

TOWN OF PLYMOUTH

BOARD OF HEALTH

RULES AND REGULATIONS

Revised: May 12, 2017

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PREAMBLE

Although the laws established by State and Federal Agencies are of a minimum nature they are deemed to be generally adequate to protect the public health and the environment in the interest of present and future citizens of the Commonwealth.

However, specific identifiable local conditions may require more stringent regulations to protect these interests. It is with this intent that the Plymouth Board of Health, pursuant to the statutory authority granted them in the General Laws of the Commonwealth, and amendments and additions thereto, and by any power thereto enabling, and acting there under and in accordance therewith, and in accordance with the State's environment and sanitary codes, in the interest of and for the preservation of the public health,

PROCEDURES FOR A
DISPOSAL WORKS PERMIT AND CERTIFICATE OF COMPLIANCE

1. Obtain an approved zoning permit **for New Construction Only**.
2. Obtain Conservation Commission approval, if applicable.
3. Secure the services of a Registered Sanitarian or Professional Engineer for application submission of Sewage application.
4. If a well is to be installed, proceed as herein directed under Well Regulations of the Town of Plymouth
5. The following information must be submitted to this office in order to obtain your Sewage Disposal Works Construction Permit:
 - a. Approved Zoning application if applicable.
 - b. Approved Conservation Commission determination, when applicable;
 - c. The results of an approved water test and well report are to be submitted prior to or with the Application for Disposal Works Construction Permit. If an existing well is to remain in use and is less than 100' from the existing soil absorption system, then a VOC (Volatile Organic Compound) and standard chemical and bacterial well test results must accompany the septic repair application.
 - d. Four copies of the sewage plans drawn in accordance with applicable state and local requirements. Each application (both pages – yellow & white) must have the stamp and signature of the designer.
 - e. Approval from the utility company required if sewage system is designed for location in easement areas, e.g.: gas, electric, etc.
 - f. A Soil Evaluator Report (Form 11).
 - g. A floor plan of the dwelling or dwelling unit showing existing and proposed floor plans. A floor plan may be drawn by a homeowner or their agent, flow to be verified by Assessors' records.
 - h. Any other pertinent information as designated in Title V Regulation 15.220.
 - i. All required fees for filing (See fee and fine schedule).
 - j. All Variances must be on the Engineer's letterhead with full descriptions and referencing the Title V sections wished to be varied.
6. All approved applications must be signed by the licensed installer in order for a permit to be issued. Any installation work done without an approved endorsed permit will be fined twice the application fee.
7. As built requirements: Original, wet stamp plan and endorsements of both the certifying engineer, registered sanitarian or other authorized agent and licensed installer are required prior to the issuance of the certification of compliance. All as built must contain the verbiage: "**We certify that this septic system has been constructed in accordance with the terms of the permit and the approved design plan and meets the requirements of the Town and State regulations, as-built**". Final certifications will only be issued with original signatures. All as built must also certify areas set aside for reserve and any other structures such as swimming pool or sheds.
8. All "as built" must be submitted to the Health Department within ten calendar days of completion of the system.

FINAL INSPECTIONS FOR SEPTIC SYSTEM INSTALLATION

Effective March 1, 2005, all septic system installations must be inspected by an agent of the Board of Health prior to backfilling. Please refer to Title V, 310 CMR 15.021 (2): Certificates of Compliance, "Subsurface components of a system shall not be backfilled or otherwise concealed from view until a final inspection has been conducted by the approving authority and permission has been granted by the approving authority to backfill the system".

All system inspectors will be scheduled on a rotating basis by the Health Department staff. An application will be provided when requesting an inspection. The application must be complete and submitted to the Health Office with the appropriate fee for an inspection. All Inspections are \$75.00 each – if an inspector needs to inspect a system more than once each visit will constitute a \$75.00 fee. All checks should be made payable to the Town of Plymouth.

FINAL SYSTEM INSPECTION PROCEDURES

As of July 11, 2005 the Plymouth Board of Health and its agents will be conducting final inspections, prior to backfilling on all newly installed septic systems. **A fine of \$200.00 will be assessed the Installer if there are deviations made to these procedures.** The following are steps to be taken for a limited visual inspection:

1. The application is submitted for approval and permitting. An installer comes into the office and signs the permit. The installer picking up the permit will also file a request for final inspection along with the \$75.00 fee. This inspection form has the M.G.L. c. 82A and 520 CMR 7.00 et Seq. (as amended) Trench Regulations included. Please make all checks payable to - Town of Plymouth. The installer must contact the Health Office and/or the Final System Inspector to schedule the final inspection. (Revised January 26, 2011)
2. When a job is complete the installer notifies the Engineer and the Health Office. All requests for an inspection must be made as soon as possible. For example: If you need an inspection on Wednesday you must notify the Health Office and/or the Final System Inspector by noon on Tuesday.
3. *PLEASE PLAN ACCORDINGLY – YOU SHOULD KNOW OR HAVE A GOOD IDEA IN ADVANCE WHEN A SYSTEM WILL BE DONE.* We can always cancel or move an appointment if needed.
4. The inspector will arrive at the site with a Septic System Installation Checklist form for completion. A copy will be provided to the installer at the time of inspection.
5. Once the "As Built" has been prepared it shall be filed in the Health Office. The installer must sign the as built plan as currently required. All signatures must be original. The installer at the time of inspection must provide the inspector a copy of the approved plan or recently prepared as built plan by the design engineer. The inspector will make sure the components are installed as designed. If there is any substantial deviation from the original design, the installer must notify the Engineer and any revisions to the plan must be submitted to the Health Office with the appropriate fee for approval. If a change is minor, revisions can be made on the "as built". If a Septic Tank is being used and is not being replaced – then a Tank Report MUST be filed along with the as built in the Board of Health.

6. If the installation is not complete or is improperly installed, the inspector will leave the site. Once the system has been properly installed the Installer will go to the Health Office and fill out another inspection form and pay an additional \$75.00 fee for a reinspection.
7. NO SYSTEM CAN BE BACKFILLED WITHOUT THE ENGINEER AND TOWN'S APPROVAL. The inspector will return the checklist to the Health Office.
8. Prior to the issuance of the Certificate of Compliance the installer must come into the office after backfilling the system to sign the Septic System Installation Checklist – stating that to the best of his/her ability all on-site sanitary waste system pipes, drains, tanks, voids, cesspools, or other equipment and/or features have been identified, located, filled, crushed, pumped, and otherwise rendered useless according to the engineers plans.
9. A Certificate of Compliance will be issued by the Health Department to the installer. The installer will furnish the applicant (name on Health permit) the Certificate of Compliance.

SUPPLEMENTS TO TITLE V –PLYMOUTH BOARD OF HEALTH

Regulation 1.Definitions

1.1 The following abbreviation as used herein: SEC – the State Environmental Code.

1.2 The following definitions supplement and modify those shown in SEC, Title V, Regulation 15.002.

 Multiple dwelling. As used in these regulations shall be as described and/or Defined in the Massachusetts State Building Code, Article 2, Section 201.0 – General Definitions.

 Habitable Area. Bedrooms (as defined by Title V) and other heated areas such as living rooms, dining rooms, bathrooms and kitchens are examples of such areas.

 Dwelling or Dwelling Unit. Means the room or group of rooms within a dwelling used or intended by use by one family or household for living, sleeping cooking and eating.

 Shared System. A septic system designed to address the disposal needs of multiple dwellings or dwelling units not held in common ownership. Multiple dwellings or dwelling units not held in common ownership, utilizing the same septic system on commonly owned land, does not constitute a shared system.

 Major Addition. Any addition to an existing structure which is no less than 70 square feet in floor space and no less than 7 feet in floor to ceiling height. The purpose of this regulation is to anticipate changes to unfinished areas that may be completed at a later date. Exceptions are any areas that do not increase the daily flow such as sheds, swimming pools, porches, room expansions or remodeling. Remodeling shall include but is not limited to the replacement of windows, doors, repair or maintenance of the existing structure to which there is no change to the room configuration.

 Minor Additions. Any extension to an existing structure or room that is less than 70 square feet in area. Minor additions shall include but are not limited to decks, mudrooms or the expansion of existing rooms with less than 70 square feet.

Regulation 2. General Requirements

1. Application for Disposal Works Construction Permit modifies and supplements SEC, Title V, and Regulation 15.220.

A plan of the lot must be submitted by a registered professional engineer or registered sanitarian or other approved by the approving authority. Each application must be dated and stamped with the seal of the person responsible for the design and all field work involved, who must be one of the aforementioned. Any other pertinent information which the Board of Health must require.

2. Volume of Sanitary Sewage. (SEC Title V, Regulation 15.203). No Modifications to this section apply within the Town of Plymouth as of April 13, 2011. Please refer to SEC Title V Regulation 15.203 for all State Regulations and Minimum Design Flows.

2.1 All Septic Plans that are submitted in the Town of Plymouth must have an Effluent Filter and Filter Fabric – UNLESS – the engineer can substantiate reasons why it would not be feasible. Unanimously approved and added to the regulations November 10, 2010 (Modified “Zabel Filter” to Effluent Filter on November 13, 2013)

2.2 Filter Fabric is the preferred method in Plymouth. The location and / or location of the filter fabric is solely up to the Design Engineer. Unanimously approved and added to the regulations on January 12, 2012

3. It is the policy of this Board that substandard sewage disposal systems be eliminated wherever possible.

3.1 All cesspools or cesspits constitute an automatic failure when found to exist at the time of a disposal system inspection or when making major or minor changes to a structure that requires a building permit. An approved Title V inspection report is required for any major or minor additions and/or alterations to the structures serviced by an onsite septic system designed between 1950 and 1979 before the Health Department will sign off on a building permit for such additions. The Title V inspection report must show the location of all septic components, including a reserve area. No permanent structures are to be place on a reserve area.

3.2 All cesspools and /or cesspits constitute an automatic failure when found to exist at the time a property is being sold or when there is a transfer of title.

3.3 All 750 gallon tanks also constitute an automatic failure and must be upgraded to current Title V standards.

4. Variances from Local Rules & Regulations or Variances Requiring a Hearing

- a. Be requested in writing from the Board of Health
- b. Be approved by a majority vote of the Board of Health
- c. Be granted in writing by the Board of Health
- d. A copy must be maintained in the permanent files of the Board of Health
- e. Any variances so granted may be revoked, modified or suspended with just cause.

