

KINGSTON

BOARD OF HEALTH

RULES AND REGULATIONS

Revised 10/2006

Revised 10/2002

Policy update 2/23/04

Food Establishment Fees Revised 3/17/05

PREAMBLE

No regulation shall be altered without first advertising and holding a public input hearing, except in the instance of a public health emergency.

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

AMENDMENTS TO REGULATIONS OF THE BOARD OF HEALTH

1. When an existing structure is to be altered or any increase in living space as defined in the State Sanitary Code 105 CMR 410: 031 and a building permit is required, the Board of Health may require that the existing subsurface sewage disposal system be brought into compliance with all state and local regulations.
2. Any conversion of seasonal living space to year round living or storage space requires an upgrade.

FAILURE OF SEPTIC SYSTEM

1. If one or more of the following conditions exist as documented by inspection by an approved System Inspector, or determined by the local approving authority or the Department, the system is failing to protect public health and safety and the environment and shall be upgraded in accordance with the time frames of 310 CMR 15.305(1) and the standards of 310 CMR 15.404 and 15.405.
 - a. there is backup of sewage into the facility served by the system or any component of the system as a result of an overloaded and/or clogged soil absorption system or cesspool:
 - b. there is a discharge of effluent directly or indirectly to the surface of the ground through ponding, surface breakout or damp soils above the disposal area or to a surface water of the Commonwealth:
 - c. the static liquid level in the distribution box is above the level of the outlet invert:
 - d. the liquid depth in a cesspool is less than 6 inches from the inlet pipe invert or the remaining available volume within a cesspool above the liquid depth is less than 1/2 of one day's design flow:
 - e. the septic tank or cesspool requires pumping four times a year or more:

- f. the septic tank is made of metal; or the septic tank is cracked or is otherwise structurally unsound, indicating that substantial infiltration or exfiltration is occurring or is imminent:
- g. a cesspool, privy or any portion of the soil absorption system extends below the high groundwater elevation:
- h. a cesspool, privy or any portion of the soil absorption system is located within 50 feet of a surface water:
surface water supply:
- i. a cesspool, privy or any portion of the soil absorption system is located within 100 feet of a surface water supply or tributary to a
- j. a cesspool, privy or any portion of the soil absorption system is located within a Zone I of a public well:
- k. a cesspool or privy is located within 50 feet of a bordering vegetated wetland or a salt marsh:
- l. a cesspool, privy or any portion of the soil absorption system is within 50 feet of a private water supply well:
- m. a cesspool, privy or any portion of the soil absorption system is less than 100 feet but 50 feet or more from a private water supply well, unless a well water analysis for coliform bacteria and volatile organic compounds indicates that the well is free from pollution for that facility and the presence of ammonia nitrogen and nitrate nitrogen is equal to or less than 5 ppm.

BULL RUN VALVES

DEFINITIONS:

Bull Run Valve-A device inserted in a sewage disposal line which diverts effluent in a controlled direction manually at the discretion of an individual.

Leaching Section-Any part of the leaching area that is divided by a means of a Bull Run Valve, or equivalent for the purpose of making that area active or inactive in the system.

USE:

The use of Bull Run Valves in the site sewage disposal system may be approved by the Kingston Board of Health provided, that the leaching section at any one time meets the minimum town requirements of 800 square feet of leaching area.

SEPTIC SYSTEM

All septic systems must have minimum of 800 square feet of leaching area. Except in a water overlay district where the minimum allowance will follow Title 5 Regulations for gallons per day.

MINIMUM PIPE REQUIREMENT

The minimum requirement for pipe in an on-site sewage disposal system is Schedule 40 PVC.

SUPPLEMENT TO TITLE V

Subsurface sewage systems shall not be constructed in areas where there is less than 4 feet of naturally occurring pervious soil between the bottom of the excavation and the maximum ground water table.

Location of the disposal facilities shall be such as to provide not less than the following minimum distances:

	<u>Septic</u>	<u>S.A.S.</u>
Property Line	15'	15'

INSPECTIONS:

1. Inspections of systems by the Health Agent prior to back filling are required.
2. Request for inspections require a minimum of 48 hours prior notice.

3. All engineers must submit an "As-Built" plan prior to the inspection. Engineers and Installers shall certify in writing that the septic system was installed according to the original plan and meets all the requirements of Title V, and local regulations
4. The installer will have sufficient water at the site to test distribution box water flow.
5. A Certificate of Compliance is necessary in order to obtain an occupancy permit from the Building Inspector.

SUPPLEMENT TO ARTICLE X

Permits for food service establishments shall expire at the end of the calendar year. Fee shall be assessed when the applications to renew are mailed out. Permits shall be posted on registers facing the customer.

STANDARDS OF FITNESS FOR HUMAN HABITATION

No owners, occupant or agent of any structure, dwelling, building, tenement, room, cellar or mobile dwelling shall have on his premises any remnants of a demolished or burned dwelling, structure or building or maintain any structure, excavation, piles of refuse, debris or dirt; maintain any dwelling, building or other structure or premises which is unfit for human habitation, which is or may become a nuisance or may become a cause of sickness or home accident to the occupant or to the public, or which is conducive to breeding places for mosquitoes or other insects or is a harborage for rodents or impairs the health or well-being of the public.

After determination by the Board of Health that any of the above conditions exists, the Board of Health may issue a written order for the removal of said condition and that the premises be properly cleaned, leveled and excavation filled to uniform grade by sanitary fill method. It may further order the owner or occupants to vacate said premises and to comply with the requirements set forth in this health regulation.

Any person aggrieved by any order issued under the herein regulation may request a hearing before the Board of Health by filing with said Board within seven days after the date of the order was served on the aggrieved party. Said request to be in writing and filed at the office of the Board of Health. The Board of Health shall set a time and place for such hearing, and said hearing to be within thirty days from the receipt of said request and the Board shall inform the aggrieved party in writing by certified mail of the time and place of the hearing.

The Board of Health may, after a reasonable length of time, undertake to accomplish the abatement of the particular nuisance of condition. Said abatement shall be under the provisions of Chapter 111 of the Massachusetts General Laws, Chapter 111, Section 31.

REGULATIONS FOR PRIVATE WELL SUPPLIES

These regulations are promulgated by the Kingston Board of Health in accordance with Chapter 111, Section 31, of the Massachusetts General Laws.

A. PURPOSE:

The purpose of these regulation is to protect the safety and welfare of the public by establishing suitable standards for the construction, use, and maintenance of private wells.

Although local conditions may require more stringent regulating to protect the interests of public safety and welfare, the following regulations when properly enforced, should afford adequate protection.

B. DEFINITIONS:

The following definitions apply to these regulations:

Abandoned Well-A well that has not been used for water supply for a period of one (1) year.

Aquifer-A water bearing geologic formation that transmits water in sufficient quantities to supply a well.

Casing-A vertical pipe placed in the ground to prevent caving and to seal off surface water from a well.

Certificate of Compliance-Issued by the Board of Health on its findings that a well has been constructed in accordance with these regulations.

Discharge Pipe-Piping connection between well and point of water use.

Drawdown-The vertical distance between static water level in a well and water level when the well is being pumped.

Potable Water-Water that is safe for human consumption.

Static Water Level-The vertical distance between ground surface and water surface in the well while the well is not being pumped, influenced by pumping nearby or flowing under artisan pressure.

