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# CHAPTER 1

## BOARD OF HEALTH

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### 1.1 RULES AND REGULATIONS

The Board of Health in the Town of Norton, Massachusetts, adopted the following Rules and Regulations at a legally convened meeting on October 18, 2007 under authority granted by the General Laws of Massachusetts. They become effective upon publication as required by Section 31 of Chapter 111 of the General Laws and were filed with the Town Clerk as required by § 33 of Chapter 40 of the General Laws.

These rules and regulations replace all previous rules and regulations adopted by the Norton Board of Health.

### 1.2 PUBLIC HEALTH STANDARDS

The Norton Board of Health shall be responsible for enforcing, in cooperation with the State Department of Public Health, all of these rules and regulations, all General Laws of the Commonwealth that relate to public health, the State Sanitary Code, and the State Environmental Code, as amended.

The Board of Health shall also implement those local public health services, which are outlined in the Massachusetts Department of Public Health publication entitled "Recommended Minimum Standards for Local Health Services in Massachusetts."

### 1.3 VIOLATIONS

The violations of any provision herein adopted by the Board of Health shall be punishable by the fine prescribed by the General Laws relating to that provision or, if no other penalty is provided, by a fine of **(50.00) dollars** per day as provided for in § 31 of Chapter 111.

Where a permit and fee is required for approval prior to construction or installation of facilities and such work is performed without a permit or approval, the Board may impose a fine equal to twice the permit application fee.

### 1.4 NON-CRIMINAL DISPOSITION

In accordance with MGL chapter 40, section 21D, {*the Town of Norton Town meeting amended and approved 2/27/91*} whoever violates any provision of these Rules and Regulations may be penalized by non-criminal disposition.

### 1.5 SEVERABILITY

In the event that any chapter, section, paragraph, or part of these rules and regulations is, for any reason, declared invalid or unconstitutional, every other chapter, section, paragraph, or part shall continue in full force and effect.

No section of these rules and regulations shall be interpreted to be in conflict with "The State Sanitary Code", "The State Environmental Code", or with any General Law of the Commonwealth.

## **CHAPTER 2**

### **SUBDIVISION APPROVAL**

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#### SPECIFICATIONS AND PROCEDURES

- 2.1 The developer shall submit to the Board of Health two (2) sets of prints including a plan of the proposed subdivision and plan and profile of the streets.
- 2.2 The plan shall indicate the existing topography and the proposed final topography at a suitable contour interval. Other major site features pertinent to drainage or sanitary disposal shall be indicated, such as ledge outcrops, swamps, and other water bodies.
- 2.3 The plan and profile of the proposed streets shall be at a scale of one (1) inch = forty (40) feet horizontal and one (1) inch = four (4) feet vertical. The location of the proposed drainage system shall be shown in detail with sizes of pipe, elevation of all catch basins and inverts, and slopes of all pipes indicated.
- 2.4 The plan shall show all proposed lots with a minimum of one percolation test per lot, and proposed subsurface sewage disposal system and well locations.
- 2.5 The Board will have its Agent check the plans and make a field inspection. He will inspect and evaluate all aspects and/or potential problems that are evident. The Agent will pay particular attention to the proposed drainage system and the suitability of the area for leaching facilities.

## CHAPTER 3

### DISPOSAL OF SANITARY SEWAGE

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#### 3.1 DESIGN REQUIREMENTS

##### **All Systems**

Five (5) sets of plans are required for a Disposal Works Construction Permit application. The plans shall be no larger than 18 inches by 24 inches in size, and must comply with 310 CMR 15.211 "Minimum Setback Distances", 15.214 "Nitrogen Loading Limitations", and 15.220 "Preparation of Plans and Specifications" inclusive. The plans shall show the location of two (2) percolation tests with the Board of Health percolation numbers. Zoning of the lot shall also be indicated. All septic system covers **MUST** meet the guidelines in 3.1 and a wastewater filter is required to be installed in the outlet of a septic tank in the sanitary tee.

##### Repairs or Upgrades

In addition to the requirements of Section 3.1.A designs for repairs or upgrades to existing disposal systems shall include the installation of a minimum 1500 gallon septic tank or a new tank with a minimum capacity equal to or greater than that required by 310 CMR 15 whichever is greater.

Covers on all septic system shall be **metal** of medium grade, to withstand an anticipated minimum H-10 loading, except a location where there is the potential for vehicles or heavy equipment to pass over them they should be designed to withstand an H-20 loading as stated in 310 CMR 15.226 §3.

##### Garbage Disposals

Any subsurface disposal system which is intended to include a garbage disposal or for which a permit application is submitted for repair or upgrade and includes a garbage disposal must include a design which demonstrates compliance with 310 CMR 15 and includes additional capacity for the garbage disposal.

##### INSPECTIONS

During the course of installation of all septic systems the following (3) three inspections are required: open hole/bottom bed, stone and a final inspection. Water is required to be on site for the final inspection. All inspections require a 24-hour notice.

#### 3.2 AS-BUILT PLANS

The engineer shall conduct a final inspection of the installed system including final grading and breakout grade and prepare an As-Built plan of the wastewater disposal system for all new construction and all repaired systems. The engineer shall submit three (3) copies of the As-Built and one (1) Certificate of Compliance, signed and stamped, to the Board of Health office

within fourteen (14) days from the completion of the sanitary system. As-Built plans shall conform to all requirements of 310 CMR 15.220 "Preparation of Plans and Specifications", and shall include the following additional information:

- A. Zoning of lot.
- B. Owner's name, address, map/lot number, street address of lot and the area of the lot.
- C. Ties to the septic tank, distribution box, and to at least two (2) corners of the leaching field or pit form permanent structures or features.
- D. Top of foundation elevation and finish grade elevation at the house foundation and at a minimum of two (2) points over leaching field. Invert elevations at tank and distribution box.
- E. Invert elevations at tank and distribution box.
- F. A certification that the system meets the breakout requirements.
- G. Certified location of well.

A Massachusetts registered professional engineer shall certify the plan. The engineer shall also be licensed to work in the Town of Norton, however a land surveyor may be on site to certify and stamp as-builts plans. The certification statement shall state:

" I certify that, to the best of my knowledge, all work shown on this plan has been completed in accordance with the terms of the permit, the plan approved by the Board of Health, State Environmental Code 310 CMR 15.000, and the regulations of the Norton Board of Health."

If an error in the installation is determined, the engineer shall contact the installer within twenty-four (24) hours and advise the installer on correcting the installation and notify the Board of Health Agent. The engineer shall observe the corrections prior to his certifying the plan.

### 3.3 SETBACKS IN WATER RESOURCES PROTECTION DISTRICT

Any sewage disposal leaching system constructed within the water resources protection district shall be at least one-hundred (100) feet from any water source, including streams, ponds, open drains, and vegetated wetlands.

### 3.4 PERCOLATION TEST PROCEDURE

Percolation tests are conducted year round. Percolation test must be applied for prior to said activity date. The Health office has blank applications for percolations request and tests dates. The owners, client, contractor or the engineer can sign for percolation test dates but the fee must be paid with the application. **IF THE FEE IS NOT PAID, REPRESENTATIVES FROM THE BOARD OF HEALTH WILL NOT WITNESS THE TEST.** All percolation tests shall be recorded, even the failed test/soil examinations. A perforated pipe with a four (4) inch diameter will be inserted in the deep observation hole. The Board of Health will number all percolation tests. Prior to leaving

the site, the Board of Health representative shall sign or initial both copies (Engineer's and Town's) A field copy of the percolation test data and soil description shall be submitted to the Board of Health office at the end of the tests. A formal copy of the test data shall be submitted with the sanitary disposal design plan. Blank forms are available at the health office.

#### CANCELLATION

Notification of a cancellation must be received in the office of the Board of Health prior to the end of the business day, which precedes the assigned date and time. Failure to notify the Board of Health will result in a \$50.00 rescheduling fee.

#### 3.5 VALIDITY

All percolation test results can be used providing they meet the following conditions:

- A. The observation pipe is in place and not silted in.
- B. The number is on the pipe and visible.
- C. The test data is on file in the Board of Health office.

#### 3.6 DEWATERING PERCOLATION TESTS

De-watering percolation tests will not be recognized as valid percolation tests in the Town of Norton.

#### 3.7 WATER TABLE

High ground-water elevation will be determined by observation of actual high water table during the times of annual high-water table (January 1 through March 31). Out of season water tables will be established by observation of the abundance, size and contrast of mottling if present and USGS wells for correlating comparisons in water tables. The Frimpter method with any additional add-ons as established by the Board of Health may also be used.

#### 3.8 PLAN REQUIREMENTS

All deep test holes and numbered percolation test holes shall be located on a plan by the applicant's engineer, said location shall be verified by distances and direction from permanent landmarks, i.e., light or telephone poles, hydrants, etc.

#### 3.9 DEEP TEST HOLE

The Board of Health or their agent reserves the right and responsibility to require a deep test hole to monitor and/or observe the water table at any time.

#### 3.10 SEWER CONNECTION REQUIREMENT

All owners of property with reasonable access to a common sewer, and where permission to enter the sewer can be obtained for the Water and Sewer Commission, must connect to the sewer before

transferring ownership of any property. Such owners must provide to both the prospective buyer and the Board of Health, prior to the transfer of ownership of any property, documentation evidencing approval by the Water and Sewer Commission of the approved completion of the sewer connection.

### 3.11 RESPONSIBILITY OF REAL ESTATE AGENTS AND MORTGAGE LENDERS

Any real estate broker representing the owner or buyer of a property in the Town of Norton, which is offered for sale, shall provide that person with a copy of Chapter 3 of these regulations.

Any banker, mortgage lender, or other person accepting a loan application from the prospective buyer of a property in the Town of Norton shall provide the applicant with a copy of Chapter 3 of these regulations.

### 3.12 PRE-SALE TITLE V INSPECTION

Prior to the transfer of any property in the Town of Norton, a Title V system inspection report shall be submitted to the Board of Health office within (30) thirty days from the date of inspection. An inspector licensed by the Norton Board of Health must perform inspection. Inspectors noting conditions with existing systems which may cause the system to exceed its design capacity, i.e., extra bedrooms, garbage disposals, running water, connected surface drains, shall advise the homeowner of their findings and include such information in their report. An inspection review fee of \$25 shall accompany every report submitted. All septic system covers **MUST** meet the guidelines in 3.1 and a wastewater filter is required to be installed in the outlet of a septic tank in the sanitary tee. The filter may be installed between the septic tank and the distribution box with the approval of the Board of Health. The cover over the outlet tee must be to the finished grade. Wells must be tested prior to transfer of title as stated in 5.21 of these regulations.

### 3.13 FLOW RATE

All subsurface sewage disposal systems will be designed using the Flow Design Criteria set forth in the Massachusetts State Environmental Code Title V, Regulation 310 CMR 15.203 as long as the Sections 310 CMR15.242 and 310 CMR 15.253 remain in force and effect as of 3/31/95, or are changed to require larger leaching system areas for a given flow rate. If, at any time, the Section 310 CMR 15.242 and 310 CMR 15.253 are deleted, altered, or superseded to allow for smaller leaching area requirement will revert to 110 gpd per bedroom for residential structures until such time as the Board of Health takes action to change the requirement.