5. Distance NEW CONSTRUCTION ONLY: Refer to 310 CMR 15.000 The State Environmental Code, Title V, Section 15.211 – Minimum Setback Distances. The Town of Plymouth now follows strict Title V Code on New Construction distances except for well distance which shall remain at 100'. (Revised January 26, 2011)

	Septic and Holding Tanks, Pump Chamber Treatment Unit and/or Grease Traps	Soil Absorbion System
Property Line:	10	10
Cellar or Crawl Space	10	20
Inground Swimming Pool	10	10
Water Lines	10	10
Slab Foundation	10	10
Surface Water (Except Wetlands)	25	50
BVW-Salt Marsh, Inland Coastal Bank	25	50
Certified Vernal Pool	50	100
Irrigation Wells	10	25

6. Installer & Title V Inspectors:

All Title V Inspectors must be licensed with the State of Massachusetts. The system inspector shall make reasonable and professional efforts to locate and inspect all system components. All seepage pits shall be located and inspected. Any cesspool acting as a pit to collect gray water, such as from a washing machine is not permitted. All untreated sewage must go through the septic tank and into a leaching facility in order to conform to the current Title V Regulations. It is recommended that a Title V inspection be conducted prior to placing the house on the market.

7. In keeping with the fact that it is the policy of this Board that substandard sewage disposal systems are eliminated wherever possible. Effective January 26, 2011 when a septic system is found to be a CONDITIONAL PASS during a TITLE V inspection OR – if there is an issue and it is looked at by a professional Title V inspector or Engineer - AND - IF - the leaching pit and/or trenches are found to be in failure at the time of inspection. The entire system must be updated to the current Title V Regulations ONLY IF tank is thirty (30) years or older. If the system is less than thirty (30) years of age then a Tank Replacement would be allowed and the functional pits and/or trenches will be “grandfathered”.

8. The board unanimously approved the implementation of a new regulation in the Supplements to Title V Regulations for the Board of Health in Plymouth. Effective July 1, 2013. There should be risers installed on the D-Box and the Outlet Cover brought to within 6 inches of or up to grade during all routine Title V inspections.

RULES AND REGULATIONS GOVERNING THE INSTALLATION OF
WELLS IN THE TOWN OF PLYMOUTH

1. Every person (individual), partnership, corporation or any other business or association engaged in well construction or well installation in the Town of Plymouth for the purpose of obtaining potable water shall possess a valid license issued by the Commonwealth of Massachusetts in accordance with Massachusetts General Laws, Chapter 21, Section 16.
2. Permit for each repair and or replacement well: every person (individual), partnership, corporation or any other business or association engaged in well construction or well installation in the Town of Plymouth for the purpose of obtaining potable water shall have a permit for each individual well construction or installation to be issued by the Board of Health with a proposed plan prior to the commencement of construction or installation. Every such person, partnership, corporation or any other business or association shall apply for said permit to the Board of Health for such permits on a form supplied by the Board of Health.
3. Fees for such well permit are \$50.00 to repair/replace a well in the exact same location. \$100.00 for any new wells or well repairs that require moving the well. Revised fees effective February 13, 2008.
4. No well for the purpose of obtaining potable water shall be connected to the water distribution system of any structure until a Certificate of Compliance therefore has been issued by the Board of Health.
5. The well must show a constant and sustained capacity re: its depth as follows:

Well Depth in Feet	Gallons per Minute for Minimum Four Hour Pump Test
1 - 150'	5 - 6
150 - 200'	4
200 - 250'	2 - 3
250 - 300'	1 - 2
350+' over	.5
6. The grade above and adjacent to the well shall slope at least 2% to prevent the accumulation of surface water. Provisions shall be made to minimize the flow of surface water over the area of the well.
7. A chemical (complete) and bacteriological analysis must be taken and performed on each well intended for drinking and culinary purposes. Where deemed necessary, the Board of Health may require additional analyses. Test sample collection for water analyses must be by an approved laboratory technician or other approved by the Board of Health. The water analysis and/or testing must be certified by a laboratory approved for the purpose by the State of Massachusetts and acceptable to the Board of Health, none other will be acceptable re: well certification by the Board of Health.
8. The submergence setting of a well point, foot valve or ejector in any well installed in unconsolidated material shall be a minimum of fifteen feet (15') below the static water level.
9. Water distribution lines (pipes) shall be connected to the well by means of an approved type pitless adapter installed below the frost lines, or by other sanitary means approved by the Board of Health.
10. The upper terminal of the well casing shall be provided with a sanitary well seal appropriate for the installation.

Location of Source of Supply: See setback regulation 3.7, Supplement to Title V.

Since at this early stage of construction the topographical make-up of a lot may be uncertain, the likelihood of the pit or adapter after final grading being located above finished grade, as required and the establishment around the top of the pit of a minimum 2% slope difficult, and in fact if not followed upon, unlikely.
Be informed as follows:

A Sewage Disposal Works Construction Permit CAN NOT be issued prior to the installation of a well permit and/or pitless adapter. The BUILDER must submit at this time a well installer's report with a statement that the well is in the approved location (NOT HIS CERTIFICATION) along with the laboratory analysis relative to the water quality. When the pit and/or adapter have been installed, the cement collar in place and the 2% slope established, the well installer must be notified by the builder so that the well installer can at that time check the well installation and/or construction site, and if in conformance to the town well regulations, file his certification with the Health Department for town certification.

This is only a change in departmental policy relative to pit and/or adapter installation, all other requirements and/or conditions remain unchanged.

No Certification of Compliance will be issued by the Health Department until such time as the well pit/or pitless adapter have been installed in accordance with the Town of Plymouth well regulations and certified as herein stated in accordance with Regulation 4 of the well regulations: "The well cannot be connected to the water distribution system of any structure, dwelling, etc. for which it was constructed and/or installed to service until Town certified."

A final as-built with measurement ties from the house must be submitted with the well installers' certification statement.

Be informed further that the occupancy approval required from the Health Department will not be given.

The well installer is required by the Town of Plymouth "Rules and Regulations Governing the Installation of Wells" to insure that the installation of the well conforms to the requirements of the rules and regulations which includes the installation and/or construction of the well pit and/or pitless adapter, a minimum 2% slope around the well, the placement of a cement collar around the suction line, etc.

-BE INFORMED AS FOLLOWS-

The well installer is to submit to the Health Department the laboratory analysis, his report on the well, and the certifications required of him by these regulations, when the pit and/or adapter have been installed, the concrete collar in place along with the 2% slope being established.....NOT BEFORE!

This will serve notice to the Health Department that said well construction and installation is ready for inspection and Town certification.

WELL CONSTRUCTION

12. The installer of the well shall complete logs of all wells. One copy of the log is to be kept by the property owner and one copy is to be filed with the Plymouth Board of Health. Logs should include owner's name, address at which well was installed, date of installation, type of well, depth of well, diameter, yield, was well disinfected, amount of casing below ground, type of wet seal, and if possible, kind and thickness of formation penetrated.

13. A driven or drilled well with a minimum 50 feet will be required. Termination of the casing is to be a minimum of eight (8") inches above finished terrain. Offset units shall be constructed to the casing through either

a stuffing box, a short conduit, or by a pitless adapter. The upper terminal or well casing shall be sealed with one of the various types of "Sanitary Well Seal" (a watertight expanding gasket or equivalent). When ventilation of the casing is required a two (2") inch vent pipe shall be provided. The vent pipe shall terminate with a 180 degree inverted "U" fitting, shall be screened with a fine copper or other corrosion resistant material (16 mesh per square inch), shall not be less than 24" above the finished ground level on floor level if in the well house or other structure, and shall be large enough to supply sufficient air flow to meet requirements of the pump.

14. There shall be a concrete collar placed around the top of the suction line with a minimum twelve-inch radius and a minimum thickness next to the suction line of four inches tapered to a one-inch circumference. The well house shall be watertight to exclude surface water infiltration, be four feet by six feet, and terminate below the frost line and above proposed finish grade. Any well that will require a single pipe jet installation will require a well pit. (Concrete floor 4' x 4' with drain is not required.)

15. A sampling tap shall be provided between the pump and the pressure tank.

16. No connections are permitted between pipes carrying the water from two wells, one of which is an approved source and the other unsuitable for domestic use. The use of community wells will not be allowed.

17. Shallow Wells: Shall be installed in a well pit which is a minimum thirty-six inch in diameter terminating eight inches below the lateral connection of the suction line and with a cover brought above proposed finish grade. Said construction shall be watertight to eliminate surface water infiltration.

The suction line may terminate eight inches above the bottom of the pit, which shall be below the frost line.

The top of the suction line shall be properly fitted with an approved lateral connection and capped with an approved type sanitary well cap.

18. Artesian Type Wells: Wells of the artesian type shall utilize an approved pitless type adapter. Shall utilize not less than two stainless steel pipe clamps on the discharge side of said adapter. Shall terminate not less than eight inches above finished grade and shall utilize an approved type sanitary well cap.

All plumbing is to comply with the Massachusetts State Plumbing Code.

The Board of Health of the Town of Plymouth, Massachusetts as authorized by Chapter 111, Section 31, of the General Laws of the Commonwealth of Massachusetts, as amended, Chapter 1 of the State Sanitary Code 105 CMR 400 and other powers thereto enabling adopt the following rules and/or regulations as supplements to the Town of Plymouth Rules and Regulations Governing the Installation of Wells in the town of Plymouth adopted by the Plymouth Board of Health on November 10, 1981 with an effective date of August 1, 2004.

AVAILABILITY OF WATER SUPPLY

19. The Plymouth Board of Health shall not endorse any application for a building permit, foundation permit, special building permit, plumbing permit, sewage entrance permit, or subsurface sewage disposal works construction permit (310 CMR 15.00, Title V - State Sanitary Code and Amendments) for construction of a building or for remodeling, renovations, additions, etc. to existing buildings and/or structures which by State and Local Rules and/or Regulations, e.g.: 105 CMR 410.00 State Sanitary Code (Housing), State Plumbing Code, etc. which would necessitate the use of water therein, until such time as the Plymouth Board of Health has determined that the water supply servicing and/or proposed to service said building and/or structure is adequate.

Only water obtained from a water system operated by a city, town or district, or from a well located on the lot (lot as defined by 310 CMR 15.00) upon which the building is located and/or to be located, or from a water corporation or company, as defined in Section 1 of Chapter 165 of the General Laws of the Commonwealth of Massachusetts will be considered as regards the determination of adequacy, all others are hereby deemed inadequate.

All wells are to conform at a minimum with the Rules and Regulations Governing the Installation of Wells in the Town of Plymouth adopted January 1, 1982 unless otherwise waived as provided for in such rules and regulations. These rules and/or regulations were adopted by a unanimous vote of the Plymouth Board of Health on March 13, 1985 and are to be in full force and effect on and after August 12, 2004.

PROTECT YOUR FAMILY – TEST YOUR WELL’S WATER QUALITY

The following information has been provided by the DEP Department of Environmental Protection, Massachusetts Drinking Water Program www.mass.gov/dep - 617-292-5770 Brochures can be picked up in the local Board of Health Office.

Private Wells:

If you have a private well, then well water quality testing should be important to you and your family. The following tests provide only the most basic indicators of a well waters quality. These tests identify some of the common natural and man made contaminants found in our states well water. However, you should also consider nearby land uses to decide whether additional test are appropriate for your well. *It is not necessary to do all of the tests at one time.*

Standard Analysis: This basic analysis covers the most common contaminants. Some of the contaminants pose health-related concerns while others only affect aesthetics (taste and odor).

