2013, effective 10-4-2013]

- A. Statement of purpose. The purpose of this regulation is to protect the health of the employees and the general public in the Town of Northbridge.
- B. Authority. This regulation is promulgated pursuant to the authority granted to the Northbridge Board of Health by MGL c. 111, § 31, that Boards of Health may make reasonable health regulations. It is also promulgated pursuant to MGL c. 270, § 22(j), which states in part that "Nothing in this section shall permit smoking in an area in which smoking is or may hereafter be prohibited by law, including, without limitation, any other law or ordinance or bylaw or any fire, health or safety regulation. Nothing in this section shall preempt further limitation of smoking by the commonwealth or any department, agency, political subdivision of the commonwealth."
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

E-CIGARETTE — Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of any liquid or solid nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

EMPLOYEE — An individual or person who performs a service for compensation for an employer at the employer's workplace, including a contract employee, temporary

employee, and independent contractor who performs a service in the employer's workplace.

EMPLOYER — An individual, person, partnership, association, corporation, trust, organization, school, college, university or other educational institution or other legal entity, whether public, quasi-public, private, or nonprofit, which uses the services of one or more employees at one or more workplaces, at any one time, including the Town of Northbridge.

ENCLOSED — A space bounded by walls, with or without windows, continuous from floor to ceiling and enclosed by one or more doors, including but not limited to an office, function room or hallway.

MARIJUANA — All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

MUNICIPAL BUILDING — Any building or facility owned, operated, leased, or occupied by the Town of Northbridge.

NICOTINE DELIVERY PRODUCT — Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

SMOKING BAR — An establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by MGL c. 270, § 22, to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars."

SMOKING (SMOKE) — The lighting of a cigar, cigarette, pipe, tobacco product, marijuana, or nicotine delivery product or possessing a lighted cigar, cigarette, pipe, tobacco product, marijuana, or nicotine delivery product or any nontobacco product designed to be combusted and inhaled.

TOBACCO/TOBACCO PRODUCTS — Cigarettes, cigars, chewing tobacco, pipe tobacco, snuff or tobacco in any of its forms.

WORKPLACE — An indoor area, structure or facility or a portion thereof at which one or more employees perform a service, for compensation, for an employer, or other

enclosed spaces rented to or otherwise used by the public, and where the employer has the right or authority to exercise control over the space.

D. Smoking prohibited.

- (1) Smoking is hereby prohibited in the Town of Northbridge in accordance with MGL c. 270, § 22, commonly known as the "Smoke-Free Workplace Law."
- (2) It shall be the responsibility of the employer to provide a smoke-free environment for all employees working in an enclosed workplace.
- (3) Pursuant to MGL c. 270, § 22(j), smoking is also hereby prohibited in smoking bars and within 20 feet of an entranceway accessible to the public. [Exception: this shall not apply to a smoker transiting through such area nor to a smoker approaching an entranceway with the intention of extinguishing a tobacco product.]
- (4) It is prohibited for any person to use tobacco or tobacco products, including e-cigarettes, marijuana or any combustible substance or product designed to be burned and inhaled, in any municipal building or on any municipal grounds, in parks, or in recreation areas open to the public.

E. Violations and penalties.

- (1) The Board of Health, its agent, or designee may, in accordance with MGL c. 40, § 21D, and the Northbridge Code of Bylaws, § 1-109A, enforce these regulations through the disposition of noncriminal fines as set forth below:
 - (a) An owner, manager, or other person in control of a building, vehicle or vessel who violates these regulations shall be punished by a fine of:
 - [1] In the case of a first offense: a fine of \$100.
 - [2] In the case of second offense within 36 months of the first offense: a fine of \$200.
 - [3] In the case of a third or subsequent offense within 36 months of the second offense: a fine of \$300.
- (2) Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.
- (3) The Board of Health may, at its discretion, file criminal complaints for violations of this regulation. Said complaints shall be filed with the District Court.

F. Enforcement. Enforcement of this regulation shall be implemented by the Board of Health of the Town of Northbridge or its designated agent(s).

G. Severability. Each of these regulations shall be construed as separate to the end that, if any regulation or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force and effect.