### 3.14 ALTERNATIVE SYSTEMS

The Board of Health may establish any special conditions necessary to ensure adequate protection of public health and safety and the



environment, and to ensure appropriate evaluation and testing. Such conditions may include without limitation: specification of site; of effluent characteristics; flow limitations; monitoring; testing; and reporting requirement; a requirement that a certified operator operate the system; or financial assurance mechanisms. The Board of Health may also specify changes or modifications of requirements otherwise applicable to conventional systems that are appropriate for use of the alternative systems.

### 3.15 SHARED/CONDOMINIUM/COMMERCIAL SYSTEMS

- A. All shared, condominium, and commercial systems must be pumped every (2) years and inspected every 3 years.
- B. At minimum, the following requirements shall apply to these Shared, Condominium and Commercial Systems.
- C. Should municipal sewer service become available at the locus, the applicant or its successors in the ownership, operation and maintenance of all units in the development to said sewer within two years of the notice of the sewer availability.
- D. The subsurface disposal system shall include properly sized filters on the outlets of each septic tank.
- E. All communal system sewerage piping must be pressure tested and shown to have no leakage before acceptance.
- F. Baffles or divided septic tanks must be included per CMR 15.223 (1)(b), 15.224 and 15.225.
- G. According to 310 CMR 15.231 pressure dosing of the disposal system leach fields is required.
- H. High water level and power failure alarm systems must be provided and must include un-interruptible power supplies.
- I. The leaching area surface must be maintained with grass cover without brush or trees.
- J. Signage must be installed and maintained around the leaching area stating that the open area is not suitable for public use, playing or driving.
- K. Backup electrical power for all pumps and controls must be provided.
- L. System design and construction shall comply with 310 CMR 15.90 through and including 310 CMR 15.292.
- M. The Applicant shall provide the Board of Health, the Town Water and Sewer Commission, and the Town Clerk a Waiver, previously reviewed by and suitable to Town Counsel, stating that private subject communal sewerage facilities shall, at no time after completion, be or become the responsibility of any Town agency or commission. Such

waiver shall be binding upon any future owner or owners of the property. This condition would not apply once the applicant or successors connects to the municipal system.

- N. The applicant shall establish a fund to be reserved specifically for repairs to and / or replacement of the communal sewerage system and the subsurface disposal system. The fund shall be funded by assessments on all owners of units within the development and served by that system or other method acceptable to Town Counsel and the Board of Health. At the time each unit is purchased by the initial buyer, the developer shall assess and collect, or pay itself, an initial payment that shall be deposited in the fund. The sum of the initial payments shall total **one hundred fifty percent of the certified construction cost of the communal system**. As monies are removed from the fund for any reason they shall be replaced by further assessments over a reasonable time, not to exceed three years, such that the fund is available for repairs to and / or replacement of the septic system in perpetuity.
- O. The Applicant shall enter into an agreement with a Massachusetts regulated firm for the operation and maintenance of the communal sewerage facilities on the property. Such agreement shall include annual pumping of the septic tank and concurrent inspection of the sewerage facilities including pumping facilities and subsurface disposal facilities. Such agreement shall be filed with the Board of Health prior to issuance of building permits. The Board and the Board of Health shall be provided thirty-day notification prior to the termination of the agreement for operation and maintenance of the sewerage facilities.
- P. Sewerage facility inspection and pumping reports for the communal systems shall be presented to the Board of Health within Thirty days of each pumping and inspection event.

### 3.16 ADDITIVES

There is a considerable body of evidence that the use of chemical additives in the operation and maintenance of subsurface sewage disposal systems in particular, in the cleaning of clogged or poorly draining subsurface disposal systems, has a deleterious affect on septic tanks, piping, and the soil to which the subsurface discharge is made. Therefore, the use of chemical additives (acids, based, or flocculants) for any purpose, in any part of any subsurface sewage disposal system in the Town of Norton is prohibited.

### 3.17 ILLEGAL INSTALLATION OF SEPTIC SYSTEMS

No person or firm shall engage in the construction, alteration, installation, or repair of any individual sewage disposal system without first obtaining a Disposal Works Construction Permit from the Board of Health in accordance with Title V of the State Sanitary Code 310 CMR 15.000.

### 3.18 SEPTIC SYSTEM INSTALLERS

To obtain a license to install or repair septic systems in the Town of Norton, the Board of Health requires the installer to take a "Septic System Installer" test, and have a passing grade of 80% correct, the Board of Health will administer this test. The fee for the registration has been established in the fee schedule.

### 3.19 ENGINEERS, REGISTERED SANITARIANS and SOIL EVALUATORS REGISTRATION

Professional Engineers, Registered Sanitarians, and DEP Certified Soil Evaluators in the Commonwealth of Massachusetts who conduct percolation tests, soil evaluations, and design septic systems in the Town of Norton, must be registered with the Norton Board of Health.

No percolation tests and/or soil evaluations will be scheduled, or septic system design plans approved unless the Professional Engineer, Soil Evaluator, or Registered Sanitarian has a valid registration on file with the Board of Health.

To obtain a registration in the Town of Norton, the applicant must fill out a registration form completely and sign it. Proof of state licensing and/or certification for Professional Engineers, Certified Soil Evaluators, and Registered Sanitarians will be required prior to the issuance of the registration. This registration will be effective until the end of the calendar year in which it was issued. The fee for the registration has been established in the fee schedule.

When permits are applied for and there are outstanding issues ie as-builts have not been submitted. No further permits will be issued until in compliance with regulations, effective 5-3-07.

### 3.20 TITLE V SYSTEM INSPECTOR REGISTRATION

Every certified Title V System Inspector must register with the Norton Board of Health to perform Title V septic system inspections in the Town of Norton.

To obtain a registration in the Town of Norton, the applicant must fill out a registration form completely and include proof of DEP certification. The fee for the registration has been established in the fee schedule.

All systems that are inspected in the Town of Norton must be pumped at the time of inspection. A wastewater filter **MUST** be installed in the outlet tee at the time of inspection if one is not already present. Covers **MUST** meet the requirement set forth in 3.1. The licensed Title V Inspector must obtain all information needed for the inspection from the Board of Health office. The fee for the registration has been established in the fee schedule.

### 3.21 PORTABLE SANITARY FACILITIES

All companies supplying portable sanitary facilities within the Town of Norton shall obtain a permit from the Norton Board of Health for each location in which a portable sanitary facility will be placed.

The application for a portable sanitary facility must include the street number and street name, approximate distances from existing structures, and length of time the facility is to be on site. All permits expire December 31 of the year issued. The fee for the registration has been established in the fee schedule.

- A. A septage pumper licensed by the Norton Board of Health per Title V 310 CMR 15.502 shall perform pumping of portable sanitary facilities.
- B. Every portable sanitary facility shall be cleaned and sanitized at a minimum of once a week.
- C. Portable sanitary facilities are required on all construction sites.

### 3.22 SEPTAGE HAULERS

No person or corporation shall remove and/or transport septage and/or grease through the streets of Norton or via any state or federal highway located within Norton without first obtaining a permit from the Board of Health (310 CMR 15.502). Each vehicle utilized within the Town must obtain a separate permit to haul septage, which must be carried at all times in the vehicle. The fee shall be as established in the fee schedule.

Septage - means the scum, liquid, sludge or other waste in a septic tank, soil absorption field, holding tank, grease, privy, or other components of a private sewage system.

Grease Trap - Shall mean any external watertight structure or any internal grease trap designed to pre-treat commercial kitchen waste before discharging into a domestic sewage waste system.

- A. Pumping records must be turned in the first week of the following month, that septage was pumped. This form must be legible and completely filled out. Failure to comply with this regulation will result in a violation (see 3.23 of these regulations).

### 3.23 VIOLATIONS

In addition to remedies provided for by 310 CMR 15.000 (Title V), any violations of Chapter 3 of these regulations will result in a 30-day suspension. Three consecutive suspensions will result in permanent revocation of the registration, permit, or license. Any services performed within the Town of Norton without a valid registration, permit, or license issued by the Norton Board of Health will result in a \$100.00 fine per occurrence. Each day will constitute a separate violation.

## CHAPTER 4

### FLOOR DRAIN

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#### 4.1 PURPOSE

- 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 Norton contribute to the Town's drinking water supplies;
- The Town of Norton adopts the following regulations, under its authority as specified in Section 4.2, as a preventative measure for the purposes of:
- Preserving and protecting the Town of Norton'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 discharge.

#### 4.2 AUTHORITY

The Town of Norton Board of Health adopts the following Regulation pursuant to authorization granted by MGL Chapter 111§ 31 and § 122. The Regulation shall apply, as specified herein, to all applicable facilities, existing and new, within the Town of Norton.

#### 4.3 DEFINITIONS

For the purpose of this Regulation, the following words and phrases shall have the following meanings:

##### COMMERCIAL AND 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; 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.

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, drywells, 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 Norton. 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 MGL Chapter 21C and 21E or Massachusetts Hazardous Waste Regulations (310 CMR 30.000), and also included such products as solvents, thinners, and pesticides in quantities greater than normal household use.

4.4 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(s) 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:

- A. An industrial or commercial process area,
- B. A petroleum, toxic, or hazardous materials and/or waste storage area, or
- C. A leased facility without either A or B of this section, but in which the potential for a change of use of the property to a use which does have either A or B is, in the opinion of the Board of Health or its Agent, sufficient to warrant the elimination of the ground discharge at the present.

4.5 REQUIREMENTS FOR EXISTING FACILITIES

The owner of a facility in operation prior to the effective date of this regulation with a prohibited (as defined under Section 4.4) 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 Regulation (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:
  - D. Connected to a holding tank that meets all applicable requirements of Department policies and regulations, with hauling records submitted to the Norton Board of Health at the time of hauling;
  - E. Connected to a municipal sanitary sewer line, if available, with all applicable Department and local permits; or
  - F. 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 waste.
- G. 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.
- H. Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire Code requirements.
- I. Upon complying with one of the options listed under 4.5 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 617-282-5770) with the Department, and sending a copy to the Norton Board of Health.
- J. Owners/operators of a facility affected by this regulation shall comply with all of its provisions within 120 days of the effective date;

- K. All applicable discharges to the leaching structures and septic systems shall be disconnected immediately through temporary isolation or sealing of the floor drain.

4.6 NEW FACILITIES

As of the effective date of the Regulation, all new construction and/or applicable change of use within the Town of Norton shall comply with the provisions of this Regulation.

- A. 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.
- B. The use of any new oil/water separator shall comply with the same requirements as for existing systems, as specified above in section 4.5.

4.7 PENALTIES

Failure to comply with provisions of this Regulation will result in the levy of fines of not less than \$ 200.00, but not more than \$1,000.00. Each day's failure to comply with the provisions of this Regulation shall constitute a separate violation.

4.8 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.



## CHAPTER 5

### PRIVATE WELLS

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#### 5.1 PURPOSE

The purpose of this regulation is to ensure that all citizens of Norton have adequate amounts of clean, safe drinking water and to protect the Town's aquifer by requiring the proper siting and installation of all private wells within the Town of Norton.