Radon: Radon can be a water problem in Massachusetts especially in bedrock wells. Presently, there are no federal or state standards for radon in drinking water, only suggested action levels. (Note: If Radon levels in your private water well are elevated you should consider checking your indoor Radon levels too).

Gross Alpha Screen: Radioactive minerals, such as radium and uranium, may be dissolved in well water. A Gross Alpha Screen is a simple test to judge whether further testing for a specific radioactive minerals such as radium or uranium might be needed.

Volatile Organic Compounds (VOC): The most common VOC’s come from gasoline compounds (such as MtBE and benzene) and industrial solvents (such as TCE). MtBE can be found in well water even in remote areas.

Additional Tests may be needed refer to the DEP Well Water Quality Testing Guidelines for Private Wells.

When to Test: DEP recommends that prospective homebuyers test the water in a home with a private well before purchase. Water quality in wells is generally stable, and if a change is going to occur, it occurs slowly. Thus the interval between water quality tests, once you’ve purchased the home, can generally be in terms of years if a well is properly constructed and located in a safe area.

However the following conditions would prompt more frequent testing:

 Heavily developed areas with land uses that handle hazardous chemicals.

- ☐ Recent well construction activities or repairs, DEP recommends taking a bacterial test after any well repair or pump or plumbing modification, but only after disinfection and substantial flushing of the water system.
- ☐ Contaminant concentrations above state or federal standards found in earlier testing.
- ☐ Noticeable variations in quality like a water quality change after a heavy rain, extended drought, or any
- ☐ Unexplained change in previously trouble-free well (i.e. funny taste, cloudy appearance, funny odor, etc.).

PERCOLATION TEST PROCEDURE POLICY

Effective immediately (July 1, 2008), the initial fee for perc test witnessing will be \$250.00 per lot. All percolation testing shall be performed in the presence of an authorized representative of the approving authority (310 CMR 15.104, 3C). The approving authority shall be the Board of Health members or the Town's duly appointed Health Director.

Only Massachusetts Licensed Soil Evaluators are qualified to do percolation testing in the Town of Plymouth. Applications for a percolation witness are available in the Health Department. The application must be received in the Health Office prior to assigning a date. Applications may also be mailed to the office at, Town of Plymouth, Board of Health, 11 Lincoln St., Plymouth, MA 02360. Perc test dates are scheduled on a first come-first-serve basis. No dates will be assigned over the phone. All applications must be complete, signed and submitted with the appropriate fees.

At the time of filing a check must accompany the application form. Please make your \$250.00 check payable to the Town of Plymouth. In rare incidences a percolation test may run over an hour. In this case, an additional \$50.00 charge for each hour thereafter will be paid.

The soil evaluator must contact the Health Office (508-747-1620 x118) advance of the perc test if there is a need to cancel. If no notification of a cancellation is received in the Health Office, then the application fee of \$250.00 is forfeited. A new date will be assigned accordingly. (As a request only) Whenever possible, please make every attempt to have the holes open a half hour before your scheduled time.

RULES AND REGULATIONS GOVERNING HORSES AND STABLES

The Board of Health, Town of Plymouth, Massachusetts acting under the authority of Chapter III, Sections 31, 155, 156 and 157 of the General Laws of the Commonwealth of Massachusetts; and any amendments or additions thereto, and by any other powers thereto enabling, have in the interest of and for the preservation of the public health duly made and adopted the following regulations for the establishment, maintenance and operation of stables within the Town.

SECTION 1.

Regulations entitled "Regulations for the Keeping of Horses and Licensing of Stables" adopted by a vote of the Plymouth Board of Health on May 6, 1974 with an effective date of May 9, 1974, are hereby repealed in its entirety and replaced by the following:

SECTION 1A.

Regulations entitled "Regulations for the Keeping of Horses and Licensing of Stables" adopted by a vote of the Plymouth Board of Health on April 12, 2004 with an effective date of July 1, 2004, are hereby repealed in its entirety and replaced by the following:

SECTION 1B

Regulations entitled "Regulations for the Keeping of Horses and Licensing of Stables" adopted by a vote of the Plymouth Board of Health on January 11, 2012 will go into effect immediately:

SECTION 2.

Prior Use. Any stable operating with a properly issued Board of Health permit prior to the effective date of these regulations is exempt. All others are to conform as here specified.

2a. Farms: Any stable operating under Massachusetts General Law, Title XVI, Chapter 111, Public Health shall be permitted to be relicensed when new ownership complies with both State and Local town regulations.

SECTION 3.

Permit. When issuing permits under these rules and regulations for persons wishing to keep one horse, the Board of Health may at its discretion, grant said permit without a public hearing. Said permit may be revoked for cause after a public hearing if justification as determined by the Board of Health determines that a show cause hearing is required.

SECTION 4.

Public Notice, Hearing. The Board of Health will place one public notice in a local newspaper listing applications for new permits on or about the 30th of each month. The applicant shall pay the cost of the public notice at the time of their filing for said permit. A time and date will be established for a public hearing as specified by the Health Department. All permits will be approved or disapproved no later than 30 days after said public hearing (see section 3).

SECTION 5. (Definitions)

a. Persons: Shall include an individual, partnership, corporation, firm, associates or group, including a city, town, county or other governing units.

b. Stable: The building and other enclosures used to keep one or more horses, and store the food supplies and equipment normally associated with the keeping of such horse and/or horses.

c. Horse: The word horse shall include ponies, foals, mules and any other solid hoofed animal.

- d. License – Permit: For the stable and horse or horses. Exemption: Stables falling under the State’s Farming and Agriculture regulations.
- e. Enclosure: An enclosure is a fenced area and/or corral associated with stabling of such animals.
- f. At Large: Any such animal shall be deemed loose unless it is under control, when it is outside of its stable and/or enclosure, and is not staked out.
- g. Day-hopping: Temporary visiting of a licensed animal for not more than twenty-four (24) hours.
- h. Densely populated: Areas, as determined by the Board of Health
- i. Property lot: Square feet does not include dwellings (sect. 9)
- j. Dwellings: Every building or shelter (existing or proposed) used or intended for human habitation or periodic activity; e.g.: garage, storage buildings, etc.
- k. Family – Descent and descendants: The word “family” means all descendants of a common progenitor, or those who are of the same lineage, or descent from one common progenitor. Members of a family may be defined in a decedent’s will.
- l. Farming and Agriculture: As defined by Mass. General Laws, Chapter 128, Section 1A.
- m. Pasture: Land covered with grass or other vegetation consumed by animals.
- n. Useable Land: Land area suitable for the keeping of animals including but not limited to pastures, fields and wooded uplands.

SECTION 6.

Permit - License. No person shall stable within the limits of this Town in any building or on any premises of which he may be the owner, lessee, tenant or occupant, any horse or horses without a permit from the Board of Health. Such person shall disclose whether he is the owner of the premises where the horse shall be stabled and if not the owner, he shall state the name and address of the owner of the premises along with written authorization from said owner of record to stable said horse or horses. Said authorization is to be notarized and contain all information deemed relevant by the Board of Health.

a. A permit to stable a horse or horses on property is not transferable from person to person or place to place. Exception is when a permit stays in a family name and family member remains as occupant on property, and/or property remains “Farming and Agriculture”. Any title change shall be reported to the Plymouth Board of Health.

b. An annual permit for each stable shall cost \$40.00. Exemption: any stable subject to the State’s Farming and Agriculture regulations, Massachusetts General Laws, 128 and regulations promulgated pursuant to Massachusetts General Laws, Chapter 128.

SECTION 7.

Application Process. An application for a permit to keep a horse or horses shall be submitted on a form supplied by the Board of Health. With the application there should be a drawing submitted showing the location of any source of drinking water (wells, etc.), surface water supplies (reservoirs) or tributaries to reservoirs, including streams, ponds, marshes, open and subsurface drains, adjacent dwellings, cesspools, and septic systems within one hundred (100) feet of the stable and corral. The application shall also be accompanied with a proposal or

plan to indicate how the property shall be maintained so that it will be kept free from filth, stagnant water, rodents and flies. The plan shall also indicate the location and dimensions of fencing, the location of residence, direct abutters and property lines. Existing plan of building and sewage system may be used in support of stable plan.

SECTION 8.

Immunization. All horses shall be immunized according to the Massachusetts Department of Food & Agriculture 330 CMR 16.00: Horses. All health records shall be available upon request for the Board of Health Animal Inspector. Any person applying for a stable license for the first time must provide the Board of Health with immunization records for all horses and a complete description of the horse sufficient for identification purposes.

SECTION 9 *

Property, Lot. No permit for a stable for a single horse shall be issued unless the lot of land on which the stable is erected or is to be erected contains at least 25,000 square feet of usable land. No such permit shall be issued for two (2) horses to be kept on any lot of land that contains less than 50,000 square feet nor for three (3) on any lot of land that contains less than 70,000 square feet and for each additional horse and additional 20,000 square feet of land shall be necessary.*

*Any property with five (5) or more acres meeting the Agricultural standards will be reviewed on a case by case basis. A farm that has been operating under the regulations governing all horses licensing in the Town of Plymouth for a period of three (3) or more years, having demonstrated the ability to maintain pastures, abutters and animals in a manner that is conducive to the health and well being of all concerned, May apply for an administrative review to increase the license up to fifty percent (50%) increase in the number of horses allowed under the current regulation for all horse licensing.

The review will require validation of the necessary infrastructure to safely maintain the animals. The infrastructure being reviewed would be safe pasture area (not forested), shelter and available clean water source.

*Contiguous property under common ownership or control may be used to satisfy all area requirements of this section.

SECTION 10.

Stable. All horses shall be provided with stabling as specified by these regulations in order to obtain permits and/or licenses required by the Board of Health to keep a horse or horses.

a. Any person who proposes to remodel a building or a portion thereof, which is being used as a stable, or who proposes to renovate any existing stable, or who proposes to construct a new building which is to be used in whole or part as a stable, shall prior to such remodeling, renovating or construction, notify the Board of Health.

b. Each stable shall be furnished with an adequate and safe water supply, both for feeding and cleaning purposes. Each corral area shall have a water receptacle and it shall be kept as sanitary as possible.

c. Each corral shall have a safe fence appropriate and adequate to contain the horse(s). Stall doors and paddock gates must be supplied with horse proof latches.

d. Stables and corrals for horses shall be kept clean in accordance with Massachusetts Department of Food & Agriculture 330 CMR 16.00: Horses. Manure depending upon the operation and size can be disposed of in several different ways. Please inform the Board of Health which type of manure maintenance you will be doing at your stable.