H. Effective date. These regulations shall become effective October 4, 2013.

§ 201-20. Body art establishments.

- A. Purpose. Whereas body art is becoming prevalent and popular throughout the commonwealth; and whereas knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of the practitioner should be demonstrated to prevent the transmission of disease or injury to the client and/or practitioner; now, therefore, the Board of Health of the Town of Northbridge passes these rules and regulations for the practice of body art in the Town of Northbridge as part of our mission to protect the health, safety and welfare of the public.
- B. Authority. These regulations are promulgated under the authority granted to the Board of Health under MGL c. 111, § 31.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFTERCARE — Written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

APPLICANT — Any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

AUTOCLAVE — An apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

AUTOCLAVING — A process that results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of 30 minutes at 20 pounds of pressure (PSI) at a temperature of 270° F.

BLOOD-BORNE PATHOGENS STANDARD — OSHA guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."

BOARD OF HEALTH or BOARD — The Board of Health of the Town of Northbridge or its authorized agent.

BODY ART — The practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited.

BODY ART ESTABLISHMENT or ESTABLISHMENT — A location, place, or business that has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

BODY ART PRACTITIONER or PRACTITIONER — A specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

BODY PIERCING — Puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear-piercing.

BRAIDING — The cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

BRANDING — Inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.

CLEANING AREA — The area in a body art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art.

CLIENT — A member of the public who requests a body art procedure at a body art establishment.

CONTAMINATED WASTE — Waste as defined in 105 CMR 480.00, Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code Chapter VIII, and/or 29 CFR Part 1910.1030. This includes any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials.

COSMETIC TATTOOING (also known as "permanent cosmetics," "micro-pigment implantation" or "dermal pigmentation") — The implantation of permanent pigment, around the eyes, lips and cheeks of the face, and hair imitation.

DISINFECTANT — A product registered as a disinfectant by the United States Environmental Protection Agency (EPA).

DISINFECTION — The destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

EAR-PIERCING — The puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

EQUIPMENT — All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

EXPOSURE — An event whereby there is an eye, mouth or other mucous membrane, nonintact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, nonintact skin or parenteral contact with other potentially infectious matter.

HAND SINK — A lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

HOT WATER — Water that attains and maintains a temperature 110° F. to 130° F.

INSTRUMENTS USED FOR BODY ART — Hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

INVASIVE — Entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

JEWELRY — Any ornament inserted into a newly pierced area, which must be made of surgical-implant-grade stainless steel, solid 14K or 18K white or yellow gold, niobium, titanium, or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

LIGHT-COLORED — Has a light reflectance value of 70% or greater.

MINOR — Any person under the age of 18 years.

MOBILE BODY ART ESTABLISHMENT — Any trailer, truck, car, van, camper or other motorized or nonmotorized vehicle, a shed, tent, movable structure, bar, home or other facility wherein, or concert, fair, party or other event whereat, one desires to or actually does conduct body art procedures.

OPERATOR — Any person who, individually or jointly or severally with others, owns or controls an establishment but is not a body art practitioner.

PARENTERAL CONTACT — Piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts and abrasions.

PERMIT — Board approval, in writing, to either operate a body art establishment or operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within the Board's jurisdiction.

PERSON — An individual, any form of business or social organization or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

PHYSICIAN — An individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to MGL c. 112, § 2.

PROCEDURE SURFACE — Any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

SANITARY — Clean and free of agents of infection or disease.

SANITIZE — The application of a United States Environmental Protection Agency-registered sanitizer on a cleaned surface in accordance with the label instructions.

SCARIFICATION — Altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as "keloids."

SHARPS — Any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

SHARPS CONTAINER — A puncture-resistant, leakproof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the international biohazard symbol.

SINGLE-USE ITEMS — Products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

STERILIZE — The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

TATTOO — The indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

TATTOOING — Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

TEMPORARY BODY ART ESTABLISHMENT — The same as "mobile body art establishment."

THREE-DIMENSIONAL "3D" BODY ART or BEADING or IMPLANTATION — The form of body art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the skin of a person. This term does not include body piercing.