Well-Any hole, boring, or shaft constructed for the purpose of extracting water from the ground.

Drilled Well-Well that is constructed by drilling a hole and inserting the well casing and screen.

Driven Well-Well that is constructed by driving a well point to which the screen and casing are attached.

Well Screen-Slotted opening at the bottom of the casing through which water enters the well.

Well Driller-Any person, association, partnership, company, corporations

or trust licensed by the Massachusetts Water Resources Commission to construct wells.

Well Seal-A protective barrier to prevent surface pollution from entering the well.

Yield-Maximum rate at which water may be drawn from a well.

C. USE OF WELL SUPPLY:

Private well supplies may be used for the following purposes:

1. Potable source of water
2. Industrial process water
3. Heating and/or cooling
4. Irrigation
5. Fire Protection

The purpose for which any well is to be used must be indicated in the application permit.

Use of private wells for potable community supplies is prohibited.

D. PERMITS:

A well construction permit shall be obtained from the Board of Health prior to the construction of any well. Applications for well permits shall be accompanied by a plot plan showing property lines, locations of any structures in the proposed well location, distance between well and street, property lines, buried fuel tanks, sewage disposal systems (and reserve areas) on the lot, and if within 300 feet of the proposed well site, disposal systems and reserve areas of adjoining lots. The board of Health reserves the right to require a certification of this plan from a registered professional engineer.

Permit shall also include the well drillers name and proof of valid State Registration under MGL Chapter 21, Section 16. Permit fee is \$50.00.

E. REGISTRATION FOR WELL DRILLERS:

Construction of wells in Kingston shall be performed only by well drillers who are registered with the Massachusetts Water Resources Commission, Division of Water Resources, as required by 313 CMR 3.00 Water Well Registration Regulations.

F. WELL DRILLERS REPORT:

Within 30 day after completion of any well, the well driller shall submit to the Board of Health a report containing the name and address of the well owner, the geographic location of the well (or sufficient accuracy to permit plotting on USGS topographic map), depth to refusals, static water level, method used to test will yield, method of disinfection and laboratory analysis of the well. In addition, the well driller shall submit an "As-Built" plan showing the material penetrated of the well casing above the finished grade, well depth, casing type, casing size and length, discharge-pipe connection to casing, well screen type and length, depth of screen setting and date of installation and testing.

G. EXISTING REQUIREMENTS:

All wells shall be located at sufficient distances from potential sources of pollution to prevent impairment of water quality. The following minimum lateral distances shall apply to common sources of pollution.

WELL DISTANCES

- * Sub-surface sewage disposal facilities minimum lateral distance 125 feet;
- * septic tank 50 feet;
- * distribution box 50 feet;
- * sewers 50 feet;
- * property lines 25';

- * and any site which in the opinion of the Board of Health constitutes a hazardous waste site including fuel tanks, landfill, junk yard, etc., at the discretion of the Board of Health.

Where in the opinion of the Board of Health, documented adverse conditions exist, the above distances may be increased.

Wherever possible, the well shall be up-gradient from sources of pollution.

H. WELL CASING:

The casing for a driven or drilled well shall have minimum length of 40 feet. The top of the casing shall be at least 12 inches above finished ground surfaces. The thickness of casing shall be selected in accordance with conditions encountered, and shall not be less than schedule 40 steel pipe. The casing must be new; used casings are prohibited.

The top of the well casing shall be sealed with a water tight sanitary well-seal. If ventilation is required for the well, a 2-inch vent pipe with a 180 degree inverted "U" fitting terminating at least 3 feet above finished ground surface (or floor level if a well house is used) shall be provided. The vent shall be provided with a corrosion resistant screen.

I. PROTECTIVE WELL SEAL:

The annular space between the well casing and the wall of the well resulting from the construction wall shall be properly sealed with a concrete collar to protect against pollution by surface water. With a well constructed in consolidated material, the depth of seal shall be at least 5 feet below either original or finished ground surface, which ever is lower, the seal must be extended at least 5 feet into the impervious formation. For walls terminating in bedrock, the well must be sealed with a casing extending from at least 12 inches above finished ground surface for a depth of at least 10 feet into bedrock.

Depending on local conditions, i.e., potential sources of pollution, the Board of Health may require greater depths of seal than herein indicated.

J. UNDERGROUND CONNECTION BETWEEN WELL CASING & DISCHARGE PIPE:

The underground connection between the wall casing and discharge pipe must be located below the frost line. A water tight collar, such as a pitless adapted, must be provided to prevent the entrance of groundwater into the well casing at the connection.

K. DISCHARGE PIPING:

Discharge piping shall consist of either PVC pipe, with pressure rating and size to suit local conditions, or of pipe approved by the Board of Health.

L. PLUMBING:

All plumbing used for the distribution of water from a private well supply shall be in accordance with the Board of State Examiners of Plumbers and Gas Fitters, 245 CMR 2.14. Cross connections between private well suppliers and the Kingston public water system are prohibited.

Wells used for pumping water from an unconsolidated aquifer shall be equipped with type 304 stainless steel continuous slot screen. Screen opening size shall be based on sieve analysis if the material is at screen depth. Screens shall be designed to limit flow velocity to a maximum of 0.1 feet per second, based on permanent pumping rate.

M. WELL DEVELOPMENT:

The well shall be developed by pumping, surging, jetting, and other suitable means to produce sand-free water while the well is be pumped at a rate of 1.5 times the pumping rate of the permanent pump.

N. DISINFECTION:

After development and prior to test pumping, the well and discharge piping shall be disinfected with sufficient chlorine concentration of 50 ppm, at the end of 24 hours in the water column standing in the casing and screen. At the end of 24 hours the chlorine solution shall be pumped to waste and flushed from the discharge pipe.

O. PUMP EQUIPMENT:

A deep well turbine, submersible or jet pump may be used for pumping water from the well.

If a pump room is to be used for pumping equipment, it shall be located above the pump room floor. The pad shall be constructed to provide a water tight seal to prevent penetration of pollutants on the floor from entering the well. If an underground pump discharge is to be used without pump room, but with pitless adapter, any pump unit attachments projecting through the top of the well casing must be sealed as specified under "Well Casing" as listed above.

P. GRADING AT WELL:

The finish ground surface at the well shall be sloped at a grade of two percent (2%) to prevent ponding of surface water.

Q. TEMPORARY COVER:

Whenever there is an interruption of work on well construction, such as overnight shutdown, waiting periods because of inclement weather or for setting up of sealing materials, tests, installation of pump, etc., the well opening shall be closed with a cover to prevent pollutants from entering the well. During interruptions of one week or more, a semi-permanent steel cover, tank welded to the top of the well shall be installed.

R. TEST PUMPING AND YIELD:

The well shall be test pumped continuously for a period of at least four (4) hours. Yield of the well shall be considered to that rate of pumping after which level recovery reaches either eighty (80%) percent of drawdown within 30 minutes or one hundred (100%) percent of drawdown with twelve (12) hours. During test pumping, water level in the well shall not be drawn down below five (5) feet above the top of the screen.

Any well to be used for private well supply must have minimum yield of five (5) gallons a minute.

VARIANCE PROCEDURES AND ENFORCEMENT

Any request for a variance must be made in writing, addressed to the

Board of Health, and shall cite specific variance sought and the reasons thereof.