- e. Horses shall be kept in an approved building/shelter in accordance with Massachusetts Department of Food & Agriculture 330 CMR 16.00: Horses. Said animals shall not be permitted to be at large outside the building or enclosure. Any such horse shall be deemed at large when it is off the premises or outside the building or enclosure unaccompanied by the owner, agent or employee of the owner or caretaker.
- f. No stable for which a permit is granted shall be occupied until it is inspected and approved by the Board of Health.
- g. Day-hopping may occur at an approved stable and any other property if the animal is well secured.
- h. A permit granted by the Board of Health may be revoked whenever in the opinion of said Board, revocation is deemed necessary: The permit is not transferable, does not follow the real estate, and terminates when the building ceases to be a stable.
- i. A fine of \$50.00 shall punish whoever violates any provision of the foregoing regulations or order made there under for each day such violations continue.
- j. The stable and corral shall not be less than one hundred (100) feet from the high water mark of any source of drinking water supply or any tributary thereof, nor less than one hundred (100') feet from the high water mark of any open water flowing directly or ultimately into any source of water supply. All stable and corral areas must be 50 feet from any drinking wells. State and local requirements and/or codes may increase these distances, and must be consulted.
- k. Each stable shall be located on land with good drainage and not susceptible to flooding.
- l. Each new stable shall comply with the requirements of the Wetlands Protection Act unless otherwise determined by the Conservation Commission regarding placement abutting any swamp, stream or pond.

SECTION 11.

Corral & Pasture Requirements:

- a. All new corrals shall be a minimum of 50 feet from any public highway. All new pastures shall be a minimum of 10 feet from any public highway. All pastures for farm and agricultural use shall be a minimum of 5 feet from property line.
- b. All plans for corrals/pastures must be submitted to the Board of Health during the license process. Please notify the Board of Health when adding any new corrals and or pastures.

SECTION 12.

Feed Management:

All feed materials in storage shall be kept adequately protected from exposure to rodents.

SECTION 13.

Safety Precautions:

Please comply with Massachusetts Department of Food & Agriculture 330 CMR 16.00: Horses

SECTION 14.

So far as this Board of Health may provide each section of these rules and regulations shall be construed as separate to the end if any section, sentence, clause or phrase shall be invalid for any reason the remainder of these rules and regulations shall continue in full force.

SECTION 15.

Appeal. Any person aggrieved by a decision of the Board of Health in enforcement of these regulations may request a hearing before the Board of Health by filing within seven (7) days following receipt of a written order, a written petition requesting a hearing on the matter. Upon receipt of such petition, the Board of Health shall set a time and a place for such a hearing, and shall inform the petitioner thereof in writing. After the hearing, the Board of Health shall sustain, modify, or withdraw the order, and may suspend or revoke the license or permit and shall inform the petitioner in writing of the decision. If the Board of Health sustains or modified the order, it shall be carried out within the time period allotted in the original order or in the modification. Any person aggrieved by the decision of the Board of Health may seek relief there from in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

SECTION 16.

These rules and regulations were adopted by a vote of the Plymouth Board of Health and are to be in force effective on and after January 1, 2012 and shall be published in a newspaper and a copy thereof shall be deposited in the office of the Town Clerk.

SECTION 17.

Variance Clause. The Board of Health may vary any section of these Health Rules and Regulations with respect to any particular case when, in it's opinion: (1) the enforcement thereof would do manifest injustice; and, (2) the applicant has proved that the same degree of environmental protection required under these rules and regulations can be achieved without strict application of the particular section.

Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. No variance request shall be considered until except after the applicant has notified all directly affected abutters of all property lines by certified mail at his own expense at least ten (10) days before the Board of Health meeting at which the variance will be on the agenda. The notification shall state the specific variance sought and the reasons therefore. Proof of receipt of said notification by all applicable abutters must be filed with the Board of Health prior to the hearing.

The Board may impose conditions, safeguards and limitations, both of time and use to which the variance pertains. If the rights authorized by a variance are not exercised within one (1) year from the grant of such variance, they shall lapse.

Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the variance shall be available to the public at all reasonable hours in the office of the Town Clerk or the office of the Board of Health while it is in effect.

*Revisions were made to the Rules and Regulations on Governing Horses and Stables by the Plymouth Board of Health members on April 12, 2017.

RULES AND REGULATIONS GOVERNING POULTRY

These regulations are adopted by the Plymouth Board of Health under the authority of MGL Chapter 111 sections 31, 122, 123 and 125 as reasonable health regulations designed to protect the health and welfare of the residents of the Town of Plymouth.

Whereas certain minimum standards are necessary to promote and ensure the protection of the public health and welfare, the Board of Health has adopted these regulations pertaining to the raising or keeping of poultry in the Town of Plymouth. These regulations shall not apply to any animals kept or maintained on land which meets the criteria for exemption under MGL Chapter 40A section 3 for land for the primary purpose of commercial agriculture” or under chapter 63 of the Town of Plymouth Bylaws.

SECTION 1 (Definitions)

Persons - includes but is not limited to an individual, partnership, corporation, firm, associates or group, including a city, town, country or other governing units.

Poultry - turkeys, hens, chickens, roosters, guinea hens, ducks and geese of any age and sex.

Rooster - a male chicken.

Facility - the area of any premises where poultry is kept including all structures and fencing.

Structure - any coop, shed, hutch or other building used to house poultry.

Noxious Odor - an offensive odor that unreasonable interferes with the enjoyment by the public of life or the use of property.

Manure Management - the process of handling and disposing of manure and soiled bedding but excluding the normal deposition of wastes by poultry in pastures, fields, yards or runs.

Nuisance - any condition including but not limited to, noise, noxious odor, attraction or breeding insects, an environment supporting the presence of rodents or any other condition having public health significance.

Authorized agent - include but is not limited to municipal employees with police powers, Board of Health members, Health Department personnel, animal control officers and Inspectional Services personnel.

Abutter - all properties within 300 feet from the applicant’s property line.

SECTION 2

No person shall keep a rooster.

SECTION 3

Restriction to Premises. Poultry shall be contained or controlled by restriction of movement to the owner’s property only. At no time shall poultry be allowed to roam onto abutting properties or roadways.

SECTION 4

Nuisance Prevention. The owner or operator of property upon which poultry are kept shall provide for adequate control, using generally accepted methods, to prevent nuisances related to the keeping poultry.

Therefore it shall be a violation of these regulations to allow noise from poultry to be clearly audible at twenty-five (25) feet from the property line of the premises where the poultry is kept. It shall be a violation of these regulations if persistent noxious odors are perceptible beyond the property line of the premises where poultry is kept. It shall be violation of these regulations if the property and/or facilities where the poultry is kept, is maintained in a manner that would contribute to an infestation of vermin.

SECTION 5

Feed Storage. Feed is to be stored on property where poultry is kept in a tightly covered and secured, vermin proof plastic or metal container.

SECTION 6

Structures. All Structures shall be located a minimum of ten (10) feet from the property line of the premises where the poultry is kept and a minimum of 10 feet from a traveled way. All Structures shall be of durable construction and shall be designed so as to prevent the harborage of rodents.

Maintenance. All Structures shall be cleaned regularly and maintained in such a manner as to prevent the build up of manure or soiled bedding. Fenced enclosures/runs should be limed and tilled as needed to avoid the build up of noxious odors. No trash, rubbish or debris shall be stored or allowed to accumulate in an area used for raising or keeping of poultry.

Manure Management. All manure, soiled bedding material or waste shall be contained in an area at least twenty (20) feet from the property line of the premises where the poultry is kept and at least fifty (50) feet from potable water wells and at least one hundred (100) feet from waterbodies that contribute to public water supplies.

SECTION 7*

Violations. If upon written complaint or observation of the Health Agent or other authorized agent of the Town of Plymouth it is found that a violation has occurred on property where poultry is kept a citation may be issued and may contain fines based on the following schedule with seven days passing between each offense.

In the case of a 1st Violation a warning shall be issued

In the case of a 2nd Violation within twelve (12) months of a previous 1st violation a fine of \$25.00 will be issued

In the case of a 3rd Violation within twelve (12) months of a previous 2nd violation a fine of \$50.00 will be issued

Each Subsequent Violation: \$100.00

Non-Criminal Disposition. In addition to the other methods of enforcement available herein or under the General Laws, in accordance with the provisions of Article II of the Plymouth Code. Section 1-3, the provisions of these Rules and Regulations may also be enforced by the Health Director and his or her designees, by non-criminal complaint pursuant to the provisions of G.L. c. 40, §21D.

In the event the owner and/or operator of the property upon which poultry is kept and upon which a violation is found is unwilling or unable to address the nuisance(s) the Health Agent may issue an abatement order requiring a suitable reduction in the number of poultry kept on the property or their removal.

SECTION 8

Variances. The Board of Health may vary any section of these Rules and Regulations with respect to any particular case, when in its opinion: (1) the enforcement thereof would do manifest injustice; and, (2) the applicant has proved that the same degree of public health required under these rules and regulations can be achieved without strict application of the particular section. Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. No Variance request shall be considered until after the applicant has notified all Abutters by certified mail at his own expense at least ten (10) days before the Board of Health meeting at which the variance will be on the agenda. The notification shall state the specific variance sought and the reasons therefore. Proof of mailing of said notification to all applicable Abutters must be filed with the Board of Health prior to the hearing. The Board, in approving a variance, may impose conditions, safeguards and limitations, both of time and use to which the variance pertains. If the rights authorized by a variance are not exercised within one (1) year from the grant such variance, they shall lapse. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the variance shall be available to the public at all reasonable hours in the office of the Town Clerk or the office of the Board of Health while it is in effect.

SECTION 9

Right to a Hearing. Any person aggrieved by a Board of Health order that has been served pursuant to any section of these regulations may request a hearing before the Board of Health by filing a written petition to the health department within seven (7) days of receipt of said order.

SECTION 10

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

Effective Date:

The Rules and Regulations on Poultry were adopted by a unanimous vote by the Plymouth Board of Health at the April 12, 2017 meeting. The effective date of these regulations shall be April 12, 2017.

REGULATIONS OF THE PLYMOUTH BOARD OF HEALTH FOR TOBACCO SALES IN CERTAIN
PLACES & SALE OF TOBACCO PRODUCTS TO MINORS

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 Plymouth 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 Plymouth 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:

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

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.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C Section 1, Paragraph 1.

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

Employee: Any individual who performs services for the employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals, including Plymouth 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).

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

Non-Residential Roll-Your-Own Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

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 and/or nicotine delivery product without assistance from an employee or store personnel.

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, any other tobacco product including nicotine delivery products.

D. Tobacco Sales to Minors Prohibited:

1. 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.
2. 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 Plymouth 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 it may be readily seen by a person standing at or approaching the cash register. 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.
3. 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.
4. All retail sales of tobacco must be face-to-face between the seller and the buyer except as permitted in section (I) of this regulation.