ULTRASONIC CLEANING UNIT — A unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high-frequency oscillations transmitted through the contained liquid.

UNIVERSAL PRECAUTIONS — A set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report

(MMWR), June 23, 1989, Vol. 38, No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body-fluid-contaminated products.

D. Exemptions.

- (1) Physicians licensed in accordance with MGL c. 112, § 2, who perform body art procedures as part of patient treatment are exempt from these regulations.
- (2) Individuals who pierce only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

E. Restrictions.

- (1) No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.
 - (2) Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18, provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure. "Properly identified" shall mean a valid photo identification of the adult and a birth certificate of the minor.
 - (3) No body art shall be performed upon an animal.
 - (4) The following body piercings are hereby prohibited: piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs or vertebrae; piercing of the web area of the hand or foot; piercing of the lingual frenulum (tongue web); piercing of the clitoris; any form of chest or deep muscle piercings, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing or skewering of a testicle; so called "deep" piercing of the penis, meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone; so called "deep" piercing of the scrotum, meaning piercing through the scrotum, or "transcrotal" piercing; so called "deep" piercing of the vagina.
 - (5) The following practices are hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: tongue splitting; braiding; three dimensional/beading/implementation, tooth filing/fracturing/removal/tattooing; cartilage modification; amputation; genital modification; introduction of saline or other liquids.
- F. Operation of body art establishments. Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

- (1) Physical plant.
 - (a) Walls, floors, ceilings, and procedure surfaces shall be smooth, durable, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
 - (b) Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
 - (c) The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
 - (d) Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a partition, at a minimum.
 - (e) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 footcandles three feet off the floor, except that at least 100 footcandles shall be provided at the level where the body art procedure is being performed, where instruments and sharps are assembled and all cleaning areas.
 - (f) All electrical outlets in operator areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.
 - (g) A separate, readily accessible hand sink, with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls, and supplied with liquid soap and disposable paper towels stored in fixed dispensers, shall be readily accessible within the establishment. Each operator area shall have a hand sink.
 - (h) There shall be a sharps container in each operator area and each cleaning area.
 - (i) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.
 - (j) The public water supply entering a body art establishment shall be protected by a testable, reduced-pressure backflow preventor installed in accordance with 142 CMR 248, as amended from time to time.
 - (k) At least one covered, foot-operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leakproof,

rodent-resistant containers and shall be removed from the premises at least weekly.

- (l) At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of noncontaminated liquid wastes in accordance with all applicable federal, state and local laws. Said sink shall be of adequate size, equipped with hot and cold running water under pressure, and permit the cleaning of the establishment and any equipment used for cleaning.
 - (m) All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
 - (n) The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
 - (o) The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
 - (p) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
 - (q) Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of nonalcoholic fluids being offered to a client during or after a body art procedure.
- (2) Requirements for single-use items, including inks, dyes and pigments.
- (a) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
 - (b) All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single-use and disposable.
 - (c) Hollow-bore needles or needles with a cannula shall not be reused.
 - (d) All inks, dyes, pigments, solid-core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
 - (e) Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

- (3) Sanitation and sterilization measures and procedures.
- (a) All nondisposable instruments used for body art, including all reusable solid-core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water (to remove blood and tissue residue) and shall be placed in an ultrasonic unit sold for cleaning purposes under approval of the United States Food and Drug Administration and operated in accordance with manufacturer's instructions.
 - (b) After being cleaned, all nondisposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave sold for medical sterilization purposes under approval of the United States Food and Drug Administration. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six months.
 - (c) The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves shall be located away from workstations or areas frequented by the public.
 - (d) Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three years and made available to the Board upon request.
 - (e) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
 - (f) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
 - (g) If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
 - (h) When assembling instruments used for body art procedures, the operator shall wear sterile disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.
 - (i) Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry,

clean environment until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical-care facilities, at a temperature of 160° F. or a temperature of 120° F. with the use of chlorine disinfectant.