The Board of Health may grant a variance application of any provision of these regulations under the following conditions only:

1. When in the Board of Health's opinion, enforcement thereof would do manifest injustice to the applicant, and;
2. The applicant has proven, with proper documentation, that the same degree of sanitary protection required by these regulations can be achieved without strict application of the particular provision.
3. Approve Variance Requests Forms should be submitted to the BOARD OF HEALTH accompanied with the appropriate fee.

Enforcement:

1. If an examination as provided for in Title 1, (310 CMR 11.00) reveals failure to comply with the provisions of these regulations, the Board of Health shall order the persons responsible to comply with the violated provisions.
2. Any person aggrieved by the final decision of the Board of Health may seek relief within thirty (30) days in any court of competent jurisdiction, as provided by the laws of the Commonwealth.
3. Any person who shall violate any provision of these J regulations for which penalty is not otherwise provided in the General Laws or Title 1 of (310 CMR 11.00) shall upon conviction be fined not less that ten dollars (\$10.00), nor more than five hundred dollars (\$500.00).
4. Any person who shall fail to comply with any order issued pursuant to the provisions of these regulations shall, upon conviction, be fined not less that ten dollars (\$10.00), nor more that five hundred dollars (\$500.00). Each day's failure to comply with an order shall constitute separate violations.

INSPECTIONS:

1. Inspections of systems by the Health Agent prior to back filling are required.

2. Request for inspections require a minimum of 48 hours prior notice.
3. All engineers must submit an "As-Built" plan prior to the inspection. Engineers and Installers shall certify in writing that the septic system was installed according to the original plan and meets all the requirements of Title V, and local regulations
4. The installer will have sufficient water at the site to test distribution box water flow.
5. A Certificate of Compliance is necessary in order to obtain an occupancy permit from the Building Inspector.

SOIL EVALUATOR REGULATION

Soil Evaluators must have met the following criteria to perform soil testing in the town of Kingston:

1. Must meet all qualifications as described in 310 CMR 15.017 "Approval of Soil Evaluators"
2. For the purpose of soil evaluations the Town of Kingston will define the term "Agent" as one who is duly appointed, hired or contracted by a majority vote of the Board of Health and is sworn in by their respective town clerk. He or she must be compensated on a periodic, on-going basis by the town in which he/she is an agent of. Voluntary service to his/her appointing board does not constitute agent status for the purpose of percolation testing/soil evaluation in the Town of Kingston.
3. All above criteria must have been met at the time of eligibility for the soil evaluators examination.

Unanimously voted by the Kingston Board of Health on June 10, 1996

LICENSE/PERMIT FEE SCHEDULE

<u>TYPE OF PERMIT</u>	<u>FEE</u>	<u>EXPIRATION</u>
Abrasive Blasting Job (per site)	50.00	Per Site
Bakery License	100.00	12/31
Bed & Breakfast Establishments	30.00	12/31
Body Art Facility.	150.00	12/31
Body Art Individual License	100.00	12/31
Caterers, Commissary	100.00	12/31
Caterers, out of town servicing in town functions	30.00	Per Function
Disposal Works Installers License	150.00	12/31
Disposal Works Construction Permit, New-Residential . . .	125.00	12/31
Disposal Works Construction Permit, Repair- Residential . . .	125.00	12/31
Disposal Works Construction Permit, Business/Commercial	150.00	12/31
Over 2000 gpd, New - \$75. Per thousand + \$25.00/Unit		
Disposal Works Construction Permit,Business/Commercial		
2000 gpd repair, \$75 per thousand GPD + \$25.00/Unit		
Disposal Works Construction Permit, Business/Commercial-		3 years
Repair up to 2000 gpd, \$150.00		
Disposal Works Construction Permit Business/Commercial		3 years
up to 2000 gpd, New, \$150.00 + \$25.00/Unit	150.00	12/31
Food Service Establishments (up to 50 seats)	175.00	12/31
Food Service Establishments (51 to 100 seats)	225.00	12/31
Food Service Establishments (over 100 seats)	25.00	12/31
Food Service Establishments-Temporary (up to 10 days)	200.00	12/31
Food Service Establishments-Large Supermarkets.	50.00	
Plan Review Application.	100.00	12/31
Retail Food (under 1500 square feet)	150.00	12/31
Retail Food (1501 square feet to 5000 square feet)	350.00	12/31
Retail food (over 5000 square feet)	50.00	12/31
Manufacturing Frozen Desserts	10.00	12/31
Milk & Cream.	50.00	12/31
Mobile Food Service (per vehicle)	72.00	12/31
Mobile Home Excise Tax.	50.00	12/31
Nursing, Rest Home/Group Residence (0 to 10 beds).	75.00	12/31
Nursing, Rest Home/Group Residence (11 to 25 beds).	100.00	12/31
Nursing, Rest Home/Group Residence (26 to 50 beds).	300.00	12/31
Nursing, Rest Home/Group Residence (51 to 100 beds).	450.00	12/31
Nursing, Rest Home/Group Residence (over 100 beds).	100.00	12/31
Funeral Directors.	10.00	
Burial Permits		

<u>LICENSE/PERMIT FEE SCHEDULE</u>		
<u>TYPE OF PERMIT</u>	<u>FEE</u>	<u>EXPIRATION</u>
Overnight Camps, Cabins, Motels, etc...	100.00	12/31
Percolation & Observations Tests		
Residential,		
Repair 2 holes or less	100.00	
New Construction, 2 holes or less	150.00	
At a separate visit:		
Each Additional Observation Hole.....	25.00	
Each Additional Percolation Test	50.00	
Commercial /Mixed Use, two holes or less	175.00	
Each Additional Observation Hole.....	50.00	
Each Additional Percolation Test	50.00	
Removal, Transportation of Rubbish	150.00	12/31
Septage Haulers	150.00	12/31
Swimming Pool Installation Permit.....	15.00	12/31
Swimming Pool Saunas, Public & Semi-Public	100.00	12/31
Tanning Facilities	100.00	12/31
Therapeutic Massage-Individual	25.00	12/31
Therapeutic Massage-Facility	50.00	12/31
Tobacco License.	30.00	12/31
. . . Variance-Repair	50.00	
Variance-New Construction.....	100.00	
Well Construction	50.00	6 months
Work Started Without Permits.....	Doubled	

REGULATIONS

SECTION 1 - -----Septage & Rubbish Haulers

SECTION 2 - -----Deferment for Sewer Hookups

SECTION 3 - -----Practice of Body Art

SECTION 4 - -----Regarding the Sale, Vending & Distribution of Tobacco Products

SECTION 1

Septage and Rubbish Haulers

SEPTAGE HAULERS

- License Fee is \$150.00 - For new applicants until 12-31-02, thereafter \$150.00 fee is applicable.
- Any company found operating without a license will be subject to a \$500.00 fine to be paid within 10 business days of notification by certified and first class mail.
- All operations must immediately cease and desist until the fine has been paid and license is applied for and issued.
- Any company that has not paid the fine and fee and continues to operate after the 10 business days, loses the right to operate in the Town of Kingston for one year. (365 days)
- No license will be issued if any fees/fines are outstanding.
- Late renewal payment made between January 1 through January 31 will result in double the fee.
- Any company continuing to operate after January 31 shall be deemed to be operating without a license and subject to fines and penalties as already enumerated.
- Only pumpers licensed by the Kingston Board of Health shall or be able to perform pumping services for Kingston residential, business and institutional accounts.
 - Pumpers must submit pumping records no later than the 15th of each month for all services provided the previous month.
 - Records must show date of service, gallons pumped, owner's name and address of property pumped, type of system and location of dumping facility.
 - Failure to provide a complete accounting of each transaction will result in a written notification. Pumpers, upon receipt of such notification must provide records for the missing information. Failure to do so within 72 hours will be a first violation and will result in loss of license for a period of 15-30 days depending upon the volume of missing information.
 - A second violation will result in a license suspension of 90 days.
 - Any subsequent violation will result in a one year license suspension. Re-application may occur after 1 year. (365 days)
 - Party (s) will be given a right to a hearing before suspension takes place.