E. Tobacco Sales Permit:

1. No person shall sell or otherwise distribute tobacco at retail within Plymouth without first obtaining a tobacco sales permit issued annually by the Plymouth Board of Health.
2. As part of the tobacco sales permit application process, the applicant will be provided with the Plymouth 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.
3. Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco sales permit can be issued.
4. The fee for a tobacco sales permit shall be determined by the Plymouth Board of Health annually. All such permits shall be renewed annually by December 31st.
5. A separate permit is required for each retail establishment selling tobacco.
6. Each tobacco sales permit shall be displayed at the retail establishment in a conspicuous place.
7. 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.
8. A tobacco sales permit is non-transferable, except a new permit will be issued to a retailer who changes location.
9. 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.

F. Free Distribution:

No person shall distribute, or cause to be distributed, any free samples of tobacco products.

G. 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.

H. 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.

I. Tobacco Vending Machines:

All tobacco vending machines are prohibited the only exception is tobacco vending machines that are equipped with a lock out devise and 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. A lock-out device locks out sales from the vending machine unless a release mechanism is triggered by an employee. 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.

J. Violations:

1. 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 five hundred dollars (\$500.00) and the tobacco sales permit shall be suspended for three (3) consecutive days.

b. In the case of a second violation within (36) months of the date of the current violation, a fine of seven hundred fifty dollars (\$750.00) and the tobacco sales permit shall be suspended for seven (7) consecutive business days.

c. In the case of three violations within a (36) month period, a fine of one thousand dollars (\$1,000.00) and the tobacco sales permit shall be suspended for thirty (30) consecutive business days.

d. Any sale thereafter will be one thousand dollars (\$1,000.00) when the license is held in the same ownership. Any and all changes of ownership must be brought to the Health Departments attention. Proof of ownership change will be necessary if any violations were to occur.

2. 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.

3. 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.

4. The Plymouth 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 the tobacco sales suspension and a date for the commencement of sales. Any person aggrieved by the decision of the Plymouth Health Department may seek relief there from the Plymouth Board of Health within ten days of tobacco sales permit suspension. 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.

The Plymouth Board of Health after a hearing may suspend the tobacco sales permit and impose a fine. 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.

5. Any permit holder who does not pay the assessed fine within twenty-one days from fine issuance may be subject to criminal proceedings.

K. 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.

L. Enforcement:

Enforcement of this regulation shall be by the Board of Health of Plymouth 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 Plymouth or its designated agent(s) and the Board shall investigate.

M: 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.

N. Effective Date:

This regulation shall take effect on April 1, 2004.

O. Smoking on Town Property/Public Buildings:

There will be no smoking within 25' (twenty-five) of any Town owned building or any public building.

P. No Smoking in Town Owned Vehicles:

There will be no smoking allowed in any Town owned vehicles. There are no exceptions to these rules and regulations.

Q. Effective date:

The above additional two regulations shall take effect on November 8, 2006 – unanimously approved.

PROHIBITED DISPOSAL REGULATIONS

Purpose:

These rules and regulations are intended to protect the public health, safety, and the environment in the Town of Plymouth by regulating the disposal of solid waste, as defined in 310 CMR 18.00 – 21.00 of the State Environmental Code, and to ensure compliance with the provisions of Chapter 111, Section 150A of the Commonwealth of Massachusetts; the Rules and Regulations stated in 310 CMR 18.0 – 21.00 of the State Environmental Code; 527 CMR 34.0 of the Board of Fire Prevention Regulations; and the zoning bylaws of the Town of Plymouth.

Authority

These regulations are adopted by the Plymouth Board of Health as authorized by Massachusetts General Law, Chapter 111, Section 31.

These regulations supersede all previous regulations adopted by the Board of Health pursuant to disposal of solid waste, except low level radioactive waste regulation adopted on April 11, 1999, and incorporated in these regulations.

Prohibited Disposal:

- (a) Placing, dumping, burying, burning, or disposing of any trash, bottles or cans, refuse, rubbish, garbage, debris, scraps, demolition or construction materials of any kind, hazardous waste, all wastes of any other material of any kind from any residential, commercial, industrial or municipal use is prohibited on any land or in any waters within the Town of Plymouth.

No property owner shall permit such placing, dumping, burying, or disposing on his/her land. The property owner shall be responsible for the removal of any materials that are in violation of Chapter 111, 150A of these regulations.

All materials noted above shall be disposed of at a facility approved by the Department of Environmental Protection and holding a valid operating permit issued by the Department of Environmental Protection under Chapter 111, 150A.

The removal deadline shall be determined by the approved Board of Health enforcement agent according to the severity of the public health nuisance.

Penalties:

- (b) Any person who shall violate any provisions of these rules and regulations for which no penalty by way of fine or imprisonment, or both, is provided by law, shall be punished by a fine of one thousand dollars (\$1,000.00) in accordance with the provisions of Chapter 111, Section 31, and as it may be amended.
- (c) Any person who shall fail to comply with any Order issued pursuant to these rules and regulations, shall be fined one thousand dollars (\$1,000.00) in accordance with the provisions of Chapter 111, Section 31. Each day of failure to comply with an Order shall constitute a separate violation.

Hearing:

(a) Procedure for Requesting and Holding Hearing:

- (1) The person or persons to whom any Order has been served pursuant to these regulations may request a hearing before the Board of Health by filing with the Board of Health within seven (7) days after the Order was served a written petition requesting a hearing on the matter.
- (2) Upon receipt of such a written petition, the Board of Health shall set a time and place for the hearing and inform the petitioner in writing.

The hearing shall be commenced no later than 45 days after the day on which the Order was served. The Board of Health, upon application of the petitioner, may postpone the date of the hearing for a reasonable period of time if in the judgment of the Board of Health the petitioner has submitted a good and sufficient reason for the postponement.

(b) Hearing of the Petitioner

At the hearing, the petitioner shall be given the opportunity to be heard and to show cause why the Order should be modified or withdrawn.

(c) Procedure After Hearing:

- (1) After the hearing, the Board of Health shall sustain, modify or withdraw the Order and shall inform the petitioner in writing of its decision.
- (2) If the Board of Health sustains or modifies the Order, it shall be carried out within the time period allotted in the original Order or in the modification.

(d) Public Record:

Every notice, Order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Board of Health.

(e) Hearing Petition Not Submitter, Sustaining Order:

If a written petition for a hearing has not been filed with the Board of Health within seven (7) days after the day the Order has been served, or if after a hearing the Order has been sustained in any part, each day's failure to comply with the Order as issued or modified shall constitute an additional offense.

Appeal

Any person aggrieved by the decision of the Board of Health may seek relief there from within thirty (3) days in any court of competent jurisdiction, as provided in the laws of the Commonwealth.

Effective Date:

These rules and regulations were adopted by a unanimous vote by the Plymouth Board of Health at the May 14, 2008 meeting. A summary of the Prohibited Disposal Regulations adopted shall be published once in the Plymouth Old Colony Memorial Newspaper as required by Chapter 111, Section 31, of the General Laws of the Commonwealth. The effective date of these regulations shall be July 1, 2008.

REGULATION FOR BODY ART ESTABLISHMENTS TOWN OF PLYMOUTH

Section:

1. Preamble
2. Administration and Enforcement
3. Definitions
4. Exemptions
5. Restrictions
6. Operation of Body Art Establishments
7. Standards of Practice
8. Injury Reports
9. Complaints
10. Mobile or Temporary Body Art Establishment
11. Fees
12. Application for Body Art Establishment Permit
13. Application for Body Art Practitioner Permit
14. Grounds for Denial of Permit, Revocation of Permit or Refusal to Renew Permit
15. Grounds for Suspension of Permit
16. Procedure for Hearings
17. Fines for Violation
18. Non-Criminal Disposition
19. Severability

1. Preamble

The Town of Plymouth is promulgating rules in the form of this Body Art Regulation, which provide minimum requirements to be met by any person performing Body Art activities. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishment wherein the conduct of Body Art activities are to be performed and the sterilization of instruments to be used in the conduct of Body Art. By enacting this Body Art Regulation, the Town of Plymouth has determined that these rules and regulations are necessary to protect the public's health by preventing diseases, including, but not limited to, the transmission of Hepatitis B and/or human immunodeficiency virus (HIV/AIDS).

In addition, this Body Art Regulation establishes a requirement for registration and a procedure for the registration with the Board of Health. All persons performing such Body Art activities, a requirement for minimal training standards for such practitioners including requirements for the prevention of disease transmission and for knowledge of anatomy and physiology. Provisions for the regular inspection of establishments are to be performed and for revocation of the registration or any person or establishment deemed in violation of the rules and regulations promulgated under this Body Art Regulation, or for other means of enforcement of the provisions of this Body Art Regulation.

This Body Art Regulation provides for an annual fee to be paid by a person and establishment registered under this Body Art Regulation. This fee is intended to help defray the cost to the Town of Plymouth of the administration of the requirements of this Body Art Regulation.

2. Administration and Enforcement

The Body Art Regulation is established pursuant to Massachusetts General Laws Chapter 111, Section 31 and shall be administered and enforced by the Board of Health of the Town of Plymouth.

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.

Apprentice means one who is learning by practical experience under a skilled worker of a trade, art or calling.

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

Autoclaving means a process which 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.

Bloodborne Pathogens Standard means OSHA Guidelines Contained in 29 CFR 1910.1030, entitled “Occupational Exposure to Bloodborne 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’s Agents and/or Officers.

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

Body Art Establishment or Establishment 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 presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. This definition excludes piercing of the earlobe with a presterilized single-use stud-and-clasp system manufactured exclusively for ear piercing.

Braiding means the cutting of strips of skin of a person, which strips are then to be intertwined with one another and places no 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 the 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 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 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 material during handling; shapes and any waste containing blood or other potentially infectious material.

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 limitation.

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

Disinfection means the destruction of disease-causing microorganism 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 presterilized single-use stud-and-clasp ear-piercing system following the manufacturer instruction.

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 parental contacts with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact 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 of 110F – 130F.

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 a 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, or other movable structure, in which any person intends or attempts to conduct Body Art procedures, bar, home, private residence or other facility wherein, or concert, fair, party or other single event or celebration whereas one desires to, or actually does conduct Body Art procedures, excepting only a Licensed Body Art Establishment.

Operator means any person whom individually or jointly or severally with others, owns, or controls an establishment.

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 community or political subdivision comprising of 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, s. 2.

Procedure surface means any surface of an inanimate object those 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 that may require sanitizing.

Sanitary means clean and free of agents of infection or disease.

Sanitize means the application of a US. 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 contaminate, 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 Biohazards 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 microbiological 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.

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 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 sharps instruments, and blood and body fluid-contaminated products.

1. Exemptions:

a. Physicians licensed in accordance with M.G.L., C. 112, S. 2, who perform body art procedures as part of patient treatment are exempt from these regulations.

B. Individuals who pierces only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system is exempt from these regulations.

2. Restrictions

a. No tattooing, piercing of genitalia, branding shall be performed on a person under the age of 18.

b. Body piercing may be performed on a person under the age of 18 provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure. Properly identified shall mean a valid photo identification of the adult and a birth certificate of the minor.

c. No body art shall be performed on animals.

d. The following body piercings are hereby prohibited: piercing of the uvula, piercing of 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, excluding the nipple, piercing of the anus, piercing of the eyelid, whether top or bottom, piercing of the gums, piercing or skewing of the 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 call “deep” piercing of the vagina, piercing of the genitalia.

e. 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, and introduction of saline or other liquids.