- (4) Posting requirements. The following shall be prominently displayed:
- (a) A disclosure statement, a model of which shall be available from the Board. A disclosure statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
 - (b) The name, address and phone number of the Northbridge Board of Health.
 - (c) An emergency plan, including:
 - [1] A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - [2] A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - [3] A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
 - (d) An occupancy and use permit as issued by the local building official.
 - (e) A current establishment permit.
 - (f) Each practitioner's permit.
- (5) Establishment recordkeeping. The establishment shall maintain the following records in a secure place for a minimum of three years, and such records shall be made available to the Board upon request:
- (a) Establishment information, which shall include:
 - [1] Establishment name;
 - [2] Hours of operation;
 - [3] Owner's name and address;
 - [4] A complete description of all body art procedures performed;
 - [5] An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
 - [6] A material safety data sheet, when available, for each ink and dye used by the establishment;

- [7] Copies of waste hauler manifests;
 - [8] Copies of commercial biological monitoring tests;
 - [9] Exposure incident report (kept permanently);
 - [10] A copy of these regulations.
- (b) Employee information, which shall include:
- [1] Full legal names and exact duties;
 - [2] Date of birth;
 - [3] Home address;
 - [4] Home/work phone numbers;
 - [5] Identification photograph;
 - [6] Dates of employment;
 - [7] Hepatitis B vaccination status or declination notification; and
 - [8] Training records.
- (c) Client information, which shall include:
- [1] Name;
 - [2] Age as verified by valid photo identification (note ID utilized for age verification);
 - [3] Address of the client;
 - [4] Date of the procedure;
 - [5] Name of the practitioner who performed the procedure(s);
 - [6] Description of procedure(s) performed and the location on the body;
 - [7] A signed consent form as specified by Subsection G(4)(b); and
 - [8] If the client is a person under the age of 18, proof of parental or guardian identification, presence and consent, including age verification by photographic identification of the parent or guardian (note ID utilized for age verification).
- (d) Exposure control plan. Each establishment shall create, update, and comply with an exposure control plan. The plan shall be submitted to the Board for review so as to meet all of the requirements of OSHA regulations, to include, but not be limited to, 29 CFR 1910.1030, OSHA Bloodborne Pathogens Standards, et seq., as amended from time to time. A copy of the plan shall be

maintained at the body art establishment at all times and shall be made available to the Board upon request.

(6) No person shall establish or operate a mobile or temporary body art establishment.

G. Standards of practice. Practitioners are required to comply with the following minimum health standards:

- (1) A practitioner shall perform all body art procedures in accordance with universal precautions set forth by the United States Centers for Disease Control and Prevention.
- (2) A practitioner shall refuse service to any person who appears to be under the influence of alcohol or drugs.
- (3) Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use and to applicable United States Food and Drug Administration requirements. No practitioner shall use an ear-piercing system on any part of the client's body other than the lobe of the ear.
- (4) Health history and client informed consent. Prior to performing a body art procedure on a client, the practitioner shall:
 - (a) Inform the client, verbally and in writing, that the following health conditions may increase health risks associated with receiving a body art procedure:
 - [1] History of diabetes;
 - [2] History of hemophilia (bleeding);
 - [3] History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
 - [4] History of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - [5] History of epilepsy, seizures, fainting, or narcolepsy;
 - [6] Use of medications, such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - [7] Any other conditions such as hepatitis or HIV.
 - (b) Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by Subsection G(11).
- (5) A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash his/her hands in hot running water with liquid soap, then rinse

hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

- (6) In performing body art procedures, a practitioner shall wear sterile single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with Subsection G(5) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of sterile single-use gloves does not preclude or substitute for handwashing procedures as part of a good personal hygiene program.
- (7) The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- (8) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- (9) Preparation and care of a client's skin area must comply with the following:
 - (a) Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - (b) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - (c) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- (10) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- (11) The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site.

- (a) The written instructions shall advise the client:
 - [1] On the proper cleansing of the area which received the body art;
 - [2] To consult a health-care provider for:
 - [a] Unexpected redness, tenderness or swelling at the site of the body art procedure;
 - [b] Any rash;
 - [c] Unexpected drainage at or from the site of the body art procedure; or
 - [d] A fever within 24 hours of the body art procedure; and
 - [3] Of the address, and phone number of the establishment.
- (b) A copy shall be provided to the client.
- (c) A model set of aftercare instructions shall be made available by the Board.
- (12) Contaminated waste shall be stored, treated and disposed of in accordance with 105 CMR 480.000, Storage and Disposal of Infectious or Physically Dangerous Medial or Biological Waster, State Sanitary Code Chapter VIII.