#### 5.2 Definitions

##### AQUIFER:

A water bearing geological formation that transmits water in sufficient quantities to supply a well.

##### COMMISSION:

The Water Resources Commission.

##### D. E. P.:

Department of Environmental Protection.

##### POTABLE WATER:

Water that is safe for human consumption.

##### STRUCTURE:

A manmade arrangement of materials requiring a fixed location on the ground, or attached permanently to something permanently located on the ground.

##### WELL:

Any hole or shaft constructed into the ground for the purpose of extracting or injecting water.

##### WELL DRILLER:

Any person, association, partnership, company, corporation, or trust that constructs a water resource commission.

#### 5.3 REGISTRATION:

Any private wells, including Artesian, must be registered at the Board of Health office. This will enable the Board of Health office to keep an accurate account of all private wells throughout the Town and to take appropriate steps to protect the well and the aquifer.

#### 5.4 REGISTRATION OF WELL DRILLERS

No person shall engage in the business of constructing wells within the Town of Norton unless he/she is registered with the Water Resources Commission in accordance with MGL Chapter 21 § 16.

#### 5.5 REPORTS

Within thirty (30) days after completion of any water well, the Well Driller **will** submit to the Board of Health the water well completion report provided by the Department of Environmental Management/Division of Water Resources. The Well Driller **will** ensure the report is complete and accurate.

5.6 WELL CONSTRUCTION PERMITS

A well construction permit shall be obtained from the Board of Health prior to constructing any water well. The well contractor is responsible for obtaining the well construction permit prior to constructing the well. An application for a water well construction permit shall be submitted to the Board of Health. The application will be submitted with a plan drawn to scale and prepared by an engineer or surveyor showing the location of the proposed well, any existing or proposed structures, sewage disposal systems, distance from lot lines, and the location of any neighboring wells or septic systems as listed below and within a radius of two hundred (200) feet. Failure to submit a suitable plan shall cause rejection of the application and may at the discretion of the Board require a new submittal and fee.

5.7 WELL LOCATIONS

The following minimum lateral distances shall apply to common sources of contamination listed:

<u>SOURCE OF CONTAMINATION</u>	<u>MINIMUM LATERAL DISTANCES</u>
Subsurface disposal field .....	100 feet
Cesspool, seepage pit .....	100 feet
Septic tank .....	100 feet
Distribution box .....	100 feet
Structure .....	50 feet
Grinder Pumps.....	100 feet
Sewers (Cast iron with watertight joints, footing drains).....	50 feet
Hazardous waste site (commercial fuel tank, landfill, and storing of chemicals) .....	1000 feet
Junkyard .....	150 feet
Domestic fuel tank .....	100 feet
In ground swimming pool.....	25 feet
Above ground swimming pool.....	10 feet

OTHER APPLICABLE MINIMUM LATERAL DISTANCES

Property line .....	25 feet
Potable or non-potable water well.....	100 feet

5.8 INSTALLATION

Wells, potable and non-potable, shall be installed at the location shown on the accepted plan submitted with the well permit application. An engineer or land surveyor is required to stakeout the location of the well. Failure to install a well at the accepted location may result in loss of permit and abandonment of the well.

5.9 WATER QUALITY SAMPLING:

A Massachusetts Certified Laboratory must collect water quality samples during the pump test. The water results must have the laboratory person's name pulling the sample and house number on all results. Wells will meet the following chemical and bacteriological requirements:

Coliform count .....Not to exceed 0/100 ml @ 35° C  
Standard plate count.....Not to exceed 100/100 ml @ 35° C  
Turbidity .....Not to exceed 5 units  
Odor and taste .....Free of odor and taste good  
Ph .....Between 6.8 and 8.0  
Chloride ..... Not to exceed 250 mg/L  
Manganese.....Not to exceed 0.05 mg/L  
Sulfate.....Not to exceed 255 mg/L  
Total hardness.....Not to exceed 50 mg/L  
Nitrogen-Nitrite .....Not to exceed 1 mg/L  
Nitrogen-Nitrate.....Not to exceed 10 mg/L  
Arsenic .....Not to exceed .01 mg/L  
Perchlorate .....

\*\*\*\*Mandatory for new wells only the sample must be taken at the wellhead.

Parameters for volatile organics and other organics **not to exceed current water standards as defined in 310 CMR 22.00.**

Failure to meet these standards shall require treatment. The Board of Health may require additional tests as local conditions warrant. If in the Board of Health's opinion, they are necessary to protect public health and welfare. **It is suggested that the well be tested for drinking water quality yearly and VOC's every 3 years, nitrate-nitrogen test be performed annually.**

5.10 YIELD TEST

All wells shall be tested to determine yield, and water level recovery. All test record and analysis of safe yield shall be sent to the Norton Board of Health. Test pumping shall be conducted at a rate of at least equal to the pumping rate expected during normal well use. A licensed pump or well drilling contractor shall perform the pumping test. A minimum of five (5) gallons a minute yield shall be deemed acceptable.

5.11 WELL WATER TESTING

- A. Well must be pumped to waste a minimum of four (4) hours.
- B. A Mass. State Certified Laboratory must do all well testing and they must take and analyze the water sample after 4 hours of pumping.
- C. If any of the M. C. L. water quality sampling 310 CMR have been exceeded the Board of Health must be notified immediately.
- D. Prior to an occupancy permit being signed by the health agent a 2<sup>nd</sup> test must be performed in accordance of 5.11 A, B, and C. This test will be taken at the kitchen sink; results from this test must also be less than M. C. L.'s and must be on file in the Board of Health office.

5.12 PUMP INSTALLATION

- A. A person licensed by the Norton Board of Health must install new or replacement water pumps.
- B. The installer must complete an application for this license.
- C. The installer must demonstrate thorough knowledge in the installation of pumps and the proper knowledge of disinfecting the drinking well water. Demonstrating shall be by completion of a questionnaire provided by the Board of Health.
- D. The pump installer is responsible for completing the Board of Health report for the well and all related piping, up to the supply side of the pressure tank.

5.13 TEMPORARY COVER

Whenever there is an interruption in work on the well such as overnight shutdown, inclement weather, waiting periods required for the setting up of sealing materials, tests, installation of the pump, etc. The well opening must be covered to prevent contamination of the well and to also protect the public safety. For interruptions of a week or longer, a semi-permanent cover must be installed. For steel cased well, a steel cover, tack welded to the top of the casing is adequate.

5.14 REPAIR OR DEEPENING OF WELLS

All deepening or repair of wells must meet all the requirements included in these regulations and must be done with a permit.

5.15 NON-POTABLE WATER WELLS

Non-potable water well shall mean wells that are used specifically for agricultural use.

- A. These wells must meet the setback requirements of Title V and the Norton Board of Health regulations.
- B. A Norton Board of Health licensed pump installer must install all submersible pumps.
- C. A plan meeting all the requirements of Sections 5.6 and 5.7 above and showing the proposed connections to the non-potable well must be submitted to the Board of Health.
- D. The water from a non-potable well must be tested for Coliform bacteria not to exceed 0/100 mg at 35 degrees Celsius and Standard Plate count not to exceed 100/100 ml.
- E. All wells must have signs furnished by the Board of Health posted in clear view from the street stating Private Well Reg. #. The Board of Health will furnish the sign once the above requirements have been met.
- F. Non-potable water cannot be brought into any structure that has potable water in it.

5.16 MONITORING WELLS

Monitoring wells shall be installed for any groundwater testing purposes as determined by the Board. A permit **MUST** be applied for prior to the construction of all monitoring wells. All testing data **MUST** be submitted to the Board of Health within 30 days.

5.17 PRIVATE WELL NEAR UTILITY RIGHT OF WAY:

CMR 11.04 (2)(C) restricts the use of herbicides in areas of rights-of-way within 100 feet of the private well.

5.18 LAWN CARE CHEMICALS

**No** lawn care chemicals are to be applied within 100 feet of any well.

5.19 FEES

The fees for private wells and related items shall be as established in the fee schedule.

5.20 ABANDONMENT

Decommissioning means plugging of an abandoned well so that it will not serve as a conduit for movement of water to or from the well or between water bearing zones.

A licensed well driller must decommission all wells that are to be abandoned.

The fee shall be established in the fee schedule.

5.21 PRIVATE WELL INSPECTION AT TIME OF TRANSFER

At the time of any real estate transfer, a well inspection will be performed, which includes the location of the Private Potable and Non-Potable wells and testing in accordance with these regulations.

The seller shall provide a copy of the private well location and test results to the Town of Norton, Board of Health within thirty (30) days after the inspection has been completed and to the buyer prior to the closing but in no case less than twenty-four (24) hours prior to the closing.

## CHAPTER 6

### UNDERGROUND STORAGE TANKS

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#### 6.1 DEFINITIONS

"Toxic or hazardous material" shall be defined as all liquid hydrocarbon products including, but not limited to, gasoline, fuel and diesel oil, and any other toxic or corrosive chemicals, radioactive materials, or other substance controlled as being toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts, under the provisions of Massachusetts General Laws, Chapter 21C § 1, et seq.

The following regulations apply to all underground storage systems:

#### 6.1 INSTALLATION OF UNDERGROUND STORAGE TANKS (UST)

##### Permits

The installation of all underground storage tanks in the Town of Norton will require a permit from the Building Department and the Fire Department. All tank installations will be supervised by the Norton Fire Department and meet all requirements of Massachusetts Regulations (527 CMR 9.00, effective 1 February 1986). In addition, all in-ground storage tank installations shall meet the requirements placed on the location by the Conservation Commission and Board of Health.

#### 6.2 UNDERGROUND STORAGE TANKS IN THE NORTON WATER RESOURCES PROTECTION DISTRICT

See Town maps in Town Hall, Conservation office, Clerk's office, or Water Department for the location of the Norton Water Resources Protection district.

No underground storage tank installation will be allowed in the Norton Water Resource Protection District.

#### 6.3 NEW INSTALLATIONS

To include all residential and commercial underground storage tanks of any size. Solid or liquid storage of any substance presumed to be a hazard to the water supply of the Town of Norton will be prohibited from in-ground storage.

#### 6.4 EXISTING STORAGE TANKS IN THE WATER PROTECTION DISTRICT

All existing storage tanks within the Water Protection shall be grand-fathered for a period of three years and allowed to continue such storage subject to the provision of the State Law (527 CMR 9.00, effective 1 February 1986) which govern the regulation control of the construction of tanks and required leak testing and ultimate removal of existing tanks.

After a period of three years from the above mentioned date of the enactment of this law, all underground storage tanks in the Water Resource Protection district will be removed and eliminated or

removed and replaced with above-ground storage tanks, installed to meet all requirements of above-ground storage tank installation.

#### 6.5 INSTALLATION CRITERIA

Following the effective date of this regulation, the installation of all underground fuel, gasoline, or other chemical storage tanks shall conform with the following criteria:

In that the United States Environmental Protection Agency designated the Town of Norton as overlying a sole source aquifer, secondary containment and approved in-tank or interstitial space monitoring system shall be required for new or replacement tanks.