RUBBISH HAULERS

- License Fee is \$150.00 - For new applicants until 12-31-02, thereafter \$150.00 fee is applicable
- Any company found operating without a license will be subject to a \$500.00 fine to be paid within 10 business days of notification by certified and first class mail.
- All operations must immediately cease and desist until the fine has been paid and license is applied for and issued.
- Any company that has not paid the fine and fee and continues to operate after the 10 business days, loses the right to operate in the Town of Kingston for one year. (365 days)
- No license will be issued if any fees/fines are outstanding.
- Late renewal payment made between January 1 through January 31 will result in double the fee.
- Any company continuing to operate after January 31 shall be deemed to be operating without a license and subject to fines and penalties as already enumerated.
- Party(s) will be given a right to a hearing before suspension takes place.

SECTION 2

Deferment for Sewer Hookups

March 12, 2001

The Board of Health, pursuant to the provisions of 310 CMR 15.000 et seq. ("Title 5") and the Board's own rules and regulations, is charged with the protection of public health and the environment through the regulation of onsite septic systems. In this capacity, the Board recognizes that the age of a system, originally designed and built in compliance with applicable regulations, may result in the deterioration of the system and thereby create a threat to public health and the environment. Therefore, the Board of Health, thru this regulation and in accordance with Title 5 and any other applicable health regulations will offer a deferral of properties to the Town Sewer Systems in accordance with the following schedule and regulations only pertaining to systems of up to 9 years old.

This regulation utilizes a chart format to designate the age of a septic system and the number of years within which the property served by that system would be deferred from connection to the Town Sewer System as follows:

The Certificate of Compliance shall be used as a bench mark for the age of the system.

Age of Septic System(in years)		Time Period for Connection to Municipal Sewer System (in years)
1	have up to	9
2	have up to	8
3	have up to	7
4	have up to	6
5	have up to	5

Systems aged five to nine years shall be allowed up to five years to connect to the municipal sewer system based upon annual requests for a connection deferment.

The deferral process as provided in the proposed regulation requires the submission by the property owner of an abbreviated Title 5 inspection, using the Board's inspection form and any and all pumping records. Only systems in the five to nine year age range will be allowed deferments as follows:

Deferment of Connection:

1. Owners of properties served by a septic systems aged five to nine years old shall file annual requests for connection deferment.
2. A deferral request must be accompanied by an abbreviated Title 5 inspection report using the Board of health inspection form, and any and all pumping records for the system.

3. Deferrals will be granted on an annual basis for systems which pass the inspection criteria contained in the Board of Health's inspection report.
4. Any application for repairs to the system, if in the opinion of the Board of Health, the cause or extent of such a repair indicates a threat to public health or the environment, the Board may, at its discretion, require the property owner to fall within the jurisdiction of the Kingston Sewer Commissioners and connection regulations.
5. In the event of a full system failure the property owner shall in accordance with State Law be required to connect the property to the Town of Kingston Municipal Sewer System and the existing septic system on the property shall be abandoned in accordance with the provisions of Title 5.
6. Any property owner aggrieved or denied a deferral pursuant to this regulation may request a hearing before the Board of Health.
7. At the end of the allowed deferral period as presented in this regulation, properties will then be governed by existing sewer connection regulations.

Homeowners wishing to avail themselves of this process should contact the Kingston Board of Health for the necessary Certificate of Deferment. These forms may be obtained 120 days after publication.

Certificate of Deferment

Property Owners Name:

Street Address/Map& Lot:

Phone #:

Street Address & Phone # if different from above:

Permit#:

Date of Certificate of Compliance:

Application Date:

Reapplication Date:

Applicant's Signature:

Abbreviated Title 5 Report (Attach)

This deferment certificate is valid without review until date of reapplication.

It is the applicant's responsibility to reapply within 30 days of reapplication date shown above. Failure to do so forfeits deferral process. If the system should fail or if a Building Application should require an upgrade to septic system, then this property shall immediately fall within the jurisdiction of The Kingston Sewer Commissioners and connection regulations.

Deferral Approved:

Deferral Denied:

Reason for Denial:

Available July 12, 2001

SECTION 3

Regulations for the Practice of Body Art

REGULATIONS CONCERNING THE PRACTICE OF BODY ART

Section 1 **Rationale**

The Town of Kingston promulgates these rules and regulations of Body Art, which provide minimum requirements to be met by any person performing Body Art activities for hire upon another individual and for any establishment wherein Body Art activities are to be performed. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishments wherein Body Art activities are to be performed, requirements concerning the general sanitation of the establishments and sterilization of the instruments to be used in the conduct of the Body Art. By enacting these rules and regulations, the Kingston Board of Health 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 regulation establishes a requirement for registration and a procedure for registration with the Board of Health of all persons performing Body Art activities, a requirement for minimal training standards for all practitioners including requirements for the prevention of disease transmission. Provision for the regular inspection of establishments wherein Body Art activities are to be performed and for the revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under these regulations, or for other means of enforcement of the provisions of the regulation.

This regulation provides for an annual fee to be paid by practitioner and establishment registered under this regulation. Those fees should be as follows:

Establishment \$150.00

Practitioner \$100.00

Section 2 **Authority**

These rules and regulations are adopted under the authority of the Massachusetts General Laws Chapter 111, Sections 6 and 31.

Section 3
Purpose and Scope

The purpose of these regulations is to protect the public health by establishing minimum conditions governing the practice of Body Art in the Town of Kingston.

Section 4
Definitions

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

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

Autoclave means an apparatus for sterilization utilizing steam pressure at a specific temperature over 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 ***Kingston Board of Health or its agents.***

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

Body Art Establishment or establishment means a ***specified*** 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 earpiercing.

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

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. ***Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulation Part 1910.1030 (latest edition) known as "Occupational Exposure to Bloodborne Pathogens".***

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

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

Ear piercing means the puncturing of the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following the manufacturer's instructions.

Equipment means all machinery, including fixtures, container, 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.

Hand Sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

Hot water means water that attains and maintains a temperature 110 degrees-130 degrees F.

Instruments Used for Body Art means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

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

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

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

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

Permit means Board approval in writing to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist withing community or political subdivision comprising the Board's jurisdiction.

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

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

Procedure surface means any surface of an inanimate object that contracts the clients unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

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

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

Sanitizing Procedure means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved the Department.

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

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

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

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

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

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

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

Ultrasonic Cleaning Unit means a unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

Universal Precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report) (MMWR), June 23, 1989 Vol. 38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens.

Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instrument, and blood and body fluid-contaminated products.

Section 5
Exemptions

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

Section 6
Restrictions

- (A) No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.
- (B) Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18 provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure. ***Properly identified shall mean a valid photo identification of the adult and a birth certificate of the minor.***
- (C) ***No body art shall be performed upon an animal.***

Section 7
General Provisions

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) Physical Plant

- (1) Walls, floors, ceilings, and procedure surfaces ***within the body art establishment*** shall be smooth, 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.
- (2) Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- (3) The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents ***in any part of the establishment or adjacent structure***.
- (4) 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 dividers, ***curtains*** or partition at a minimum.
- (5) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed and where instruments and sharps are assembled.
- (6) 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. ***Hand-sink must be installed according to local plumbing code.***

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- (7) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.
- (8) At least one covered 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. **All refuse containers shall be lidded, cleanable, and kept clean.**
- (9) 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.
- (10) 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.
- (11) 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.
- (12) The establishment shall have a customer waiting area exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
- (13) 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.
- (14) Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.

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(B) **Requirements for Single Use Items Including Inks, Dyes and Pigments**

- (1) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
- (2) 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.
- (3) Hollow bore needles or needles with a cannula shall not be reused.
- (4) 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.
- (5) 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.

(C) **Sanitation and Sterilization Measures and Procedures**

- (1) 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), ***or a solution of household chlorine bleach as recommended by the Center for Disease Control (COC) or by following the manufacturer's instructions to remove blood and tissue residue***, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- (2) After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. All sterilizer packs shall contain either a sterilizer indicator of internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.

- (3) The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacture's recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves shall be located away from workstations or areas frequented by the public.
- (4) 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 made available to the Board upon request.
- (5) 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. **All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer instructions.**
- (6) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing.
- (7) If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- (8) When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- (9) Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

(D) **Posting Requirements - Information to be kept on file**

The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Board:

- (1) A Disclosure Statement, a model of which shall be available from the Department. A Disclosure Statement shall also be given to each client, advising his/her of the risks and possible consequences of body art procedures.
- (2) The name, address and phone number of the local Board of Health that has jurisdiction and the procedure for filing a complaint.
- (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; and
 - (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.

(E) **Establishment Record keeping**

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

- (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 manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement:
 - (f) A Material Safety Data Sheet, when available, for each ink and dye used by the establishment; and
 - (g) a copy of these regulations.
- (2) Employee information, which shall include:
- (a) full names and exact duties;
 - (b) date of birth;
 - (c) home address;
 - (d) home/work phone numbers; and
- (3) Client Information, which shall include:
- (a) name;
 - (b) date of birth;
 - (c) address of the client;
 - (d) 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 section 8 (D)(2); and
 - (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.
- (4) Client information shall be kept confidential at all times.

(F) The establishment shall require that all body art practitioners have either completed, or were offered and declined, in writing, the hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Board upon request.

Section 8
Standards of Practice

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

- (A) A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.

- (B) A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
- (C) Practitioners who use ear-piercing systems must conform to the manufacturers directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
- (D) Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
 - (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 diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc;
 - (d) history of allergies or adverse reactions to pigments, dyes, or 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; and
 - (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 8(K).
- (E) A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

- (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 before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- (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 a likelihood that the 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, is necessary, single use disposable razors or safety razors with single service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - (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 of the address, and phone number of the establishment.
 - (3) A copy shall be provided to the client.
- (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. ***A contract with a licensed contractor shall be provided to the Board of Health as part of the permitting process.***

Section 9
Injury 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:

- (A) the name of the affected client;
- (B) the name and location of the body art establishment involved; ***and the name of the practitioner who performed the procedure***
- (C) the nature of the injury infection complication or disease;
- (D) the name and address of the affected client's health care provider, if any;
- (E) any other information considered relevant to the situation.

Section 10
Complaints

- (A) The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.
- (B) If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.
- (C) If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.
- (D) ***Investigation of complaints may lead to enforcement actions including revocation, suspension or refusal to renew a permit by the Board.***

Section 11
Permit Requirements

1. Establishment Permit

- (A) No person may operate a body art establishment except with a ***body art establishment permit from the Board of Health. No license or permit shall be issued until after a public hearing has been held by the Board, which shall be based on the satisfaction that said use is appropriate and that it will not create a nuisance, or is not dangerous to the public health.***
- (B) Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- (C) An establishment permit shall be valid from the date of issuance and shall automatically expire in one (1) year from the date of issuance unless revoked sooner by the Board.

- (D) The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
- (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 acknowledgment that the applicant has received, read and understood the requirements of the Board's body art regulations;
 - (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,
 - (5) ***A record of previous and current tattoo parlor operations, address, city, and state where operated and date of operation.***
 - (6) ***A record of any suspensions occurring within the operations.***
 - (7) Such additional information as the Board may reasonably require.
- (E) The Board shall set a reasonable fee for such permit.
- (F) A permit for a body art establishment shall not be transferable from one place or person to another.

2. Body Art Practitioner Permit

- (A) No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board. The Board shall set a reasonable fee for such permits.
- (B) A practitioner shall be a minimum of 18 years of age.
- (C) A practitioner permit shall be valid from the date of issuance and shall automatically expire ***on December 31 of the year of issuance***, unless revoked sooner by the Board.

- (D) Application for a practitioner permit shall include:
- (1) name;
 - (2) date of birth;
 - (3) residence address;
 - (4) mailing address;
 - (5) phone number;
 - (6) place(s) of employment as a practitioner; and
 - (7) training and/or experience as set out in (E) below.

(E) 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 regulate 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) First Aid and cardiopulmonary resuscitation (CPR)

Examples of courses approved by the Board include "Prevention Disease Transmission" (American Red Cross) and "Blood borne Pathogen Training"(U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.

- (3) The applicant for a 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 she/he completed a course on skin diseases, disorders and conditions, including diabetes, or completed an examination on skin diseases, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Board.

- (F) A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of these model regulations.

Section 12

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

- (A) The Board may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for 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 applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 - (4) any present or past violation of the Board's regulations 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; and
 - (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;

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- (B) The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant establishment or practitioner fails to comply after said seven (7) days.
- (C) Applicants denied a permit may reapply at any time after denial.

Section 13
Grounds for Suspension of Permit

The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or a practitioner is an immediate and serious threat to the public health, safety or welfare, the suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

Section 14
Procedure for Hearings

(A) **Suspension of a Permit**

- (1) After a Board suspension of a permit, a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure), no later than twenty-one (21) calendar days after the effective date of the suspension.
- (2) Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.
- (3) In cases of suspension of a permit, the hearing officer shall determine whether the Board has proved by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The hearing officer shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

(B) **Denial, Revocation, or Refusal to Renew a Permit**

- (1) If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing in accordance with 801CMR 1.00 et seq.

- (2) Following the hearing, the hearing officer shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

Section 15
Unauthorized Practice of Body Art

The Board shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of body art.

Section 16
Severability

If any *rule or provision here in is found to be invalid or unconstitutional by a Court of competent jurisdiction the validity of the remaining rules and provisions will not be so affected.*

Section 17

These revised regulations are adopted by a vote of the Kingston Board of Health at the meeting of March 12, 2001. Effective date upon publication.