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.

a. Zoning:

Body Art facility or Body Art Establishments shall be located in a location which conforms to the Zoning requirements of the Town of Plymouth.

b. Plans:

Every operator or applicant for a Body Art Establishment permit shall submit to the Board scaled plans and specifications of the proposed facility wherein any Body Art activity is intended to be conducted demonstrating the compliance of the facility with this Body Art Regulation. The Board may require an on-sight inspection of the proposed facility to determine and/or ensure compliance with the requirements of this Body Art Regulation prior to the issuance by the Board of a Body Art Establishment Permit pursuant to this Body Art Regulation.

c. Physical Plant:

Walls, floors, ceilings and procedure surfaces shall be smooth, durable, and 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.

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 surface.

The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin and rodents within the establishment.

Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a divider or partition at a minimum.

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 instruments and sharps are assembled and in all cleaning areas.

All electrical outlets in operator areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.

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.

There shall be a sharp container in each operator area and cleaning area.

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, 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 providing a separate toilet room if 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.

The public water supply entering a body art establishment shall be protected by a testable, reduced pressure backflow preventor installed in accordance with 142 Code of the Massachusetts Regulation 248 as amended from time to time.

At least one covered, foot operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leakproof, rodent-resistant containers and shall be removed from the premises at least weekly.

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.

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.

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.

The establishment shall have a customer waiting area, exclusive and separate from any work station, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.

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.

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.

d. Requirements for Single Use Items, Including Inks, Dyes and Pigments:

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 an approved sharps container pursuant to 105 CMR 480.000.

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.

Hollow bore needles or needles with cannula shall not be reused.

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.

Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

e. Sanitation and Sterilization Measures and Procedures:

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.

After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterlizer 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.

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 work stations or areas frequented by the public.

Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's

ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and forwarded monthly to the Board of Health.

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.

Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.

If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.

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.

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 120F with the use of chlorine disinfectant.

f. Posting Requirements:

The following shall be prominently displayed:

1. 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.
2. The name, address and phone number of the Board of Health.
3. An Emergency Plan, including:
 - a. a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency.
 - b. a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation.
 - c. a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
4. An occupancy and use permit as issued by the local building official.
5. A current establishment permit.
6. Each practitioner's permit.

g. Establishment Recordkeeping:

The establishment shall maintain the following records in a secure place on the premise for a minimum of three (3) years and such records shall be made available to the Board upon request:

1. Establishment information, which shall include:
 - a. establishment name
 - b. hours of operation
 - c. owner's name and address

d. a complete description of all body art procedures performed
e. an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufactures and serial or lot numbers, if applicable.
Invoices or packing slips shall satisfy these requirements. A Material Safety Data Sheet, when available, for each ink and dye used by the establishment

- g. copies of waste hauler manifests
- h. copies of commercial biological monitoring tests
- i. Exposure Incidents Reports (kept permanently)
- j. a copy of these regulations

2. Employee information, which shall include:

- a. full legal names and exact duties
- b. date of birth
- c. home address
- d. home/work phone numbers
- e. identification photograph
- f. dates of employment
- g. Hepatitis B vaccination status or declination notification
- h. training records

3. Client Information, which shall include

- a. name
- b. age and valid photo identification
- c. address of the client. date of the procedure
- e. name of the practitioner who performed the procedure (s)
- f. description of procedure(s) performed and the location on the body
- g. a signed consent form as specified by 6 (D) (2)
- h. 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.

h 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 the requirements of OSHA regulations, to include, but not limited to 29 Code of Federal Regulation 1910.1030 OSHA Bloodborne Pathogens Standards as et.seq, as amended from time to time. A copy of the plan shall be made available to the Board upon request.

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

1. 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 manufacturer's 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:

1. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:

- a. history of diabetes

- b. history of hemophilia (bleeding)

- c. history of skin disease, skin lesions or skin sensitivities to soaps, disinfectants, etc.

- d. history of allergies or adverse reactions to pigments, dyes other sensitivities

- e. history of epilepsy, seizures, fainting or narcolepsy

- f. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting

- g. any other conditions such as hepatitis or HIV

2. Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 6(K).

e. A practitioner shall maintain the highest degree of personal cleanliness, to the 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.

f. 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 E before the next set of gloves is put on. Under no circumstances shall a single pair of gloves is used on more than one person. The use of disposable single-use gloves do not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

g. 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 likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

h. 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.

i Preparation and care of a client's skin area must comply with the following.

1. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

2. 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 razors with single-service blades are to 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.

3. 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.

j. 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.

k. 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:

1. on the proper cleansing of the area which received the body art.
2. to consult a health care provider for
 - a. unexpected redness, tenderness or swelling at the site of the body art procedure;
 - b. any rash;
 - c. unexpected drainage at or from the site of the body art procedure; or
 - d. a fever within 24 hours of the body art procedure; and

l. 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 Waste, State Sanitary Code, Chapter VIII.

8. 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 been 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:

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

9. Injury and/or Complication Reports:

A written report of any injury, infection, complication or disease as a result of a body art procedure, or complaint of injury, infection, complication or disease, shall be forwarded by the operator to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof. The report shall include:

1. The name of the affected client;
2. The name and location of the body art establishment involved;
3. The nature of the injury, infection, complication or disease
4. The name and address of the affected client's health care provider, if any;
5. Any other information considered relevant to the situation.

10. Complaints:

- a. The Board shall investigate written complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations. Anonymous complaints will not be accepted.
- 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 regulation, 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 regulation, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulation, 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.

10. Mobile or Temporary Body Art Establishment

No person shall operate a Mobile or Temporary Body Art Establishment

11. Fees

An annual registration fee of \$100.00 per Body Art Practitioner and \$150.00 for Body Art Establishment is hereby established.

12. 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 application shall submit all information required by the form and accompanying instructions. The term "application" as herein used shall include the original and renewal applications.
- c. A practitioner permit and/or Body Art Establishment permit shall be valid from the date of issuance and shall automatically expire on December 31st of the year issued.
- d. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit.
 1. Name, address, and telephone number of:
 - a. the body art establishment
 - b. the operator of the establishment; and
 - c. the body art practitioner(s) working at the establishment

2. The manufacturer, model number, model year, and serial number where applicable, of the autoclave used in the establishment.

3. A signed and dated acknowledgement that the applicant has received read and understands the requirements of the Board's Body Art Regulation.

4. 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

Such additional information as the Board may require.

e. A permit for a body art establishment shall not be transferable from one place or person to another.

13. Application for Body Art Practitioner Permit

a. No person shall practice body art or perform any body art procedure without first obtaining practitioner permit from the Board.

b. A practitioner shall a minimum of 18 years of age.

c. Application for a practitioner permit shall include:

1. Name
2. Date of birth
3. Resident address
4. Mailing address
5. Phone number
6. Place of employment as a practitioner; and
7. Training and/or experience as set out in E below.

d. Practitioner Training and Experience

1. In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulates body art.

2. Training for all practitioners shall be approved by the Board and, at a minimum shall include the following:

a. 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

b. current certification in First Aid and Cardiopulmonary Resuscitation (CPR), examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organization or associations or by equipment manufacturers may also be submitted to the Board for approval.

3. The applicant for body piercing practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy, completed an examination on anatomy, or possesses an equivalent combination of training and experience deemed acceptable to the Board.

4. The applicant for a tattoo practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy and physiology with a grade of C or better at a college accredited by the New

England Association of Schools and Colleges, or comparable accrediting entity. This course must include instruction on the system of the integument system (skin).

5. 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 one year of which shall be in the position of an apprentice.

e. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these regulations.

f. Body art apprenticeships will not be allowed in the Town of Plymouth-voted on and unanimously approved by the Board on November 14, 2012 *

14. Grounds for Denial of Permit, Revocation of Permit, or Refusal to Renew Permit

a. The Board may suspend 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 revocation or refusal to renew:

1. any actions which would indicate that the health or safety of the public would be at risk;
2. fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
3. criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicants 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;
4. any present or past violation of the Board's regulation governing the practice of body art;
5. practicing body art while the ability to practice is impaired by alcohol, drugs physical disability or mental instability;
6. being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
7. knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
8. continuing to practice while his/her permit is lapsed, suspended, or revoked;
9. 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.
10. other just and sufficient cause, which the Board may determine, would render the establishment, practitioner or applicant unfit to practice body art.

b. The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulation, 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 regulation. The Board may deny, revoke or refuse to permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days subject to the procedure outlined in Section 15.

c. Applicants denied a permit may reapply at any time after denial.

15. Grounds for Suspension, Denial Revocation or Refusal to Renew Permit

The Board may summarily suspend a permit pending a final hearing on the merits on the question or revocation if, based on the evidence before it, the Board determines that an establishment and/or a practitioner are 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.

16. Procedure for Hearing

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 by a Constable. This 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.

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 suspension.

17. Fine for Violation

The fine for a violation of any provision of these Rules and Regulations shall be \$100.00 per offense as established by the Town of Plymouth By-laws, article 2, section 1.2. Each day that a violation continues shall be deemed to be a separate offense.

18. Non-criminal Disposition

In accordance with MGL, Chapter 40, Section 21D and the Plymouth Board of Health, whoever violates any provision of these Rules and Regulations may be penalized by a non-criminal disposition.

19. Severability

If any provision contained in this regulation is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

These regulations are to be in force effective on/and after January 31, 2001. *Amended on November 14, 2012.

INSTALLERS AND TITLE V INSPECTORS

The Plymouth Board of Health may vary the application of any of the aforementioned rules and/or regulations when in its opinion, (1) the enforcement thereof would do manifest injustice, and (2) the applicants has proven that the same degree of environmental protection required by these rules and regulations can be achieved without strict application of the particular provision.

Every request for a variance shall be in writing. The request shall state the specific variance sought and the reasons therefore.

In any section, regulation, paragraph, sentence, clause, phrases or word of these rules and regulations shall be declared invalid for any reasons, that decision shall not affect any other portion of these rules and/or regulations and they shall remain in full force and effect and to this end the provisions re: these rules and/or regulations are hereby declared several.

These rules and/or regulations were adopted by a unanimous vote of the Plymouth Board of Health on November 10, 1981 and are to be in full force and effect on and after January 1, 1982.

FATS, OIL, & GREASE (FOG) PRETREATMENT SYSTEMS

Section 1. Authority:

The Plymouth Board of Health, in concurrence with the Plymouth Sewer Department, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws has adopted the following Rules and Regulations.