#### 6.6 TANK REGISTRATION

The following Regulations shall apply to:

- A. All underground tanks containing toxic or hazardous materials as defined above which are not currently regulated under 527 CMR 9.24 Tanks and Containers,
- B. All tanks containing fuel oil, whose contents are used exclusively for consumption on the premises, and
- C. Farm and residential tanks of 1,100 gallons capacity or less for storing motor fuel for non-commercial purposes.
- D. Owners shall file with the Board of Health, on or before April 1, 1988 the size, type, age, and location of each tank, and the type of fuel chemical stored in the tank. Evidence of the date of purchase and installation, including Fire Department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property. Upon registering the tank with the Board of Health, the tank owner will receive a permanent metal or plastic tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe in such a location as to be visible to any distributor when filling the tank and to any other inspector authorized by the Town.
- E. Effective December 1, 1987, every petroleum and other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill, for the product delivered, the registration number appearing on the tag affixed to the tank which was filled. Petroleum and other chemical distributor shall notify the Board of Health of the existence and location of any unregistered or untagged tank, which they are requested to fill. Such notification must be completed within two (2) working days of the time the distributor discovers that the tank registration tag is not affixed to the fill pipe.
- F. Prior to the sale of a property containing an underground storage tank, the Fire Department must receive from the current owner a change of ownership form for the registration of the underground storage tank. Such form can be obtained from the Fire Department.

#### 6.7 TESTING

The tank owner shall have each tank and it's piping tested for tightness fifteen (15) years after installation and annually after twenty (20) years. A tank shall be tested by any final or precision

test, not involving air pressure, that can accurately detect a least of 0.05 gall/hr, after adjustment to relevant variables, such as temperature change and tank end deflection, or by any other testing system approved by the Board of Health, as providing equivalent safety and effectiveness. Piping shall be tested hydrostatically to 150 percent of the maximum anticipated pressure of the system. The owner, at the owner's expense, shall submit certification of the testing to the Board of Health. Those tanks subject to the testing requirements of this regulation shall submit the certification of testing to the Board of Health by December 2, 1989. Tanks, which are currently tested under the provisions of 527 CMR 9.18, are exempt for this section.

#### 6.8 TANK REMOVAL

All fuel, gasoline, or other chemical tanks not regulated under 527 CMR 9.00 (farm or residential tanks of 1,100 gallons or less and underground tanks storing fuel for consumptive use at the property) in service on the effective date of this regulation, shall be removed thirty (30) years after the date of installation. If the date of installation is unknown, it shall be assumed to be 20 years old from the date of the regulation. All underground storage tanks currently subject to the removal regulation (30 years or older) must be removed by December 2, 1989.

- A. Prior to the removal of an underground storage tank governed by this Regulation, the owner shall first obtain a permit from the head of the Fire Department, pursuant to MGL Chapter 148.
- B. Any person granted a permit by the Marshall or the head of a local fire department to remove a tank under the provisions of MGL Chapter 148 or 527 CMR 9.00, and said tank is not being transported to an approved tank yard, the person requesting the permit shall provide the permit granting authority with written approval from the owner/manager of the disposal site. (Reference: 502 CMR 3.00 for tank removal and disposal procedure.)

#### 6.9 COSTS

In every case, the owner shall assume the responsibility for costs incurred necessary to comply with this regulation.

#### 6.10 VARIANCES

The Board of Health may grant variances from this regulation after a hearing at which the applicant establishes the following:

- A. The enforcement thereof would do manifest injustice; and
- B. The installation or use of an underground storage tank will not adversely affect public or private water resources. In granting a variance, the Board will take in to consideration the direction of ground water flow, soil conditions, depth to the ground water, size, shape and slope of the lot, and existing and known future water supplies.



6.11 SEVERABILITY

Provisions of this regulation are severable and if any provision hereof shall be held invalid under any circumstances, such invalidity shall not affect any other provisions or circumstances.

## CHAPTER 7

### PIGS AND PIGGERIES

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- 7.1 The Board of Health defines a "pig" as any of various stout bodied, short legged, hooved, omnivorous mammals of the family *Suidae*. To include swine, boars, hogs, and miniature pot-bellied pigs.

The Board of Health defines a "piggery" as more than 1 (one) pig 10 weeks of age or older, owned or kept by a person on a single premise, regardless of the purpose for which they are maintained.

- 7.2 No individual or individuals, partnership, company or corporation shall keep more than 1 (one) pig or swine within the limits of this municipality without first obtaining a permit from the Board of Health. No permit shall be issued until applicant verifies the property is zoned for this use. All such permits shall expire on December 31<sup>st</sup> of each year. The Board of Health for just cause may revoke any permit at any time.
- 7.3 A license to transport garbage, offal, or other offensive substances along the public highways of the municipality must be obtained from the Board of Health in accordance with Chapter 111, § 31A of the General Laws, and no such materials shall be so transported without such a license. All licenses shall expire on December 31<sup>st</sup>. The Board of Health for just cause may revoke any license at any time. Garbage and other offensive materials shall be securely covered with wood or iron to prevent spillage and release of noxious odors.
- 7.4 All piggeries shall be suitably isolated and maintained in such a manner that no nuisance shall be created thereby. Areas in which pigs are confined shall conform to the dimensional setback requirements of the table below.

7.5

No. of Pigs	Minimum Front Setback from Street	Minimum Side Setback from Lot line	Minimum Rear Setback from Lot line
1 to 4	150 feet	100 feet	100 feet
4 to 10	250 feet	150 feet	150 feet
11 or more	500 feet	200 feet	200 feet

The owner shall submit a plot plan with verifiable dimensions to the Board of Health with the permit application. The plan shall identify the location of the housing and grazing area(s) for the pigs, major topographical features, area(s) of manure storage and/or spreading, and any water resources within 350 feet of any lot lines.

No manure shall be allowed to accumulate and create a nuisance. Manure shall not be stored within one hundred (100) feet from wells

or from the high water mark of any source of drinking water supply or tributary thereof. Storage of manure shall not threaten wetlands.

- 7.6 All piggeries will be examined by a representative of the Board of Health at least twice per year or upon receipt of a complaint, who will make such recommendations to the owner as are necessary to maintain the piggery in proper condition.
- 7.7 Properly ventilated buildings of substantial construction, preferably painted white or white-washed, well lighted, and so designed that accumulations of offensive material can be readily removed shall be provided. For indoor pens, watertight troughs of cement or metal kept in good repair shall be provided for feeding purposes, and these troughs must be cleaned daily.
- 7.8 All buildings used for the housing of swine shall be kept in a clean and satisfactory condition.
- 7.9 Water shall be made freely available to all animals. It shall be kept fresh, clean, and readily accessible, both indoors and outdoors.
- 7.10 The fee shall be as established in the fee schedule.

## CHAPTER 8

### STABLE LICENSE

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#### 8.1 SCOPE

In accordance with Section 31 of Chapter 111 of the General Laws, the Board of Health of Norton, Massachusetts has determined the following regulation:

No individual, partnership, company, or corporation shall keep any "horse" within the Town of Norton without first obtaining a Stable License. No permit shall be issued until applicant verifies the property is zoned for this use. Only a person who complies with the requirements set forth shall be entitled to receive and retain such a license. All stables may be subject to a yearly inspection. No stable for which a license is granted shall be occupied until the Board of Health or its agent inspects it and any license granted can be revoked whenever, in the opinion of said Board, revocation is necessary. Prior to the issuance of any new stable license, the Board of Health or its agent shall inspect the premises to determine if the stable is in compliance with these regulations. Re-inspection upon yearly renewals is not required unless the Board of Health has acted upon a complaint concerning the stable during the previous license period. Upon receipt of a complaint, the Board of Health will arrange for an inspection of the property within a reasonable amount of time. Non-compliance with licensing regulations may result in fines or removal of the animals, at the owner's expense. Fines for non-compliance shall accrue at a rate of ten dollars (\$10.00) per day and each day shall constitute a separate offense.

#### 8.2 FEE

A fee for the license shall be as established in the fee schedule and shall be valid from June to May.

#### 8.3 DEFINITIONS

- A. "Horse" shall be defined as any animal belonging to the family Equidae, to include, but not limited to horse, donkeys, mules, burros, miniature horses, ponies, or any crosses thereof.
- B. "Stable" shall be defined as a structure or structures erected and maintained for the purpose of housing Equidae.

#### 8.4 LOCATION

Shelters shall be located as required by the Norton Zoning Regulations. Shelters shall not be less than one hundred (100) feet from wells or from the high water mark of any source of drinking water supply or tributary thereof.

#### 8.5 STABLES

A minimum of an open shed, facing south, can suffice (with a weather tight roof and sides). All shelters shall have a minimum overhead clearance of eight (8) feet and shall be of an adequate size for the total number of animals housed within. The shelter shall have sufficient space for the animal to comfortably lie down

or stand up. No animal shall be allowed to remain outdoors at all times without having access to proper shelter.

8.6 WATER

Water shall be made freely available to all animals. It shall be kept fresh, clean, and readily accessible, both indoors and outdoors.

8.7 CORRALS, PADDOCKS, AND PASTURES

Corrals, paddocks, and pastures shall be designed to minimize standing pools of surface water, and to facilitate proper drainage to prevent conditions that may create a health or safety hazard. They shall be provided with adequate fencing, constructed to safely confine the animal. A minimum of two thousand (2,000) square feet shall be considered adequate and it should be kept as clean and dry as possible.

8.8 FENCES

Adequate fencing, at least four (4) feet high, shall consist of a safe material that is clearly visible, and shall not include barbed wire in any form. Fencing shall be maintained in order to protect both the animal and any neighboring properties.

8.9 HEALTH

Every animal should have regularly scheduled veterinary and hoof care to help maintain good health. The Norton Board of Health requires that all horse/ponies within the Town be vaccinated in the spring of each year (March, April, May) for Equine Encephalitis. Owners of horse/ponies must then provide the Norton Board of Health with a letter from a veterinarian certifying that the vaccination has been completed. The Norton Board of Health office must receive this certification by May 31<sup>st</sup> of each year. Although rabies vaccination is not mandatory, it is strongly recommended by the Board of Health.

8.10 MANURE

No manure shall be allowed to accumulate and create a nuisance. Manure shall not be stored within one hundred (100) feet from wells or from the high water mark of any source of drinking water supply or tributary thereof. Storage of manure shall not threaten wetlands.

8.11 EXEMPTIONS

Preexisting buildings currently functioning as horse stables as of February 7, 1997 need not conform to the dimensions defined in the sections 8.4 location and 8.5 stables.

## **CHAPTER 9**

### **Food Service**

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#### 9.1

##### SCOPE

The Food Code is a model for safeguarding public health and ensuring food is unadulterated and honestly presented when offered to the consumer. The model Food Code provisions are consistent with, and where appropriate incorporate, federal performance standards in effect define public food safety expectations for product.

#### 9.2 ADOPTION

The newest version of the Food Code is adopted as an ordinance and has been delegated as the code the Norton Board of Health will be following to insure all FDA, CDC HHS and USDA codes are being met.