H. Exposure incident report.

- (1) An exposure incident report shall be completed by the close of the business day during which an exposure has or might have taken place by the involved or knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity.
- (2) Each exposure incident report shall contain:
 - (a) A copy of the application and consent for body art activity completed by a client or minor client involved in the exposure incident;
 - (b) A full description of the exposure incident, including the portion of the body involved therein;
 - (c) Instrument(s) or other equipment implicated;
 - (d) A copy of the body art practitioner license of the involved body art practitioner;
 - (e) Date and time of exposure;
 - (f) A copy of any medical history released to the body art establishment or body art practitioner; and
 - (g) Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

- I. Injury and/or complication reports. A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof. The report shall include:
- (1) The name of the affected client;
 - (2) The name and location of the body art establishment involved;
 - (3) The nature of the injury, infection complication or disease;
 - (4) The name and address of the affected client's health-care provider, if any;
 - (5) Any other information considered relevant to the situation.
- J. Complaints.
- (1) The Board shall investigate complaints received about an establishment or practitioner's practices or acts that may violate any provision of the Board's regulations.
 - (2) If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.
 - (3) If the Board finds that an investigation is required because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate, and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.
- K. Application for body art establishment permit.
- (1) No person may operate a body art establishment except with a valid permit from the Board.
 - (2) Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
 - (3) An establishment permit shall be valid from the date of issuance and for no longer than one year unless revoked sooner by the Board.
 - (4) The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:

- (a) Name, address, and telephone number of:
 - [1] The body art establishment;
 - [2] The operator of the establishment; and
 - [3] The body art practitioner(s) working at the establishment;
 - (b) The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;
 - (c) A signed and dated acknowledgment that the applicant has received, read and understood the requirements of the Board's body art regulations;
 - (d) A drawing of the floor plan of the proposed establishment, to scale, for a plan review by the Board as part of the permit application process; and
 - (e) Exposure report plan.
 - (f) Such additional information as the Board may reasonably require.
 - (5) The annual fee for the body art establishment shall be set by the Board. [See § 201-23, Fee Schedule.]
 - (6) A permit for a body art establishment shall not be transferable from one place or person to another.
- L. Application for body art practitioner permit.
- (1) No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board.
 - (2) The annual fee for the body art practitioner permit shall be set by the Board. [See § 201-23, Fee Schedule.]
 - (3) A practitioner shall be a minimum of 18 years of age.
 - (4) A practitioner permit shall be valid from the date of issuance and shall expire no later than one year from the date of issuance, unless revoked sooner by the Board.
 - (5) Application for a practitioner permit shall include:
 - (a) Legal name;
 - (b) Date of birth;
 - (c) Residence address;
 - (d) Mailing address;
 - (e) Phone number;
 - (f) Place(s) of employment as a practitioner; and
 - (g) Training and/or experience as set out in Subsection L(6) below.

- (6) Practitioner training and experience.
- (a) In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
- (b) Training.
- [1] Training for all practitioners shall be approved by the Board and, at a minimum, shall include the following:
- [a] Bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and
- [b] Current certification in first aid and cardiopulmonary resuscitation (CPR).
- [2] Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (United States OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.
- (c) The applicant for a body-piercing practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges or comparable accrediting entity. This course must include instruction on the system of the integumentary system (skin).
- (d) The applicant for a tattoo, branding or scarification practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges or comparable accrediting entity. This course must include instruction on the system of the integumentary system (skin). Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the anatomy course.
- (e) The applicant for all practitioner permits shall submit evidence satisfactory to the Board of at least two years' actual experience in the practice of performing body art activities of the kind for which the applicant seeks a body art practitioner permit to perform, whether such experience was obtained within or outside of the commonwealth.
- (7) A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these rules and regulations.