Section 2. Purpose:

The purpose of this Regulation is to protect residents, businesses and the environment within the Town of Plymouth from blockages of the town's sanitary sewer system caused by Fats, Oils, and Grease (FOG) discharged from restaurants and food service establishments in Plymouth. All new and existing facilities that generate and discharge FOG in the wastewater flow shall install, operate, and maintain a FOG pretreatment system, as further defined herein. The requirements of this Regulation shall supplement, and be in addition to, the requirements of the Town of Plymouth's Sewer Use Rules and Regulations, and the Massachusetts State Sanitary Code.

Section 3. Definitions:

48 CMR means the Massachusetts State Plumbing Code regulations.

Discharge Limit means one hundred (100) milligrams of Fats, Oils, and Grease per liter of wastewater or equivalent concentration that can cause a blockage to the municipal sewer system.

Food Establishment means any facility issued a valid food establishment or food service establishment permit by the Plymouth Health Department or any facility that prepares or sells food and as a byproduct discharges Fats, Oil, or Grease into the municipal sewer system.

FOG means Fats, Oils, and Grease.

FOG Pretreatment System means one of the following grease removal systems:

- (1) Indoor Automatic Grease Trap;
- (2) Indoor Passive Grease Trap; or
- (3) Outdoor/Underground Grease Interceptor.

Grease Trap means a grease interceptor pursuant to State Plumbing regulations 248CMR, which is a device designed to remove undissolved and/or suspended waste grease and oil from wastewater.

Indoor Automatic Grease Trap means an active automatic grease trap which separates and removes FOG from effluent discharge and cleans itself of accumulated FOG at least once every twenty-four hours utilizing: (1) an electromechanical apparatus to accomplish removal, or (2) an approved automatic bioremediation grease control mechanism that suppresses or limits the formation of accumulated FOG through application of indigenous microbial nutrients.

Indoor Passive Grease Trap means a passive grease trap installed inside a building designed to remove FOG from flowing wastewater while allowing wastewater to flow through it. Also, known as an indoor grease trap fitted with an approved automatic bioremediation grease control system that suppresses or limits the formation of accumulated FOG through application of indigenous microbial nutrients.

Outdoor/Underground Grease Interceptor means a passive grease trap installed outside a building (having a capacity of 1,500 Gallons or more) designed to remove FOG from flowing wastewater while allowing wastewater to flow through it. Also, known as an outside grease trap fitted with an approved automatic bioremediation grease control system that suppresses or limits the formation of accumulated FOG through application of indigenous microbial nutrients.

Permitted Offal/Septage Hauler means any offal/septage hauler issued a valid permit by the Plymouth Health Department to dispose of FOG and/or sanitary septage.

Sewer Pipe means any town sanitary sewer piping, including but not limited to interior and exterior building sanitary sewer piping or any main or lateral sanitary sewer piping, regardless whether such piping is located on private or municipal land.

Substantial Renovations means any renovation to a Food Establishment that would increase the number of permitted seating capacity or would alter in any way the kitchen facility.

Town Agent means a duly authorized agent of the Plymouth Health Department or agent of the Plymouth Sewer Department bearing proper credentials.

Waste Grease or Oil means leftover grease or oil generated by a Food Establishment during the cooking process.

Section 4. System Standards:

A. A Food Establishment or other facility that generates FOG as a by-product shall install a suitable FOG Pretreatment System that conforms to state regulations 248 CMR 10.09(2), and the approval of the Plymouth Health Department and the Plymouth Sewer Department.

B. Plymouth Board of Health or the Plymouth Sewer Department may at any time require the installation, upgrade and/or relocation of a FOG Pretreatment System, as deemed necessary to maintain any Sewer Pipe from obstructions caused by Waste Grease or Oil. The establishment shall be responsible for any and all costs for installing and maintaining said system.

C. Any newly built Food Establishment or those undergoing Substantial Renovations shall install an Outdoor/Underground Grease Interceptor, with a minimum 1,500-gallon capacity, or an Indoor Passive Automatic Grease Trap. Either pretreatment system must be sized according to the manufacturer and in compliance with 248 CMR.

D. An Indoor Passive Automatic Grease Trap or Indoor Passive Grease Trap shall be inspected, serviced and cleaned at least monthly by a professional drain cleaner, licensed plumber or Permitted Offal/Septage Hauler. The Plymouth Board of Health or Plymouth Sewer Department may amend the frequency for Indoor Automatic Grease Trap or Indoor Passive Grease Trap cleanings and maintenance.

E. An Outdoor/Underground Grease Interceptor shall be pumped, inspected and serviced by a Permitted Offal/Septage Hauler at least every three (3) months or at a frequency deemed necessary to prevent any potential blockage. The Plymouth Board of Health or Plymouth Sewer Department may amend the frequency for Outdoor/Underground Grease Interceptor cleanings and maintenance.

F. A copy of the “Town of Plymouth, Grease Trap Maintenance Log” shall be kept onsite and properly maintained relative to the operation/maintenance of any FOG Pretreatment System. This log shall be readily accessible for review by a Town Agent.

G. All pumping and hauling records shall be properly maintained on a regular basis and readily accessible for review by a Town Agent.

H. Waste Grease and Oil shall not be disposed by means of the sanitary sewer. Waste Grease and Oil shall be collected in an appropriate container from an approved vendor, and stored on the premise in a location deemed acceptable to the Plymouth Board of Health. The container shall be stored on an impervious surface, such as concrete or pavement, and in a sheltered area to prevent entry of precipitation and vermin. While stored, the container must be sealed and the surrounding area kept in sanitary conditions at all times. Waste Grease and Oil shall be removed by a Permitted Offal/Septage Hauler and taken away from the premises as needed.

I. All automatic electrical/mechanical grease removal and treatment units shall be sized in accordance with the manufacturers written recommendations and in compliance with 248 CMR.

J. A separate suitable sampling location, approved by the Plymouth Board of Health shall be provided for sampling the discharge from any Indoor Passive Automatic Grease Trap or Indoor Passive Grease Trap system. The sampling valve must be installed on the discharge piping with a minimum clearance of eight (8) inches to allow samples to be taken by a Health Department / Sewer Department.

K. Dishwasher wastewater must discharge into an appropriate grease trap pursuant to 248 CMR 10.09 (2)(c)(5).

L. Food waste grinders must comply with the requirements of 248 CMR 10.09 (2)(f)(3).

M. All connections to a grease removal unit shall be equipped with a proper “Flow Control Device”. A Flow Control Device must conform to the requirements of 248 CMR 10.09(2)(i).

Section 5. Inspections:

A. Inspection of cleaning and maintenance records for all Waste Grease or Oil removal and treatment systems shall be part of regular inspection of a Food Establishment. A Food Establishment inspection may be unannounced but occur during regular business hours.

B. Records pertaining to removal and treatment of Waste Grease or Oil shall be maintained by the owner or operator within the premise of the Food Establishment for no less than two (2) years. Upon request by a Town Agent, a Food Establishment owner or operator shall furnish all records required to enforce and monitor compliance with this Regulation.

C. During an inspection, a Town Agent may apply oil-soluble dyes to the waste stream to identify (by color) the FOG of any given establishment in order to determine if said establishment may be a cause of a failure or obstruction in a Sewer Pipe.

D. A Town Agent may inspect any Food Establishment, with reasonable cause, suspected of exceeding a Discharge Limit for their wastewater.

Section 6. Corrective Actions:

A. The Plymouth Board of Health or Plymouth Sewer Department may order the installation of a FOG

Pretreatment System, including but not limited to an Indoor Passive Automatic Grease Trap or an Outdoor / Underground Passive Grease Interceptor, if a Food Establishment is found to have caused, or likely to cause, a blockage to the municipal sewer system.

B. Newly built Food Establishments or those undergoing Substantial Renovations shall install the appropriate FOG Pretreatment System according to this Regulation in conjunction with the overall construction project. Locations of grease traps and interceptors must comply with 248 CMR 10.09 (2) (a) (b) (c).

C. All Food Establishments shall install an Indoor Automatic Grease Trap or an Outdoor / Underground Grease Interceptor within one (1) year of the adoption of this Regulation.

Section 7. Variances and Waivers:

A request for a variance or a waiver shall be applied for from the Plymouth Board of Health by completing a required form and payment of a \$100 fee. The reasons for the request must be clear and specific.

A. Adequate documentation, which include but is not limited to an on-going Waste Grease or Oil service program; logs from a Permitted Offal/Septage Hauler; and the absence of any Sewer Pipe blockage incident may serve as evidence for granting the one-year waiver pursuant to Section 6 (C) of this Regulation.

B. The Plymouth Board of Health may grant a variance from the requirements of this Regulation for:

- (1) Operation and maintenance (O&M) frequencies. Any application for an O&M variance must be accompanied by a written letter from the Food Establishment's O&M contractor and system provider;
- (2) The type of FOG Pretreatment System required; or
- (3) The imposed time frame for correcting a violation.

The Plymouth Board of Health shall consult the Plymouth Sewer Department for the granting of variances.

C. Any request for a variance for a Food Establishment to use an alternative method, system or product that does not comply with 248 CMR 3.00 through 10.00 must additionally apply, and receive in advance, a variance from the State Board for Plumbers and Gas Fitters pursuant to 248 CMR 3.04(2).

D. Financial hardship is not in itself proper grounds for a variance or waiver request.

Section 8. Violations:

A. Written notice of a violation of this Regulation shall be given to the owner and operator of a Food Establishment by a Town Agent, specifying the nature, time, and date of the violation, and any preventative measure required to avoid future violations, and the time frame for completing any necessary corrections.

B. Any person that violates any provision of this Regulation may be fined or sanctioned, under Chapter 111 Section 31 of the Massachusetts General Laws as a civil offense. Sanctions may include the following:

First offense: Written Warning

Second offense: \$ 100 fine

Third offense: \$ 250 fine

Fourth offense: \$ 1,000 fine

Each day or portion thereof during which a violation continues may constitute a separate offense.

C. The Plymouth Board of Health may additionally order the immediate suspension or revocation of a Food Establishment or Food Service Establishment permit for any the following reasons:

- (1) Any violation of this Regulation deemed to be of a serious nature;
- (2) Repeated violations of this Regulation;
- (3) Interference with a Town Agent in the performance of his or her duty pursuant to this Regulation;
- (4) Failure of a permit holder to comply with a written directive relative to this Regulation;
- (5) Failure to adequately maintain required records or logs pursuant to this Regulations; or
- (6) Keeping or submitting any misleading or false record, log or document required by this Regulation.

The effective date and length of a suspension will be determined by the Board of Health

D. Any person violating the provisions of this Regulation may be liable to the Town of Plymouth for any loss, expense or damage, including consequential damage, caused by such violation.

The Town of Plymouth may enforce the provisions of this Regulation by any and all civil and equitable procedures.

Section 9. Hearing:

The person or persons, to whom any order or notice is issued pursuant to this Regulation, may request a hearing before the Plymouth Board of Health. Such request shall be in writing and shall be filed in the office of the Plymouth Board of Health within seven (7) days after receipt of an order or notice.