#### 9.3 FEE

A fee for the license(s) shall be as established in the fee schedule.

#### 9.4 LICENSES

Licenses are not transferable.

## **CHAPTER 10**

### **PET STORES/KENNELS**

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#### 10.1 AUTHORITY

The Board of Health, Town of Norton and under authority granted by Section 31, Chapter 111 of the General Laws of the Commonwealth of Massachusetts hereby adopted the following regulations at a meeting of the Board of Health.

#### 10.2 PURPOSE

The purpose of this regulation is to protect the health and safety of town residents by ensuring that establishments and or residents with 4 or more dogs kept for sale, boarding, breeding, or as pets shall be maintained in appropriate, secure and sanitary conditions.

#### 10.3 DEFINITIONS

##### PET STORE:

A place or premises where birds, mammals, or reptiles are kept for the purpose of either wholesale or retail sale.

##### KENNEL:

A kennel is defined as any collection of 4 or more dogs of 12 weeks of age or older owned or kept by a person on a single premise, regardless of the purpose for which they are maintained.

##### COMMERCIAL KENNEL:

Person, business or facility breeding dogs for the purpose of sale.

##### BOARDING KENNEL:

Any facility or business that takes dogs owned by others in temporarily for the purpose of boarding.

##### RESIDENTIAL KENNEL:

A resident that has a collection of 4 or more dogs on a single premise.

#### 10.4 REQUIREMENTS:

All pet stores and kennels are required to register with the Norton Board of Health. The following information will be required for registration:

- A. Name and address of owner.
- B. Daytime and nighttime phone numbers of owner.
- C. Name, address, and phone number of the pet store or kennel.
- D. Proof of State licensing and inspection reports if applicable.
- E. Types of animals being sold if applicable.
- F. Description of manure handling.
- G. Rabies certificate for all animals if applicable

#### 10.5 SCOPE:

This regulation is in addition to any applicable State Laws and in no way intends to supersede, interfere, or reduce the authority of the Commonwealth governing pet stores.

10.6 CONTAINMENT:

A physical barrier of fencing 6' six foot, or of suitable height for the breed of dog(s) so that they can be properly contained. So-called invisible fencing, radio type collars and cable tie downs or run are not acceptable.

10.7 APPLICABILITY:

All new pet stores, kennels, dog pounds, and animal shelter must register with the Board of Health prior to beginning operations. All existing pet stores, kennels, dog pounds, and animal shelters must register within thirty days after promulgation of this regulation. Licenses are non-transferable.

10.8 VACCINATIONS:

At each annual license renewal the kennel owner must provide proof of rabies vaccination for dogs kept on site permanently.

10.9 ENFORCEMENT OFFICERS FOR KENNEL REGULATIONS:

The following are considered enforcement agents: Health Agent, Building Inspector and Animal Control Officer.

10.10 REVIEW AND SIGN OFF REQUIREMENT:

The following offices must sign off on all new kennel applications; Building Inspector, Zoning Officer, Town Clerk, Animal Control and the Health Agent.

10.11 Fees:

A fee shall be established for commercial, boarding, residential kennel and pet stores. All licenses must be posted. Licenses are not transferable. Fees shall be as listed in the Fee Schedule.



## **CHAPTER 11**

### **REQUEST OF SITE APPROVAL**

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#### **11.1 REQUESTS**

All requests for an assignment of place for a facility as described in Massachusetts General Laws Chapter 111 § 150 shall be in writing by the owner of the property.

#### **11.2 HEARING**

- A. The hearing fee for the assignment of place for a facility as described in requests shall be as established in the fee schedule.
- B. The Board of Health will assign a public hearing date when all information required by this regulation is received.
- C. The applicant for an assignment of place shall notify all abutters and abutters to the abutters of the request and hearing date by certified return receipt mail and submit the return receipts to the Board of Health.

#### **11.3 APPLICATION**

All requests for an assignment of place for a facility shall include.

- A. A narrative of the project;
- B. A list of abutters and abutters to the abutters of the property;
- C. A plan of the property showing: the location of the facility on the property.
- D. The location, nature, and extent of any existing or potential source of public or private drinking water supplies in relation to the site, including the recharge area of a sole source aquifer.
- E. The relationship of the site to groundwater elevations.
- F. The proximity of wetlands, as defined in § 40 of Chapter 131 of the General Laws.
- G. The proximity of surface water bodies or flood plains.
- H. The nature and extent of residential areas in the proximity to the site.
- I. The availability and suitability of access roads to the site.
- J. A locus map showing streets and major routes;
- K. The Environmental Notification form for the site;
- L. The Environmental Impact Report for the site;
- M. A description of the equipment to be used;
- N. The method of waste disposal;
- O. Any other information request by the Board of Health that is directly related to this regulation and/or the site assignment.

#### **11.4 EVIDENCE OF TECHNICAL ABILITY AND PERFORMANCE**

- A. Evidence of successful use of proposed technology.
- B. Evidence that employed personnel are capable of installing, operating, and maintaining the facility.
- C. Evidence that competent advisory personnel are accessible to the employees.
- D. Evidence of prior experience in installing, operating and maintaining facilities.

- E. Evidence of prior conduct of installing, operating and maintaining a facility.

11.5 EVIDENCE OF FINANCIAL CAPABILITY TO MEET AIR AND WATER POLLUTION CONTROL STANDARDS

- A. Evidence of financial capability to meet air and water pollution control standards.
- B. Evidence of financial capability to construct, operate, and maintain all aspects of the facility.
- C. Evidence of funding in the form of a letter of \_\_\_\_\_ intent to fund, a letter of support from a financial institution, a corporate report.

11.6 CONSULTING

- A. The Board of Health may require consultants.
- B. All consulting fees incurred by the Board of Health in reviewing the request shall be paid by the applicant in a method to be determined by the Board.

11.7 WAIVER

The Board of Health may waive any portion of this regulation.

11.8 SEVERABILITY

Each regulation shall be contrived 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 the regulation and all other Regulation shall continue in full force.

## CHAPTER 12

### HAULING REFUSE

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#### 12.1 AUTHORITY

These regulations are issued by the Board of Health pursuant to its authority under Chapter 111 § 31 of the Massachusetts General Laws. In order to promote the health and safety of the Town of Norton, all commercial carriers of refuse and recyclables over public ways of Norton shall be required to have a license from the Board of Health for each vehicle. Said license shall be renewed each year and shall expire December 31<sup>st</sup>.

#### 12.2 APPLICATION

Application for licenses to carry refuse and recyclables on the public ways of Norton shall stipulate and/or be accompanied by:

- A. A properly filled out and signed application accompanied by a check made payable to the Town of Norton for payment of the license, fee as established in the fee schedule.
- B. Estimated amount (tons) of rubbish and recyclables carried weekly, and the number of households, commercial, or institutional customers.
- C. The type and number of vehicles ordinarily to be used.
- D. Verification in acceptable written form that a licensed State approved landfill or incinerator will be used for the disposal of solid waste.
- E. Verification or a statement that the following recyclables are being and/or will be marketed and not disposed of otherwise:

**Glass food & beverage containers**

**Aluminum cans, foil & pie plates**

**Plastic containers labeled #1 (PETE) & #2 (HDPE)**

**Cardboard boxes**

**Cereal boxes**

**Steel cans & tin coated steel cans**

**Newspaper, including inserts**

**Magazines**

**Junk mail**

**Yard waste**

\*(This list is taken from Mandatory Recycling By-Law a copy is available.)

- F. Written and attested assurance that the licensee will adhere to the Massachusetts Department of Environmental Protection Waste Bans (copy is available).
- G. A protocol or system for informing clients when their solid wastes or recyclable may be rejected.
- H. Certificate of liability insurance, \$1,000,000 minimum; Worker's Compensation, and motor vehicle insurance.

#### 12.3 MINIMUM REQUIREMENTS

All licensed haulers shall provide the following minimum services to their customers:

- A. Weekly solid waste pick up by established routes on established days, which are scheduled with customers;
- B. Bi-weekly pickup of recyclables, at a minimum;
- C. A program for the pick up of bulky waste, residential debris, and white goods (with and without freon);
- D. Regular distribution of materials to educate customers about the benefits and requirements of recycling;
- E. A local telephone number for customers to call for information or complaints
- F. A clear statement of all fees related to the various services provided.

12.4 TONNAGE REPORTS

All licensed haulers must report quarterly, on or before the first day of the months of January, April, July and October, the tonnage of rubbish and recyclables transported by month from the Town of Norton.

12.5 ADDITIONAL REQUIREMENTS

In addition to the requirements herein, all haulers of refuse and recyclables shall abide by additional stipulations on their license as set by the Board of Health. All trash haulers shall not materially change or alter their operation without written permission from the Board of Health.

Any company providing dumpsters in the Town of Norton shall clearly label each dumpster with the company's name and phone number. In addition, each dumpster shall display a unique identification number.

All solid waste dumpsters shall be maintained in a nuisance free manner and of sufficient size to contain the garbage and/or rubbish accumulated between collections

Dumpsters shall be tightly closed, secured at all times, leak proof and enclosed by fencing. Refuse on the ground will not be allowed.

12.6 VEHICLES

Each individual vehicle carrying refuse and recyclables on public highways in the Town of Norton shall carry at all times when within the Town, a copy of its owner's or operator's license to haul refuse and recyclables.

12.7 INSPECTIONS

Each vehicle hauling refuse in the Town of Norton and the load therein shall be made available to the Board's Agent or designee for inspection upon request during said vehicle's operation within the Town.

12.8 COMPLIANCE

Any refuse collection license may be suspended or revoked by the Board of Health following a finding by the Board that the licensee has not conformed to these Regulations or such further Regulations as may be adopted by the Board relating to the hauling or refuse.

12.9 VIOLATIONS

Violations of any one of these regulations shall be punished by a fine of up to \$50.00/day for each violation or reoccurrence of such violation.

## **CHAPTER 13**

### **ILLEGAL DUMPING VIOLATION**

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#### 13.1 SCOPE

For the preservation of the public health and to prevent a nuisance, no person shall dump, or cause to be dumped, rubbish or debris within the limits of a public way or within 150 feet on either side of the legal limits or layout of a public way or within 100 feet from an abutting property within the Town of Norton. Violation of this regulation, in addition to being deemed a misdemeanor and punishable as such, shall be subject to a fine of \$150.00 This section shall not apply to an area property designated by the Board of Health as a dumping site under the provisions of Chapter 111 of the General Law.

## CHAPTER 14

### DEMOLITION OF BUILDING

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#### 14.1 SCOPE

Each person, or corporation who is a holder of Title of a building to be demolished, shall submit a statement in writing to the Board of Health from a licensed, registered Pest Control Contractor, that the building to be demolished has been treated and is rodent and insect free.

The person applying the pesticides must hold a current Massachusetts Pesticide Applicators License, he or she must submit a Registration Number and list the pesticides applied, to the Board of Health with the above statement.

All debris from demolished building shall be removed within 15 day's from completion of demo. All foundation **must** be eliminated; all cellar holes **must** be filled with clean approved fill and leveled to grade.