M. Grounds for suspension, denial, revocation, or refusal to renew permit.

- (1) The Board may suspend a permit, deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation or refusal to renew:
 - (a) Any actions which would indicate that the health or safety of the public would be at risk;
 - (b) Fraud, deceit or misrepresentation in obtaining a permit or its renewal;
 - (c) Criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 - (d) Any present or past violation of the Board's regulations governing the practice of body art;
 - (e) Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - (f) Being habitually drunk or being dependent on, or a habitual user of, narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 - (g) Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
 - (h) Continuing to practice while his/her permit is lapsed, suspended, or revoked;
 - (i) Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations; and
 - (j) Other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.
- (2) The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven days, subject to the procedures outlined in Subsection O.
- (3) Applicants denied a permit may reapply at any time after denial.

N. Grounds for suspension of permit. The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or a practitioner is an immediate and

serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

O. Procedure for hearings.

- (1) The owner of the establishment or practitioner shall be given written notice of the Board's intent to hold a hearing for the purpose of suspension, revocation, denial or refusal to renew a permit. This written notice shall be served through a certified letter sent return receipt requested or by constable. The notice shall include the date, time and place of the hearing and the owner of the establishment or practitioner's right to be heard. The Board shall hold the hearing no later than 21 days from the date the written notice is received.
- (2) In the case of a suspension of a permit as noted in Subsection M, a hearing shall be scheduled no later than 21 days from the date of the suspension.

P. Severability. If any provision contained in these rules and regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

Q. Punitive measures for noncompliance.

- (1) Criminal complaints shall be filed at the discretion of the Board or its agent immediately upon verification of violation of these regulations. Said complaint shall be filed with the District Court.
- (2) Noncriminal complaints.
 - (a) Noncriminal complaints shall be filed at the discretion of the Board or its agent in accordance with MGL c. 40, § 21D, and the Northbridge Code of Bylaws, § 1-109A, in the following manner:
 - [1] First offense: \$100.
 - [2] Second offense: \$200.
 - [3] Third and subsequent offenses in a calendar year: \$300.
 - (b) Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.

R. Effective date. These rules and regulations shall be effective as of March 21, 2001.

§ 201-21. Mercury disposal regulations.

- A. Purpose. Whereas mercury is an element that can be toxic to humans and wildlife; and whereas exposure to mercury can damage the nervous system, brain, kidneys, liver, and immune system; and whereas mercury can enter the body either through skin absorption or through inhalation of mercury vapors; now, therefore, the Board of Health of the Town of Northbridge passes these rules and regulations for the disposal of

mercury-containing products in the Town of Northbridge as part of its mission to protect the health, safety and welfare of the public.

- B. Authority. These regulations are promulgated under the authority granted to the Board of Health under MGL, c. 111, § 31.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

INDIVIDUAL — Any person or persons that may be responsible for the removal or replacement of mercury-containing products. The individual may be the property owner, contractor, plumber, electrician, or any other person responsible for the ultimate disposal of mercury-containing products, including employees and owners of retail, hardware, and electronic stores, as well as administrators and employees of health-care facilities or any other establishment where mercury-containing products may be found.

MERCURY-CONTAINING PRODUCTS — Any product that contains the element mercury. These common products include but are not limited to thermometers (i.e., fever, candy, oven, indoor and outdoor), thermostats, fluorescent bulbs and switches, barometers, sphygmomanometers (blood pressure cuffs), and button cell batteries.

D. Regulations.

- (1) Mercury-containing products shall not be disposed of through any waste stream that results in their incineration, landfilling, discharge into the environment or any other method of disposal not approved by the Department of Environmental Protection and the Northbridge Board of Health.
- (2) It shall be the responsibility of the individual(s) removing or replacing such mercury-containing products to properly dispose of this product in accordance with these regulations and any state regulation regarding proper mercury disposal.
- (3) Mercury-containing products must be disposed of through an approved Board of Health recycling program. Approved programs shall, at a minimum, document how they will accept, store, recycle and transfer each product.