Section 10. Severability:

If any word, clause, phrase, sentence, paragraph, or section of this Regulation shall be declared invalid for any reason whatsoever, that portion shall be severed and all other provisions of the Regulation shall remain in full force and effect.

Section 11. Effective Date:

This Regulation was adopted in concurrence with the Plymouth Sewer Department by (*unanimous*) vote of the Board of Health on July 10, 2013. Following public notification, this Regulation shall become effective on September 10, 2013.

PLYMOUTH BOARD OF HEALTH FEES AND FINES

Acting under the authority of the State Sanitary Code and Chapter 111, Section 31, and Chapter 40, Section 22F of the Massachusetts General Laws, the Board of Health of the Town of Plymouth has established the following schedule of fees for permits, fines and licenses effective September 1, 1996, revised effective August 12, 2004, revised effective July 1, 2008, revised, January 11, 2012, revised December 12, 2012 effective January 1, 2013, and revised July 10, 2013 effective September 10, 2013; and revised December 26, 2018 and effective on January 9, 2019

Septic and Wells (310 CMR 15)

- Percolation Test Witnessing Fee - \$350.00†, \$100.00 for every hour or portion of hour thereafter
- Disposal System Construction Permit (New Residential) (310 CMR 15.020) - \$250.00
- Disposal System Construction Permit (New Commercial) (310 CMR 15.020) - \$300.00
- Disposal Works Construction Permit (Repair/Alterations/Residential) - \$200.00
- Disposal Works Construction Permit (Repair/Alterations Commercial) - \$250.00
- Tank or D-Box Replacement Only (Repair/Alteration) - \$150.00
- I/A (Innovative / Alternative) Septic System (New Commercial) (310 CMR) - \$500.00
- I/A (Innovative / Alternative) Septic System (New Residential) (310 CMR) - \$300.00
- I/A (Innovative / Alternative) Septic System (Repair Commercial) (310 CMR) - \$300.00
- I/A (Innovative / Alternative) Septic System (Repair Residential) (310 CMR) - \$250.00
- Final Inspections of New Septic/Repaired Septic/Component Replacement - \$100.00†
- Private Wastewater/Septic System Review (MGL Chapter 44 Section 53G) - \$750†
- Subdivision and/or large developments requiring a septic system review have a variable fee and are coordinated between the Public Health and Planning and Development Departments.
- Well Permit for New Installation - \$100.00
- Well Permit for Repair in the Same Location - \$50.00*
- Revision - Disposal Works Construction Permit or Well Permit \$75.00 per submission
- Variance for Disposal Works Construction Permit or Well Permit - \$100.00 per submission
- Title 5 Inspection Report Filing - \$75.00 (effective 5/1/2023)
- Sewage Systems Installers Annual Permit (310 CMR 15.019) - \$225.00†
- Permit to remove, transport, pump contents of cesspools, septic tanks, privies or other offensive substances (not rubbish) (310 CMR 15.502) - per vehicle \$200.00

Food and Retail Establishments

- Religious Facility Kitchen - EXEMPT
- Religious Facility Food Pantries - EXEMPT
- Fats, Oil, & Grease Variance - \$150.00†
- Fats, Oil, & Grease Reinspection and Review - \$25.00†
- Farmer Market License - \$50.00 (per market location) † (See exemptions: <https://www.mass.gov/doc/food-establishments-at-events-and-farmers-markets-questions-and-answers-072519/download>)
- One Day Food Permit (1-5 consecutive days) \$35.00†
- Catering Establishments (105 CMR 590.012) \$150.00
- Food Service Kiosk operating 16 weeks or less - \$50.00 (ball fields, school stands, & Seasonal stands)

** PLEASE NOTE: Fees will no longer be waived for tax exempt status establishments per the Town Manager. (Examples: Boy Scouts, Girl Scouts, and Charity Events)

- Food Service Establishments (17 weeks – 6 months) (105 CMR 590.012) \$125.00
- Frozen Desserts (MA DPH Policy on Frozen Dessert 1B January 8, 1999) - \$50.00†
- Milk & Oleo - \$25.00†
- Mobile Food Truck (105 CMR 590.012) \$100.00
- Food Establishment Plan Review†
 - a. 0-15 Seats \$100
 - b. 16 – 50 Seats \$150
 - c. 50+ Seats - \$200
- Food Service Establishment Annual Permit
 - a. 0-15 Seats \$250
 - b. 16-50 Seats \$300
 - c. 50+ more Seats - \$350
- Residential Kitchen (105 CMR 590.) \$200.00†
- Retail Market Plan Review†
 - a. Kiosk/Small Facility (less than 70 sq. ft.) - \$75.00
 - b. Medium Facility (71 – 300 sq. ft.) - \$100.00
 - c. Large Facility (301 sq. ft – 1,000 sq. ft.) - \$150.00
 - d. Supermarket/Plus/Warehouse/Big Box Facility (more than 1,001 sq. ft.) - \$200.00
- Retail Food Service Facilities (Annual Permit) (105 CMR 590.011) †
 (***to include making and bagging of ice ONLY if there is no Food Service Permit at the Retail Location)
 - a. Kiosk/Small Facility (less than 70 sq. ft.) - \$75.00
 - b. Medium Facility (71 – 300 sq. ft.) - \$250.00
 - c. Large Facility (301 sq. ft – 1,000 sq. ft.) - \$350.00
 - d. Supermarket/Plus/Warehouse/Big Box Facility (more than 1,001 sq. ft.) - \$550.00
- Permit to sell Methyl Alcohol - \$1.00
- Manufacturing or Bottling of Non-alcoholic Beverages (soda water, spring water, well water, etc.) \$100.00
- Milk Truck Permit (every five years) (15.502) - \$2.00
- Hookah Lounges - \$200.00†
- Tobacco Sales Permit† - \$200.00 per facility.

Housing, Lodging, Campgrounds

- Bed and Breakfast Facilities - \$150.00 (see 105 CMR 590.010-E for exemptions)
- Camps & Cabins Recreational (GL - Chapter 140, Section 32A & 32B) \$50.00
- Hotels/Motels (GL - Chapter 140, Section 32A & 32B) \$100.00†
- Housing Pre-Rental Inspection - \$75.00†
- Manufactured Housing (GL - Chapter 140, Section 32A & 32B) \$100.00†

Body Art and Tanning

- Body Art Establishments - \$150.00 per facility
- Body Art Operator - \$100.00 per person
- Tanning Facility - \$125.00 annually

Pools

- Special Purpose Pools (whirlpool, hot tubs, etc.) - \$100.00
- Swimming Pools - Annual Permit to Operate a Public & Semi-public Pool (105 CMR 435.21) \$200.00

Private Hauler

- Permit to Remove or Transport, Offal, Garbage, Rubbish and other offensive substances (not sewage) - \$200.00 per vehicle (GL Ch. 111, S. 31B)

Other

- Burial Permits \$10.00
- Funeral Directors (GL - Chapter 114, Section 49) \$150.00
- Stables - \$40 per stable permit (Exemption: those stables considered “Farming and Agriculture” as defined under GL Ch. 128, S1A)
- For the purchase of hypodermic syringes, hypodermic needles or any instrument adapted for the administration of controlled substances (Fee Set by General Laws) - .50 cents.

FINES and VIOLATIONS

All Fines in Accordance with Massachusetts General Law (MGL) Chapter 111: Public Health, Section 31, and Chapter 40, Section 22F

1. Late Filing Fee for any permit or license past the established application due date - \$100.00
2. Any work initiated without obtaining the proper Board of Health permit or license – Application Fee is doubled
3. Food Service and/or Retail Establishment critical violation or re-inspection - \$100.00 per violation
4. Illegal dumping – Prohibited Disposal Regulations - \$1,500.00† minimum and up to \$10,000.00 maximum per incident; All incidents require a review by the Board of Health in coordination with the Public Health Department. Please refer to the Board of Health’s Prohibited Disposal Regulations.
5. Tobacco, E-Cigarette/Vaping Devices, and Other Tobacco Related Product Sales to a Minor:
 - a. In the case of a first violation, a fine of one thousand dollars (\$1,000.00) shall be issued and, additionally, if the violation is a sale of a tobacco product to a person under the age of 21, the Tobacco Product Sales Permit shall be suspended per 105 CMR 665.040(d), for seven (7) consecutive days of operation.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit be suspended for fourteen (14) consecutive days of operation.
 - c. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5,000.00) shall be issued and the Tobacco Product Sales Permit be suspended for thirty (30) consecutive days of operation.
 - d. In the case of four violations or repeated, egregious violations of any section of this

regulation, as determined by the Board of Health within a thirty-six (36)-month period, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing may permanently revoke a Tobacco Product Sales Permit.

6. Poultry Violations: *****

- a. 2nd Violation: \$25.00
- b. 3rd Violation: \$50.00
- c. Each Subsequent Violation: \$100.00

If any fee herein established, shall be declared invalid for any reason, that decision shall not affect any other fee herein established, and they shall remain in full force and effect. To this end the fees are hereby declared severable.

These fees were adopted by a unanimous vote of the Board of Health on May 14, 2008.

Effective date July 1, 2008.

Paul Santos, Chairperson
Kathy Cartmell-Sirrico
Mary Rondeau
Amy Donovan-Palmer
Dr. Sidney Nirenberg, MD

*These fees were adopted by a unanimous vote of the Board of Health on February 13, 2008.

Effective date February 13, 2008.

Paul Santos, Chairperson
Kathy Cartmell-Sirrico
Mary Rondeau
Amy Donovan-Palmer
Dr. Sidney Nirenberg, MD

**These fees were adopted by a unanimous vote of the Board of Health on January 11, 2012.

Effective date January 11, 2012.

Richard A. Manfredi, Chairman
Paul Santos
Nancy O'Connor Gantz
Cathy Baranofsky
Dr. Robert Nahill, MD

***These fees were adopted by a unanimous vote of the Board of Health on December 12, 2012.

Effective date January 1, 2013.

Richard A. Manfredi, Chairman
Paul Santos
Nancy O'Connor Gantz
Cathy Baranofsky
Thomas Wallace

**** These fees were adopted by a unanimous vote of the Board of Health on July 10, 2013.

Effective date September 10, 2013.

** PLEASE NOTE: Fees will no longer be waived for tax exempt status establishments per the Town Manager. (Examples: Boy Scouts, Girl Scouts, and Charity Events)

Richard A. Manfredi, Chairman
Paul Santos
Nancy O'Connor Gantz
Cathy Baranofsky
Thomas Wallace

***** These fees were adopted by a unanimous vote of the Board of Health on April 12, 2017.
Effective date April 12, 2017.

Steve Striar
Nancy O'Connor Gantz
Cathy Baranofsky
Susan Ahern
Kimberly Keville

† These fees were adopted by a unanimous vote of the Board of Health on December 26, 2018.
Effective Date January 9, 2019

Birgitta Kuehn
Barry Potvin
Nancy O'Connor Gantz
Kimberly Keville
Jerry Levine