SECTION 4

TOBACCO REGULATIONS

**TOWN OF KINGSTON
BOARD OF HEALTH**

REGULATIONS

**REGARDING THE SALE, VENDING AND
DISTRIBUTION OF TOBACCO PRODUCTS IN
THE TOWN OF KINGSTON**

The Board of Health of the Town of Kingston, Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws and such other authority as it possesses has amended the following Regulations Affecting Smoking in Certain Places and the Sale, Vending and Distribution of tobacco in Kingston in the interest of and for the preservation of the public health effective December, 1995 pursuant to unanimous vote of the Board.

Sales to Minors

In Conformance with Massachusetts General Laws, Chapter 270, Section 6, whoever sells a cigarette, chewing tobacco, snuff, or any tobacco in any of its forms to any person under the age of eighteen or, not being with his parent or guardian, gives a cigarette, chewing tobacco, snuff or tobacco in any of its forms to any person under the age of eighteen, shall be punished by a fine of not less than one hundred (\$100.00) for the first offense and not less than three hundred dollars (\$300.00) for each subsequent offense.

Posting State Law

In conformance with Massachusetts General Laws, 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 cigarettes at retail. The signage to be posted shall be provided by the Massachusetts Department of Public Health. Such notice shall be at least 48 square inches and shall be posted at the cash register which receives the greatest volume of single cigarette package sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. For all other cash registers that sell cigarettes, a notice shall be attached which is no smaller than nine (9) square inches, which is the size of the sign provided by the Massachusetts Department of Public Health or the Kingston Board of Health. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of no less than four (4) feet or more than seven (7) feet from the

- The Board of Health or its enforcement officer(s) shall enforce this regulation.
- Whoever violates this provision shall be punished by a fine of not less than Twenty-five(\$25.00). Any person unlawfully removing a copy so posted while said premises are used for the sale of cigarettes shall be punished by a fine of ten dollars(\$10.00).

Identification Required

No retailer shall sell or permit to be sold cigarettes or other tobacco products to an individual without requesting and examining identification establishing the purchaser's age as eighteen (18) years or greater unless the seller has some other conclusive basis for determining the buyer's age.

Permit for Location and Sales of Tobacco

- After December 31, 1995, the Kingston Board of Health will issue a "Permit for Location and Sales" that will specify the name, address, and approved location per the Kingston Health Department or their designated agent(s) for retailers who sell tobacco products (including tobacco vending machines).
- After December 31, 1995, all retailers who sell cigarettes or other tobacco products, will be required to hold and maintain a valid "Permit for Location and Sales" from the Town of Kingston Health Department for each location at which tobacco products are sold.
- After receiving the permit, the merchant will receive signage that states "Sales of cigarettes or any tobacco product to persons under age eighteen(18) is illegal, M.G.L. Chapter 270, Section 6&7." Any merchant not posting said signage will be in noncompliance of this regulation and subject to penalties per the Penalty Section of this regulation.
- The term of the permit shall be one year if the licensee complies with the provisions of this regulation.
- The fee for a one year tobacco retailer's "Permits for Location and Sales" is thirty dollars (\$30.00) for each tobacco retail location.
- A "Permit for Location and Sales" is non-transferable, except a new permit will be issued to a tobacco retailer who changes locations and has shown compliance pertaining to the provisions of this regulation.

Vending Machines

After August 1, 1995, cigarette vending machines or any other device used in the sale or distribution of tobacco products will be prohibited in all locations within the Town of Kingston.

Out - of Package Sales Prohibited

It is contrary to public health to remove and commercially sell single cigarettes from the manufacturer's package which states the federally required health warnings. Commercial sales and/or distribution of tobacco products in any form other than an original factory wrapped package is prohibited.

Free Distribution/Free Samples Prohibited

No commercial entity shall distribute or furnish without charge, or cause to furnish or distribute without charge, cigarettes or other tobacco products in any public place or any event open to the public.

Self-Service Displays

All self-service displays of tobacco products are prohibited.

Sales by Employees

No commercial entity selling tobacco products shall allow any employees to sell cigarettes or other tobacco until such employee reads the Kingston Health Department's regulations and state laws regarding the sale of tobacco and signs a sworn statement, a copy of which will be placed on file in the office of the employer, that he/she understands and will uphold the regulations.

Penalties-Board of Health and State Rules & Regulations

1. In the case of the first violation, the holder of the permit shall be issued a written warning and shall be required to have all of the employees of the establishment directly involved in the sale of tobacco products, attend a tobacco sales educational program. In the case of a second violation within a 2 year period, the holder of the permit shall have the "permit for location and sales" suspended for a period of ten(10) consecutive days, such action to occur seventy-two (72) hours after said hearing in which the Board of Health affirms its action. In the case of a third violation and any subsequent violations, in a two-year period, the permit holder shall have the "permit for location and sales" suspended for thirty (30) days to (1) year such action to occur seventy-two(72) hours after said hearing in which the Board of Health affirms the action.
2. The Kingston Board of Health may suspend a tobacco sales permit granted pursuant to this regulation upon determination that a permit holder has committed three(3) violations of their regulation with twenty-four months, calculated from the date of the first offense. The Kingston Board of Health shall provide notice of the intent to suspend a tobacco sales permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice.

The permit holder 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. All tobacco products shall be removed from the premises upon suspension or revocation of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.

3. Any permit holder who does not have an appeal pending and does not comply with a suspension order may be subject to a revocation of the tobacco sales permit granted pursuant to this regulation. The Kingston Board of Health shall provide notice of the intent to suspend a tobacco sales permit, which notice shall contain the reasons therefore and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision and the reasons therefore, in writing. All tobacco products shall be removed from the premises upon suspension or revocation of the tobacco sales permit failure to remove all tobacco products shall constitute a separate violation of this regulation.

Enforcement

Enforcement of this regulation shall be implemented by the Town of Kingston Health Department or its designated agent(s).

Any citizen who desire to register a complaint of noncompliance under the Chapter may do so in writing to the town of Kingston Health Department or its designated agent(s).

Any individual aggrieved by the willful failure or refusal of any person to comply with the provisions of this regulation may complain in writing to the permit holder and/or individual having control of the area in which the violation takes place. Any permit holder and/or individual having control of the area shall respond in writing within fourteen (14) working days to the complainant that he/she has investigated the complaint and has enforced the provisions of this regulation as provided herein.

Any owner, manager, operator, employee or individual may inform person(s) violating this regulation of the appropriate provisions, thereof.

Variance

The Board of Health may, after a public hearing, vary the applications of any provisions of this regulation for a period of one(1) year with respect to any particular case when the Board of Health finds the enforcement thereof would do manifest injustice.

Every request for a variance shall be made in writing on a form provided by the Board of Health and shall state the specific variance sought and the reasons thereof. The fee for a variance request shall be determined by the Board of Health. Notice of a variance request must be published in a local newspaper at least two weeks before the scheduled date of the public hearing at the applicant's expense.

Any variance granted must be in writing with a copy available to the public at all reasonable hours in the office of the town Clerk and in the office of the Board of Health. Any variance granted must be posted on the premises in a prominent location for the duration that the variance is in effect.

Other Applicable Laws

These regulations shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable health, safety or fire codes, regulations or statutes.