E. Enforcement and penalties.

- (1) Any member of the Board of Health or its agents, the Northbridge Building Department, including the Building Inspector, Electrical Inspector, and Plumbing Inspector, or any other person designated by the Board of Health that may oversee the removal, replacement, or disposal of mercury-containing products shall enforce the provisions of this regulation.
- (2) For the purposes of noncriminal disposition under MGL c. 40, § 21D, and the Northbridge Code of Bylaws, § 1-109A, any violation of any section of these regulations shall be subject to a penalty in the amount of \$50 for the first offense, \$150 for the second offense, and \$300 for the third and subsequent offenses in the same calendar year. Each day or portion thereof during which a violation continues shall constitute a separate offense.

- F. Severability. Each provision of this regulation shall be construed as separate to the end that, if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.
- G. Effective date. These rules and regulations shall be effective as of July 1, 2002.

§ 201-22. (Reserved)

§ 201-23. Fee Schedule.

The following shall be the fee schedule for permits, applications and services for the Board of Health:

Board of Health Fee Schedule

Type	Fee
Food-service establishments:	
0 to 75 seats	\$150
76 to 149 seats	\$200
150 seats and over	\$300
(For nursing home facilities, seats shall equal beds.)	
Banquet facility/hall	\$100
Residential kitchen	\$125
Retail food only	\$150
Retail more than five registers, add:	\$300
Food service with retail food	\$225
Retail food with food service	\$225
Retail food limited (prepackaged food not requiring refrigeration, excluding soft drinks, occupying less than 50 square feet of retail space)	\$100
Caterer	\$125
Caterer with food service establishment, add:	\$50
Mobile food/seasonal	\$100
One day/temporary	\$25
One day/temporary, nonprofit	N/C
One day/temporary, late charge	\$10
Frozen dessert machines, per plant	\$65
Food service/retail food reinspection	
Fees for noncompliance:	
1st reinspection	\$—
2nd reinspection	\$200

Board of Health Fee Schedule

Type	Fee
3rd reinspection	\$300
4th reinspection	Revocation of permit; establishment must reapply for permit
Quarterly inspection order	\$100
Replacement/addition of food equipment without prior Board of Health approval	\$200
Food establishment plan review	
0 to 2,000 square feet	\$100
2,001 to 5,000 square feet	\$200
5,001 to 10,000 square feet	\$350
Over 10,000 square feet	\$600
Funeral directors	\$100
Hot tub permit	\$100
Housing:	
Inspection for certification	\$75
Reinspection after compliance period, per inspection	\$50
Public pool permit	\$100
Bathing beach permit	\$30
Stable permit, private	\$50
Stable permit, public	\$100
Tanning facility	\$100
Tobacco permit	\$100
Trash hauler permit	\$200
Construction and demolition dumpster	
Annual	\$150
Temporary	\$25
Well construction permit	\$100
Well destruction permit	\$50
Septage hauler permit	\$200
Body art establishment	\$200
Body art practitioner	\$100
Recreational camps for children	
First week	\$100
Each additional week	+ \$30
Disposal works installer	
Annual license fee	\$150

Board of Health Fee Schedule

Type	Fee
Minimum renewal fee	\$25
Testing fee	\$75
Percolation/deep-hole soils evaluation	\$375
New construction repair	\$275
Percolation test only	\$175
Deep-hole soils evaluation only	\$250
Single percolation test	\$125
Single deep-hole soils evaluation	\$125
Plan review	
First 2	\$200
Third and subsequent reviews, each review	\$75
Septic inspections	\$300
Retaining wall/clay barrier inspection	\$75
Percolation/plan review extension review	\$100
Subdivision review	Hourly rate + 20%; Minimum fee = \$300
Commercial testing, per site	\$450

§ 201-24. Noncriminal disposition.

For purposes of noncriminal disposition under MGL c. 40, § 21D, and the Northbridge Code of Bylaws, § 1-109A, any person who violates any regulation adopted by the Board of Health pursuant to MGL c. 111, § 31A, if not otherwise specified, shall be subject to a penalty in the amount of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and all subsequent offenses in the same calendar year. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.

§ 201-25. Severability.

If any section, paragraph, sentence, clause or phrase of these rules and regulations is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision, and such decision shall not affect the validity of the remaining portions of these regulations, which shall remain in full force and effect, and to this end the provisions of these rules and regulations are hereby declared severable.