Any person or corporation licensed to demolish a building or dwelling must indicate the location where the debris is to be disposed of to the Board of Health prior to demolition of such building or dwelling.

## **CHAPTER 15**

### **HOUSING INSPECTIONS**

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#### 15.1 AUTHORITY

Board of Health of the Town of Norton in accordance with and under the authority granted by the General Laws of the Commonwealth, Chapter 111 § 31, has adopted this regulation.

#### 15.2 RATIONALE

In addition to public health, housing inspections are required by governmental agencies for other purposes. Such requirements place a demand on resources, and are outside of the duties and obligations of the Board of Health. Anyone requesting an inspection for other than their health, safety, well-being or protection of their property, should financially support such requirements.

#### 15.3 REQUEST FOR HOUSING INSPECTION

Any request for a housing inspection for other than protecting the health, safety and well being of the occupants of housing and the general public to facilitate the use of legal remedies available to occupants of substandard housing, to assist Board of Health in their enforcements of the State Sanitary Code, 105 CMR 410.000 - Minimum Standards of Human Habitation and to provide a method of notifying interested parties of violations of conditions which require immediate attention, shall be in writing.

#### 15.4 FEES

- A. A fee as established in the fee schedule shall accompany any request for a housing inspection consistent with Section 15.3 of this regulation.
- B. The fee for an inspection shall be paid not less than ten (10) days before the requested inspection is to take place.
- C. There shall be a fee for any inspection that may be required beyond the initial re-inspection as established in the fee schedule.



## CHAPTER 16

### SMOKING AND THE SALE, VENDING AND DISTRIBUTION OF TOBACCO

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#### 16.1

##### 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 eighty percent of all smokers begin smoking before the age of eighteen years (Centers for Disease Control and Prevention, "Youth Surveillance - United States 2000," 50 MMWR 1 (Nov. 2000); and whereas nationally in 2000, sixty nine percent of middle school age children who smoke at least once a month were not asked to show proof of age when purchasing cigarettes (Id.); and whereas the U.S. 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 Town of Norton Board of Health to curtail the access of tobacco products by minors.

##### B. Authority:

This regulation is promulgated pursuant to the authority granted to the Town of Norton Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations"

##### C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

**Business Agent:** An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

**Employee:** Any individual who performs services for an employer.

**Employer:** Any individual, partnership, association, corporation, trust or other organized group of individuals, including Town of Norton or any agency thereof, which uses the services of one (1) or more employees.

**Minor:** Any individual who is under the age of eighteen (18).

**Permit Holder:** Any person engaged in the sale or distribution of tobacco products directly to consumers who applies for and receives a tobacco sales permit or any person who is required to apply for a tobacco sales permit pursuant to these regulations, or his or her business agent.

**Person:** An individual, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers.

**Self Service Display:** Any display from which customers may select a tobacco product without assistance from an employee or store personnel, excluding vending machines.

**Tobacco Product:** Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms.

**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 product.

#### 16.2 Tobacco Sales to Minors Prohibited:

- A. No person shall sell tobacco products or permit tobacco products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco products to a minor.
- B. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Town of Norton Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that a person standing at or approaching the cash register may readily see it. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
- C. **Identification:** Each person selling or distributing tobacco products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.
- D. All retail sales of tobacco must be face-to-face between the seller and the buyer except as outlined in sections 16.6 and 16.7.

### 16.3 Tobacco Sales Permit:

- A. No person shall sell or otherwise distribute tobacco at retail within Town of Norton without first obtaining a tobacco sales permit issued annually by the Town of Norton Board of Health.
- B. As part of the tobacco sales permit application process, the applicant will be provided with the Town of Norton 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 sales regarding both state laws regarding the sale of tobacco and this regulation.
- C. 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.
- D. The fee for a tobacco sales permit shall be determined by the Town of Norton Board of Health annually. All such permits shall be renewed annually. Permits expire December 31.
- E. A separate permit is required for each retail establishment selling tobacco.
- F. Each tobacco sales permit shall be displayed at the retail establishment in a conspicuous place.
- G. No tobacco sales permit holder shall allow any employee to sell cigarettes or other tobacco 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 regulation and applicable state laws.
- H. A tobacco sales permit is non-transferable. A new owner of an establishment that sells tobacco must apply for a new tobacco sales permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
- I. Issuance of a tobacco 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.
- J. A tobacco sales permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired.

### 16.4 Free Distribution:

No free tobacco products shall be distributed within the Town of Norton. Promotional advertisements including the word "free" such as "buy one get one free", "free with purchase", etc. shall be allowed only when a tobacco product must be purchased in order to get free additional product(s).

16.5 Out-of-Package Sales:

No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

16.6 Self Service Displays:

All self-service displays of tobacco products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked. The only exception is self-service displays that are located in facilities where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

16.7 Tobacco Vending Machines:

All tobacco vending machines are prohibited. The only exception is tobacco vending machines are permitted if equipped with a lock out device, in an establishment with a valid pouring liquor license, and located in facilities where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time. A lock-out device locks out sales from the vending machine unless an employee triggers a release mechanism. The release mechanism must not allow continuous operation of the vending machine and must be out of the reach of all consumers and in a location accessible only to employees.

16.8 Violations:

It shall be the responsibility of the permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco. The violator shall receive:

- A. In the case of a first violation, a fine of one hundred dollars (\$100.00).
- B. In the case of a second violation within a **12** months period of the date of the current violation, a fine of two hundred dollars (\$200.00) and the tobacco sales permit shall be suspended for seven (7) consecutive business days.
- C. In the case of three violations within a **12** months period of the date of the current violation, a fine of three hundred dollars (\$300.00) and the tobacco sales permit shall be suspended for fourteen (14) consecutive business days.
- D. In the case of four violations within an **18** months period of the date of the current violation, a fine of three hundred dollars (\$300.00) and the tobacco sales permit shall be suspended for twenty one (21) consecutive business days.
- E. In the case of fifth violations within an **18** months period of the date of the current violation, a fine of three hundred dollars

- (\$300.00) and the tobacco sales permit shall be suspended for twenty seven (27) consecutive business days.
- F. In the case of sixth violations within a 24 months period of the date of the current violation, a fine of three hundred dollars (\$300.00) and the tobacco sales permit shall be suspended for thirty (30) consecutive business days.
  - G. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the tobacco sales permit for thirty (30) consecutive business days.
  - H. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products directly to a consumer while his or her permit is suspended shall be subject to the suspension of all board of health issued permits for thirty (30) consecutive business days and a fine of fine of three hundred dollars (\$300.00).
  - I. The Town of Norton Board of Health shall provide notice of the intent to suspend a tobacco sales permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision, and the reasons therefore in writing. After a hearing, the Town of Norton Board of Health shall suspend the tobacco sales permit if the Board finds that a sale to a minor occurred. All tobacco products shall be removed from the retail establishment upon suspension of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.

#### 16.9 Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

#### 16.10 Enforcement:

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

Any citizen who desires to register a complaint pursuant to the regulation may do so by contacting the Board of Health of Town of Norton or its designated agent(s) and the Board shall investigate.

16.11 Severability:

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

16.12 Effective Date:

This regulation shall take effect on October 29, 2007.

## CHAPTER 17

### REGULATIONS GOVERNING PERSONS AND ESTABLISHMENTS THAT GIVE MASSAGE

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No person shall practice massage therapy without obtaining a license or permit from the Norton Board of Health.

No person shall conduct a business for the purpose of giving massage therapy without obtaining a license or permit from the Norton Board of Health.

A license issued to a masseuse or a massage establishment is not transferable.

#### 17.1 DEFINITIONS

- A. **Massage Therapy:** is a profession in which the practitioner applies manual techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client.
- B. **Masseur** shall mean a male who practices massage.
- C. **Masseuse** shall mean a female who practices massage.
- D. **ACCREDITED SCHOOL OF MASSAGE** shall mean any school or educational institution licensed to do business in the State in which it is located, where the method, profession, and work of massage is taught. The school is accredited by a state unit of educational accreditation, or by the American Massage Therapy Association and provides no less than 500 hours of instruction, which includes a requirement of 120 credit hours in anatomy, physiology and pathology, and furnishes a certificate or diploma of successful completion.

#### 17.2 PERSONS EXCLUDED

Physicians, physical therapists, school athletic trainers or chiropodists (podiatrists), nurses, and acupuncturists registered in the Commonwealth are excluded. A person registered as a barber or an apprentice under the provisions of section 87H or section 87I of Chapter 112 of the General laws or as a hairdresser operator, or a student under the provisions of Section 87T to 87JJ, inclusive of Chapter 112 of the General Laws may practice facial and scalp massage without taking out a license.

#### 17.3 REQUIREMENTS FOR PERSONAL LICENSING

No person will be licensed to practice massage unless they meet the following requirements:

- A. Be 21 years of age or older.
- B. Be of good moral and ethical character.
- C. Submit to the Board of Health a completed application form containing all information requested by said form.
- D. Provide the name and address of the accredited school attended, date attended, and a copy of the diploma, or certificate of graduation, stating that the applicant has successfully completed not less than 500 hours of instruction.

- E. Provide proof of a physical exam and a tuberculin test within the last 45 days. If this is a re-licensure provide proof of a physical exam and a tuberculin test within the last year.
  - F. Submit to the Board of Health a current photograph of the applicant at least 2x2" in size.
  - G. Submit to the Board of Health a statement of all convictions in a court of law and the grounds therefore.
  - H. No person shall employ as a massage therapist any person unless said employee has obtained and has in effect a license issued by the Norton Board of Health.
  - I. No licensee shall operate under any other name than his/her own.
- 17.4 DISPLAY OF LICENSES AND FEES  
Each massage therapist shall post his or her individual license in his or her work area.
- 17.5 PROHIBITIVE  
No person licensed shall treat any person afflicted with any skin eruption or other disease unless such person shall have furnished a written certificate from a physician to the effect that the eruption or disease is not of contagious or transmissible nature.  
No person shall practice colonic therapy within the Town of Norton.
- 17.5 GROUND FOR SUSPENSION OR REVOCATION OF LICENSE:
- A. Any material statement in the licensee's application that is false.
  - B. Inability or unfitness to engage in the practice of massage due to the licensee's physical condition, moral character, or fitness to do the licensed work.
  - C. Violation by the licensee of any law or by-law of these rules and regulations.
  - D. Failure or refusal to permit the Norton Police, Fire, Building Inspector or the Board of Health to inspect the premises at any time.
  - E. Failure to pay any fees, taxes or assessments owed to the Town of Norton or the Commonwealth of Massachusetts.
- 17.6 HEARINGS:  
Any person whose license has been suspended or revoked may within ten (10) days of the suspension or revocation of the license, request in writing, a hearing. The Board of Health shall set a time and place for said hearing.
- 17.7 PENALTIES:  
A fine or not more than one hundred dollars (\$100.00) or imprisonment for not more than six (6) months shall punish whoever violates any provision of these Rules and Regulations or both in accordance with Section 53, Chapter 140 or the General laws of the Commonwealth of Massachusetts shall punish.
- 17.9 INVALIDATION:  
If any section, paragraph, sentence, clause or phase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these



regulations, which shall remain in full force and effect; and to this end the provision of these regulations are hereby declared severable.