Non-Retaliation

No person or employer shall discharge, refuse to hire or in any manner retaliate against an employee or applicant for employment because such employee or applicant exercises any right to a smoke-free environment afforded by this Article.

Public Education

The Board of Health shall engage in a continuing program to explain and clarify the purposes and requirements of the regulations to citizens affected by it, and to guided owners, operators and managers in their compliance with it. Such programs may include publications of a brochure for affected businesses and individuals explaining the provisions of this regulation. The Board of Health shall respond to any requests from tobacco retailers for assistance in training sales personnel.

If any provisions, clause, sentence or paragraph of the Article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications, and to this end the provisions of this Article are declared to be severable.

Effective Date

December 31, 1995 except where otherwise noted

Definitions

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

Board of Health means the Kingston Board of Health

Permit for Location & Sales means permission has been granted by the Board of Health, Town of Kingston to any sole proprietorship, partnership, joint venture, corporation or other place of business including retail establishments and bars that have been given a permit by the Town of Kingston Health Department regulation the location and sale of tobacco products in the Town of Kingston.

Public Place means an enclosed, indoor area when open to and used by the general public, including but not limited to the following facilities:
Licensed child care location, elevators accessible to the public; clinics and nursing homes; inns, hotel and motel lobbies, stairwells, halls, entrance ways, and public restrooms; libraries; schools; municipal establishments; indoor sports arenas; theaters; auditoriums; public transit facilities; and any rooms or halls when used for public meetings. A room or hall used for private social functions and not the owner or proprietor has control over the seating arrangements shall not construed as a public place, a private residence is not a public place unless it is used at child care or health care facility.

Self-Service Displays (also known as: Free Standing Displays)
means a display from which individual packets or cartons of tobacco products may be selected by a customer.

Tobacco Vending Machines means any machine or device designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products upon the insertion of coins, trade checks or slips.

POLICIES / REGULATIONS

Declaration of Restrictive Covenant -----Pages -----1,2,3,4

Check List for Health Agent's Inspection-----Page -----5

Check List in order to convey property-----Page -----6

Quarterly Inspection Check list for Title 5 Inspectors-----Page -----7

Regulation for Building Permit without Upgrade to Septic System-----Page -----8

Policy For Septic Tanks-----Page-----9

Regulation Required Sewer Connection & Certain Septic Systems-----Page-----10,A,B

Policy for Investigation of Nuisance Conditions-----Page-----11

Protocol Eastern Equine Encephalitis-----Page-----12

Regulation New Construction Sewer Connection-----Page-----13

Outdoor Wood Burning Furnace-----Page---14 & 15

DECLARATION OF RESTRICTIVE COVENANT

I. RECITALS

WHEREAS, I/WE, _____ are owner(s) (the "Owner(s)") of the property located at _____, Kingston, Plymouth County, Massachusetts (the "Property") by a deed dated _____ and recorded with the Plymouth County Registry of Deeds in Book _____, Page _____, which Property is more particularly described on the Exhibit "A" attached hereto and made a part hereof;

WHEREAS, the Owner(s) acknowledge(s) that, in accordance with 310 CMR 15.00, et seq. ("Title 5"), the septic system at the Property is required to be inspected at or within two years prior to the time of transfer of title to the Property;

WHEREAS, the septic system in place on the Property has demonstrated failure criteria as provided in 310 CMR 15.303 within two years of execution of this Declaration;

WHEREAS, the Owner(s) desire(s) to transfer title to the Property;

WHEREAS, the failure of the septic system on the Property has not, prior to the execution of this Declaration, been determined to be imminent health hazard by the Board of Health pursuant to 310 CMR 15.305;

WHEREAS, all existing toilet(s) on the property have been replaced with low-flow toilet(s);

WHEREAS, all existing showerhead(s) on the Property have been replaced with low-flow showerhead(s);

WHEREAS, all existing faucets have been replaced with low-flow faucets;

WHEREAS, all existing garbage disposals have been removed from the Property;

WHEREAS, all existing washing machines have been removed from the Property;

WHEREAS, as a condition of the approval by the Town of Kingston, acting by and through its Board of Health (the "Board of Health") for continued use of the septic system at the Property, the Owner(s) is/are required to enter into this Declaration;

NOW, THEREFORE, in consideration of the Board of Health allowing continued use of the septic system on the Property, the Owner(s) of the Property hereby declare(s) that the Property shall be held, occupied, sold, transferred and conveyed subject to this Declaration as hereinafter described.

II. COVENANTS AND RESTRICTIONS

1. The Owner(s) hereby impose(s) the following restrictions and covenants on the Property for the benefit of the Board of Health:
 - a. The Property shall be connected to the Town of Kingston municipal sewer system immediately upon availability.
 - b. Washing machines shall not be permitted on the Property.
 - c. Garbage disposal units shall not be permitted on the Property.
 - d. Quarterly inspections by a certified Title 5 System Inspector shall be required to identify any further system failure on the Property.
 - e. Pumping of the system on the property shall be required as necessary pursuant to quarterly inspection reports, with more frequent pumping required for systems wholly or partially within the water table at the discretion of the Board of Health.
 - f. In the event of a full system failure where remedial relief is impossible, the Owner(s) shall be required to repair the system in accordance with Title 5 or implement use of a tight tank upon approval of the Board of Health and the Department of Environmental Protection.
 - g. No increase in living space shall be permitted on the Property until the Property has been connected to and is serviced by a municipal sewer system, unless the septic system in place on the Property has been upgraded in compliance with Title 5 and adequate flow is provided for the increased living space pursuant to Title 5.
 - h. The Owner(s) shall perform any other remediation deemed necessary by the Board of Health.
 - i. The Owner(s) shall permit inspection of the Property by the Board of Health or its agent prior to transfer of the Property.
2. Each successor owner of the Property, by accepting delivery of a deed subject to this Declaration or executing an assent to this Declaration, agrees and covenants that the terms and conditions of this Declaration are reasonable and agrees to be bound thereby.
3. This Declaration shall be discharged upon the earlier of the following events to occur:
 - a. The septic system is found in full compliance with Title 5; or
 - b. The Property is connected to the Town of Kingston municipal sewer system and the existing septic system on the Property has been abandoned in accordance with the provisions of Title 5.

4. The Board of Health may prosecute at law or in equity against any person or persons violating the provisions hereof either to restrain violation or to recover damages, the Board of Health may assess fines of up to \$100.00 per day for violations of this agreement.
5. The failure of the Board of Health to enforce any restriction, covenant, or provision hereof, shall not be deemed to be a waiver of the right to do so thereafter as to the same breach or to one occurring subsequent thereto. This Declaration shall be governed by the laws of the Commonwealth of Massachusetts.
6. The provisions of this Declaration shall be binding upon all the parties having or acquiring any right, title and interest in the Property, shall be for the benefit of the Board of Health, shall run with the land, and shall bind the Owner(s) of the Property and its/their heirs, devisees, successors and assigns.
7. If any provision hereof or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Declaration or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.
8. The Owner(s) shall be responsible for recording this Declaration at the Plymouth County Registry of Deeds and shall provide evidence of such recording to the Board of Health prior to conveyance of the Property.

Executed as a Declaration this _____ day of

Owner:

Owner:

TOWN OF KINGSTON
BOARD OF HEALTH

OWNER ACKNOWLEDGMENT

Plymouth, ss.