17.10 FEES FOR MASSEUR:

The fee shall be established in the fee schedule. All licenses issued to a masseur are not transferable.

## **REGULATIONS FOR ESTABLISHMENT**

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17.11 Definition of Establishment:

**ESTABLISHMENTS FOR GIVING MESSAGE** shall mean the office, place of business, or premises where massage is practiced or where therapeutic substance is given.

17.12 ESTABLISHMENT EXCEPTIONS:

Hospitals, nursing and convalescent homes, and other similar licensed institutions where massage and baths may be given are excluded from the definition as an establishment.

17.13 REQUIREMENTS FOR LICENSING OF AN ESTABLISHMENT

- A. The premises shall be well-lighted, well-ventilated, and properly heated when seasonally indicated.
- B. No room used by the licensee in the conduct of business shall be used as a bedroom.
- C. Every room used for massage shall contain a hand-washing sink with hot and cold running water, liquid soap, paper towels and must be cleaned and well maintained.
- D. There shall be approved toilet and washing facilities within the premises, readily available to the patrons and affording sufficient privacy.
- E. Where patrons of both sexes are accommodated, adequate arrangements shall be made for separation of rooms, toilets and washing facilities used by each sex.
- F. Each room or enclosure used for giving massage services shall have at least one artificial light of not less than 60 watts.
- G. The reception area must be separate from the massage room.
- H. There shall be a heat and smoke detecting system installed and approved by the chief of the Norton Fire Department.
- I. All rooms used for reception and treatment of patrons shall be arranged so as to afford adequate fire protection and shall have satisfactory means of egress in case of fire as approved by the Norton Building Inspector and the Norton Fire Chief.
- J. All devices that come in contact with the body shall be properly sanitized with a bacterial disinfectant after each use. Example: hot stones, robes, sheets, blankets, pillowcases, wearing apparel, towels or other materials etc.
- K. All linens that come in direct contact with the body shall be laundered and appropriately sanitized after each use.

- L. All areas of the massage room shall be maintained in a clean and sanitary manner. All Surfaces shall be cleaned and sanitized with disinfectant after each use.
  - M. No food or alcohol shall be permitted on the premises.
  - N. The treatment of wounds shall be prohibited.
- 17.14 DISPLAY OF LICENSES:  
All licenses and permits to operate the establishment must be posted in a conspicuous place in the establishment.
- 17.15 PRICE RATES:  
Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- 17.16 REGISTER OF EMPLOYEES  
The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any given time as a massage therapist and are responsible to make sure each massage therapists has a valid license from the Board of Health. Such register shall be available at the massage establishment to representatives of the Town of Norton during regular business hours.
- 17.17 HEARINGS:  
Any establishment whose license has been suspended or revoked may within ten (10) days of the suspension or revocation of the license, request in writing, an hearing upon the cause or causes of such suspension or revocation. The Board of Health shall set a time and place for said hearing.
- 17.18 PENALTIES:  
A fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than six (6) months shall punish whoever violates any provision of these Rules and Regulations or both in accordance with Section 53, Chapter 140 or the General laws of the Commonwealth of Massachusetts shall punish.
- 17.19 INVALIDATION:  
If any section, paragraph, sentence, clause or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect; and to this end the provision of these regulations are hereby declared severable.
- 17.20 FEES FOR ESTABLISHMENTS:  
The fee shall be established in the fee schedule. All licenses issued to an establishment are not transferable.

## **CHAPTER 18**

### **GOVERNING TANNING FACILITIES**

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#### **18.1 SCOPE:**

All tanning facilities within the Town of Norton shall obtain a permit from the Board of Health. The permit shall be effective from January 1<sup>st</sup> to December 31<sup>st</sup> of each year. Tanning facilities shall be in accordance with 105 CMR 123.000 "Tanning Facilities".

#### **18.2 APPLICATION:**

- A. The application for tanning facilities must include the name, address, and phone number of both the facility and owner.
- B. A list of each tanning device, including manufacturer, model, and serial number.
- C. The name and address of the tanning device supplier, installer, or service agent.
- D. A signed and dated certification that the application has received read and understood the requirements of these regulations.
- E. A copy of 105 CMR 123.000 Tanning Facilities shall be on file in the tanning facility.
- F. A copy of the consent form to be used by the facility in fulfilling the requirements of 105 CMR 123.012(D) (2) and (3).
- G. A copy of the operating and safety procedures to be followed in the operation of the facility and tanning devices.

#### **18.3 REPORT OF INJURY:**

The licensed facility shall within five (5) days complete a written report addressed to the Board of Health indicating any injury reported or customer complaint. This report shall include:

- A The name of the affected individual.
- B The name and location of the tanning facility involved.
- C The nature of the injury.
- D The name and address of the affected individual's health care provider, if any.
- E Any other information considered relevant to the situation.

#### **18.4 NON-TRANSFERABILITY OF LICENSE:**

No license shall be transferable from one person to another or from one tanning facility to another.

#### **18.5 GROUND FOR SUSPENSION, DENIAL, OR REFUSAL TO RENEW A LICENSE:**

- A. The Board may suspend a license pending a hearing whenever the Board finds that there is a situation causing jeopardy to customers at a tanning facility. A facility may not operate during the period of a suspension.
- B. The Board may deny, revoke or refuse to renew a license for any one of the following reasons in 105 CMR 123.00 or the Norton Board of Health.

18.6 SANITATION:

The operator shall provide to customers of the tanning facility access to toilet and hand washing facilities. Such facilities shall meet the following requirements:

1. Each tanning booth or bed shall be cleaned and disinfected at least once every 24 hours.
2. They shall contain liquid soap, paper towels, and a receptacle for used paper towels.
3. It is the responsibility of the tanning facility to clean and disinfect each bed or booth after use.

18.7 INSPECTIONS:

The Board of Health shall inspect each tanning facility at any reasonable time.

18.8 PENALTIES:

A fine of not more than one hundred dollars (\$100.00) and or a suspension of the license shall be accessed if any part of these regulations or any part of 105 CMR 123.000 are violated.

18.9 FEE:

The fee shall be as established in the fee schedule.

## CHAPTER 19

### NUISANCE COMPLAINTS

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19.1 DEFINITION:

Nuisance complaints are defined as any complaint received from the general public, which could endanger the public's health, comfort, and safety.

19.2 FILING A COMPLAINT:

Complaints may be filed by calling the Board of Health office at 508-285-0263. Mailing a complaint to the Board of Health office at 70 East Main Street, Norton, MA 02766. A complaint can also be sent by email to [cpeters@nortonmaus.com](mailto:cpeters@nortonmaus.com), [healthagent@nortonmaus.com](mailto:healthagent@nortonmaus.com) or [bohassistant@nortonmaus.com](mailto:bohassistant@nortonmaus.com)

19.3 BOARD OF HEALTH ACTION:

All properly filed nuisance complaints require investigation by the Board of Health or its agent, and must be investigated as expeditiously as possible. Any complaint, which is regarded detrimental to public health and safety, will be investigated within twenty-four (24) hours, and all others will be investigated within five (5) working days.

## **CHAPTER 20**

### **PAYMENT OF CONSULTANT FEES**

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- 20.1 The Board of Health reserves the right to hire an outside consultant when needed. The consultant will assist the Board on the technical aspects of site approval, interpretation of hydro geological studies, chemistry reports, engineering reports and any other report or study the Board of Health feel requires technical interpretation.
- 20.2 All expenses incurred by the Board of Health's consultant will be paid by the proponent, landowner, or applicant in a method to be determined by the Board.

## CHAPTER 21

### BODY ART ESTABLISHMENTS AND PRACTITIONERS

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#### 21.1 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 Norton** passes these rules and regulations for the practice of body art in the **Town of Norton** as part of our mission to protect the health, safety and welfare of the public.

#### 21.2 AUTHORITY:

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law 111, Section 31.

#### 21.3 DEFINITIONS:

##### AFTERCARE:

Means 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:

Means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

##### AUTOCLAVE:

Means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

##### AUTOCLAVING:

Means 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 thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

##### BLOOD BORNE PATHOGENS STANDARD:

Means OSHA Guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Blood borne Pathogens."

##### BOARD OF HEALTH OR BOARD:

Means the Board of Health that has jurisdiction in the community in which a body art establishment is located including the Board or officer having like powers and duties in towns where there is no Board of Health.

BODY ART:

Means 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 procedures are prohibited.

BODY ART ESTABLISHMENT OR ESTABLISHMENT:

Means 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:

Means 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:

Means puncturing or penetrating the skin of a client with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

BRAIDING:

Means 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:

Means 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:

Means 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:

Means a member of the public who requests a body art procedure at a body art establishment.

CONTAMINATED WASTE:

Means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII and/or 29 Code of Federal Regulation 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 means the implantation of permanent pigment around the eyes, lips and cheeks of the face and hair imitation.

DISINFECTANT:

Means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

DISINFECTION:

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

EAR PIERCING:

Means the puncturing of the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

EQUIPMENT:

Means 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:

Means an event whereby there is an eye, mouth or other mucus membrane, non-intact skin or parenteral contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or parenteral contact with other potentially infectious matter.

HAND SINK:

Means 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:

Means water that attains and maintains a temperature 110°-130°F.

INSTRUMENTS USED FOR BODY ART:

Means 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:

Means 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:

Means 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:

Means a light reflectance value of 70 percent or greater.

MINOR:

Means any person under the age of eighteen (18) years.

MOBILE BODY ART ESTABLISHMENT:

Means any trailer, truck, car, van, camper or other motorized or non-motorized 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:

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

PERMIT:

Means Board approval in writing to either (1) operate a body art establishment or (2) 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:

Means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

PHYSICIAN:

Means an individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2.

PROCEDURE SURFACE:

Means 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:

Means clean and free of agents of infection or disease.

SANITIZE:

Means the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

SCARIFICATION:

Means 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:

Means 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:

Means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

SINGLE USE ITEMS:

Means 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:

Means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

TATTOO:

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

TATTOOING:

Means 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:

Means the same as Mobile Body Art Establishment.

THREE DIMENSIONAL "3D" BODY ART OR BEADING OR IMPLANTATION:

Means 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:

Means 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:

Means 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.

21.4 EXEMPTIONS:

- A. Physicians licensed in accordance with M.G.L. c. 112 § 2 who perform body art procedures as part of patient treatment are exempt from these regulations.
- B. Individuals who pierce only the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

21.5 Restrictions

- A. No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.
- B. 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 parent and a birth certificate of the minor. A legal guardian must also present an official document from the probate court identifying them as the legal guardian with an embossed Commonwealth seal.
- C. No body art shall be performed upon an animal.
- D. The following body piercing 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 piercing, 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.

- F. The following practices 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. |            |               |       |

21.6 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:

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 operator area 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 dividers or partition at a minimum.
- E. The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles 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. A body art establishment permanently located within a retail shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate toilet room within such body art establishment, but each station will have a hand washing sink. If Board-approved toilet facilities are located in the retail-shopping center within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.
- J. The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow preventor installed in accordance with 142 Code of Massachusetts Regulation 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, leak proof, 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 non-contaminated 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 non-alcoholic fluids being offered to a client during or after a body art procedure.
- 21.7 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 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 cups. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
- 21.8 SANITATION AND STERILIZATION MEASURES AND PROCEDURES:
- A. All non-disposable 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 U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions.
  - B. After being cleaned, all non-disposable 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 U.S. 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 (6) 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 the Board receives documentation of the autoclave's ability to destroy spores. These test records shall be retained by the operator for a period of three (3) 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 re-sterilizing.
- G. If the body art establishment uses only 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 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.

21.9 POSTING REQUIREMENTS:

**The following shall be prominently displayed:**

- 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 Norton Board of Health.
- C. An Emergency Plan, including:



- A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
- A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
- 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.

21.10 EACH PRACTITIONER'S PERMIT:

**Establishment Record keeping.**

- A. The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:
- B. Establishment information, which shall include:
- Establishment name;
  - Hours of operation;
  - Owner's name and address;
  - A complete description of all body art procedures performed;
  - 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;
  - A Material Safety Data Sheet, when available, for each ink and dye used by the establishment;
  - Copies of waste hauler manifests
  - Copies of commercial biological monitoring tests
  - Exposure Incident Report (kept permanently)
  - A copy of these regulations.
- C. Employee information, which shall include:
- Full legal names and exact duties;
  - Date of birth;
  - Home address;
  - Home /work phone numbers;
  - Identification photograph;
  - Dates of employment;
  - Hepatitis B vaccination status or declination notification; and
  - Training records

D. Client Information, which shall include:

- Name;
- Age and valid photo identification
- Address of the client;
- Date of the procedure;
- Name of the practitioner who performed the procedure(s);
- Description of procedure(s) performed and the location on the body;
- A signed consent form as specified by 21.5(B) and,
- If the client is a person under the age of 18, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian.

**Client information shall be kept confidential at all times.**

E. 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 limited to, 29 Code of Federal Regulation 1910.1030 OSHA Blood borne 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.

F. No person shall establish or operate a Mobile or Temporary Body Art Establishment.

21.11 STANDARDS OF PRACTICE:

Practitioners are required to comply with the following minimum health standards:

- A. A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U. S. Centers for Disease Control and Prevention.
- B. A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- C. Practitioners who use ear-piercing systems must conform to the manufacturers directions for use, and to applicable U.S. 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.
- D. Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
- E. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:

- History of diabetes;
  - History of hemophilia (bleeding);
  - History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
  - History of allergies or adverse reactions to pigments, dyes, or other sensitivities;
  - History of epilepsy, seizures, fainting, or narcolepsy;
  - Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
  - Any other conditions such as hepatitis or HIV.
- F. 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.
- G. 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 their 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.
- H. In performing body art procedures, a practitioner shall wear disposable 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 section (G) 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 disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- I. 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.
- J. 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.

- K. Preparation and care of a client's skin area must comply with the following:
- L. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- M. 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.
- N. In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- O. 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.
- P. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
  - On the proper cleansing of the area which received the body art;
  - To consult a health care provider for:
  - Unexpected redness, tenderness or swelling at the site of the body art procedure;
  - Any rash;
  - Unexpected drainage at or from the site of the body art procedure; or
  - A fever within 24 hours of the body art procedure; and
  - Have the address, and phone number of the establishment.
- Q. A copy shall be provided to the client. A model set of aftercare instructions shall be made available by the Board.
- R. Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waster,

State Sanitary Code, Chapter VIII.

21.12 EXPOSURE INCIDENT REPORT:

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.

Each Exposure Incident Report shall contain:

- A copy of the application and consent form for body art activity completed by any client or minor client involved in the exposure incident;
- A full description of the exposure incident, including the portion of the body involved therein;
- Instrument(s) or other equipment implicated;
- A copy of body art practitioner license of the involved body art practitioner;
- Date and time of exposure;
- A copy of any medical history released to the body art establishment or body art practitioner; and
- Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

21.13 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:

- The name of the affected client;
- The name and location of the body art establishment involved;
- The nature of the injury, infection complication or disease;
- The name and address of the affected client's health care provider,
- If any other information considered relevant to the situation.

21.14 COMPLAINTS:

- A. The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.
- B. 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.

- C. 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.

21.15 APPLICATION FOR BODY ART ESTABLISHMENT PERMIT:

- A. No person may operate a body art establishment except with a valid permit from the Board.
- B. 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.
- C. An establishment permit shall be valid from the date of issuance and for no longer than one year unless revoked sooner by the Board.
- D. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
- E. Name, address, and telephone number of:
- The body art establishment;
  - The operator of the establishment; and
  - The body art practitioner(s) working at the establishment;
- D. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;
- G. A signed and dated acknowledgement that the applicant has received read and understood the requirements of the Board's body art regulations;
- H. 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,
- I. Exposure Report Plan
- J. Such additional information as the Board may reasonably require.
- K. The annual fee for the Body Art Establishment Permit shall be as established in the fee schedule.
- L. A permit for a body art establishment shall not be transferable from one place or person to another.

21.16 APPLICATION FOR BODY ART PRACTITIONER PERMIT:

- A. No person shall practice body art or perform any body from the Board. The fee shall be as established in the fee schedule.
- B. A practitioner shall be a minimum of 18 years of age.
- C. 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.

21.17 APPLICATION FOR A PRACTITIONER PERMIT SHALL INCLUDE:

- Name;
- Date of birth;
- Residence address;
- Mailing address;
- Phone number;
- Place(s) of employment as a practitioner; and
- Training and/or experience as set out in Regulation 21.17.

21.18 PRACTITIONERS 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 for all practitioners shall be approved by the Board and, at a minimum, shall include the following:
  - Blood borne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and.
  - Current certification in First Aid and cardiopulmonary resuscitation (CPR).
  - Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Blood borne Pathogen Training" (U.S. 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 she/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 she/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 practitioners 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.
- F. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these rules and regulations.

21.19 GROUND FOR SUSPENSION, DENIAL, REVOCATION, OR REFUSAL TO RENEW PERMIT.

- A. 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:
  - B. Any actions which would indicate that the health or safety of the public would be at risk;
  - C. Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
  - D. 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;
  - E. Any present or past violation of the Board's regulations governing the practice of body art;
  - F. Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
  - G. Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
  - H. Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
  - I. Continuing to practice while his/her permit is lapsed, suspended, or revoked; and



- J. 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.
  - K. Other just and sufficient cause, which the Board may determine, would render the establishment, practitioner or applicant unfit to practice body art;
  - L. 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 (7) 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 (7) days subject to the procedure outlined in Section 15.
  - M. Applicants denied a permit may reapply at any time after denial.
- 21.20     GROUND 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.
- 21.21     PROCEDURE FOR HEARINGS:  
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.
- A. In the case of a suspension of a permit as noted in Section 13, a hearing shall be scheduled no later than 21 days from the date of the suspension.
- 21.22     SEVERABILITY:  
If any provision contained in the model regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

## **FEE SCHEDULE**

Abandonment application . . . . .	\$ 50.00
Disposal Works construction Permit and percolation testing:	
Residential . . . .new . . . . .	\$300.00
Commercial . . . . .	\$400.00
Revisions (new construction) . . . . .	\$ 50.00
Residential repair . . . . .	\$150.00
Commercial repair . . . . .	\$250.00
Repair revisions . . . . .	\$ 25.00
Percolation -new -soil profile & 2 percolation tests . . . .	\$250.00
Percolation -repair -soil profile & 2 percolation tests . .	\$150.00
Commercial soil profile & 2 percolation tests . . . . .	\$300.00
Open Pit Inspection (to determine water level) . . . . .	\$ 50.00
Re percolation test (new) . . . . .	\$100.00
Building review . . . . .	\$ 25.00
Title V Services:	
Engineer/Sanitarian License . . . . .	\$ 75.00
Soil Evaluator License . . . . .	\$ 75.00
Title V Inspector License . . . . .	\$ 50.00
Title V Inspection Report Review . . . . .	\$ 25.00
Disposal Works Installer's License . . . . .	\$125.00
Disposal Works Installer's Test . . . . .	\$ 50.00
Pumper Permits (Each vehicle) . . . . .	\$ 75.00
Portable Toilet Permit (first 10 units) per location . . . . .	\$ 35.00
Portable Toilet Permit (11 or more) per location . . . . .	\$ 50.00
Food Service License . . . . .	\$150.00
Bakery License . . . . .	\$ 50.00
Caterer License . . . . .	\$ 50.00
Retail Food Service License . . . . .	\$ 75.00
Frozen Dessert License . . . . .	\$ 25.00
Milk & Cream License . . . . .	\$ 25.00
Mobile Food Service License . . . . .	\$100.00
Food Court License . . . . .	\$ 50.00
Food Delivery . . . . .	\$ 50.00
Institutional Food Service License . . . . .	\$150.00
Special Event Food Service (3day/7day) . . . . .	\$150.00
School Food Service (special event) . . . . .	waived
Temporary Food Service (Camps) . . . . .	\$ 50.00
Hypodermic Needle License . . . . .	\$ 25.00
Mobile Home Park License . . . . .	\$100.00
Pet Store License . . . . .	\$ 50.00
Kennel Permit . . . . .	\$ 35.00
Piggery License . . . . .	\$ 50.00

Recreational Camp License . . . . .	\$150.00
Re-inspection fee (Any permit related inspection) . . . . .	\$ 50.00
Site Assignment Hearing . . . . .	.\$250.00
Stable License . . . . .	\$ 35.00
Swimming Pool Permit . . . . .	\$100.00
Tanning Facility License . . . . .	\$100.00
Therapeutic Massage License . . . . .	\$ 75.00
Therapeutic Massage Establishment . . . . .	.\$150.00
Body Art Practitioners License . . . . .	\$100.00
Body Art Establishment . . . . .	\$200.00
Tobacco Permit . . . . .	\$ 50.00
Trailer Permit (temporary) valid for 3 months . . . . .	.\$ 50.00
Trash Haulers License (each vehicle) . . . . .	\$ 75.00
Garbage Trucks License (each vehicle) . . . . .	.\$ 75.00
Well permit . . . . .	.\$ 50.00
Well pump . . . . .	\$ 25.00
Pump Installers test . . . . .	\$ 25.00
Pump Installers Permit . . . . .	\$ 25.00
Non-Potable Well Permit . . . . .	\$ 50.00
License Renewal Late Charge . . . . .	\$ 25.00
Board of Health Rules & Regulations . . . . . (copy)	\$ 10.00
Housing Inspection . . . . .	\$ 50.00
Request for Information Site Specific Plus copy . . . . .	\$ 2.00
Notary Public Per item . . . . .	\$ 3.00

Note: The Board may impose a fine equal to twice the permit fee where construction or installation of facilities is performed without a permit or approval. Such a fine is separate from the fee, which will be required with a permit application after an un-permitted action is discovered.

Complete revision to Board of Health Rules and Regulations accepted October 18, 2007, effective on October 29, 2007.