Then personally appeared the above named _____ and acknowledged the foregoing instrument to be his/her/their free act and deed, before me.

Notary Public
My commission expires:

BOARD OF HEALTH ACKNOWLEDGMENT
COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

Then personally appeared the above named _____ on behalf of the Town of Kingston Board of Health and acknowledged the foregoing instrument to be his/her/their free act and deed, before me.

Sellers Phone # _____

Buyers Phone # _____

Notary Public
My commission expires:

CHECK LIST

Property Address: _____ **Name of Owner:** _____

Date of Inspection:

- Existing toilet(s) are replaced with low flow toilet(s)
- Existing showerhead(s) are replaced with low flow showerhead(s)
- No washing machine on site
- All faucets are installed with low flow faucets
- There is no garbage disposal unit on site

All Septic Systems will be treated on an individual basis. **In order to convey property** within the funded phases of Kingston Sewer Project, it would first require a Title 5 Inspection. If the septic system fails, then any or all of the following items would be required:

1. Existing toilet(s) to be replaced with low flow toilet(s)
2. Existing showerhead(s) to be replaced with low flow showerhead(s)
3. No washing machine on site, (remove if existing)
4. All faucets will be installed with low flow faucets
5. No garbage disposal units on site, (remove if existing)
6. Quarterly inspection to identify any further system failure by way of contract with Certified Title 5 System Inspector.
7. Pumping will be required as necessary per inspection reports.
8. In the event of full system failure current owner will agree to immediately meet with Board to discuss remedial action plan.
9. In the event of a full system failure where remedial relief is impossible current owner will be required to repair system in accordance with Title 5 or use of tight tank through Board of Health variances.
10. Pumping schedule of failed system not in water table will be on an as needed basis.
11. No increase in living space until sewerage is on line and connected to home unless Title 5 upgrade has been completed.
12. Any other remediation deemed necessary by Board of Health.
13. That the Memorandum of Understanding become a legal instrument and valid upon notarized signatures of Health Agent and Board Chairman authorized by vote of Board of Health.
14. All property under this agreement will be hooked up to Municipal Sewer System immediately upon availability.

QUARTERLY INSPECTION REPORT

This form will elaborate on the failed Title 5 Inspection Report

Property Address: _____ Name of Owner(s): _____

Date of Inspection: _____ Address (if different): _____

Name of Inspector: _____

Company Name: _____

Mailing Address: _____

Telephone Number: _____ Fax: _____

Inspector's Signature: _____

	YES	NO
● Is the Septic System overflowing?	<input type="checkbox"/>	<input type="checkbox"/>
● Is the liquid level above the outlet invert?	<input type="checkbox"/>	<input type="checkbox"/>
● Is there any evidence of back-up of sewage into the dwelling?	<input type="checkbox"/>	<input type="checkbox"/>
● Is system in imminent danger of collapsing or caving?	<input type="checkbox"/>	<input type="checkbox"/>
● Is the system posing any potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>
● Is there any evidence of either dead matted grass or faster growing green grass that would indicate an overflow?	<input type="checkbox"/>	<input type="checkbox"/>
● Is there any evidence on or within the perimeter of the property that would show, ditches, piping or tubing to direct any flow from the dwelling?	<input type="checkbox"/>	<input type="checkbox"/>
● When was the system last pumped and attach copy of pumping slip to this report?		

Note: A copy of the failed Title 5 report is attached

COMMENTS:

The Board voted to adopt the following Policy on: Nov. 27, 2000

The Board of Health will allow major renovations requiring a building permit and without an upgrade to the septic system only under the following conditions:

1. The septic system shall be discontinued and abandoned according to 310 CMR 15.354.

The septic system shall be discontinued and abandoned. Any further use of the system shall be prohibited. The facility owner shall apply to the Board of Health for a Disposal System Construction Permit to abandon the system. Upon receipt of the Board of Health's approval, the cesspool shall be pumped of its entire contents by a licensed septage hauler, collapsed and completely filled with clean sand. Upon completion, an inspection by the Health Agent will be conducted and a Certificate of Compliance issued.

2. Sanitary pipes shall be capped at the house.

Sanitary pipes shall be capped at the house by a Licensed Plumber and after obtaining a plumbing permit. Proof of inspection shall be provided to the Board of Health.

3. Water supply must be turned off at the street gate.

Water supply must be shut off and certified from the Water Department that the domestic water supply has been turned off at the street gate.

4. The owners agree not to occupy the structure until the Board of Health has received certification from the Sewer Department that the structure is connected and may discharge waste water into the system.

The owners agree to this 4-part policy and is signed under the penalties of perjury this:

_____ Day of _____

Owner

Owner

Notary Public

My Commission expires:

POLICY

The following policy was adopted by the Board of Health on February 23, 2004:

When full compliance pursuant to 310 CMR 15 (404) is not feasible, an existing 1000 gallon septic tank may be retained if the tank is up to 25 years old. However, the Designer must demonstrate to the Approving Authority the following:

1. That the existing septic tank has a minimum effective liquid capacity of 200% of the design flow.
2. That no domestic garbage grinder exists or shall be proposed.
3. That the tank shall be pumped on an annual basis with the results submitted to the local approving authority.
4. That the tank be inspected using the "Official Inspection Form" in accordance with 310 CMR 15.00.

Any septic tank older than 25 years shall be replaced.

“Required Sewer Connection and Certain Septic Systems Permitted”

A. Applicability

The Board of Health (the “Board”) of the Town of Kingston, pursuant to Section 31 of Chapter 111 of the Massachusetts General Laws, hereby proposes these regulations in order to protect public health and safety and the environment, and to minimize the human health and environmental hazards resulting from sewage or septic system discharge within and around property located within the Town of Kingston.

The Board of Health finds that these regulations are required because many areas in the Town of Kingston are not amenable to on-site septic systems due to poor filtering characteristics and slow percolation rates of the soils, high groundwater, slope and lot size, and that these local concerns justify encouraging connections to the public sewer system to the greatest extent possible.

These regulations shall apply to all properties located within the Town of Kingston.

B. Requirements

- (1) All Property owners whose property abuts a way in which an active public sewer line has been laid, shall connect thereto except as provided in Section (D), “Special Exceptions,” of these regulations.
- (2) Property owners shall make applications to the Sewer Commission for connection to the Town’s sewer service, and provide written notice to the Board that such application have been made.
- (3) Connections to the Town’s sewer service as required by this regulation shall be in accordance with any and all regulations promulgated by the Board of Sewer Commissioners.

C. Prohibitions

- (1) No Property owner whose property abuts a way in which an active public sewer line has been laid, will be permitted to maintain, construct, upgrade, or replace a septic system, except as provided in Section (D), “Special Exceptions,” of these regulations.
- (2) Property owners whose properties, in whole or in part, are connected to and serviced by the Town’s sewer service will not be permitted to maintain, construct, upgrade, or replace a septic system.

D. Special Exceptions

- (1) Upon the adoption of these regulations, property owners maintaining septic systems, which systems comply with all applicable laws, rules, regulations, statutes, by-laws, and orders, including but not limited to Title 5 of the State Environmental Code, and which do not create a public nuisance, may obtain a deferral of their obligation to connect to the public sewer in accordance with the Board's regulations promulgated on March 12, 2001, entitled "Deferment for Sewer Hookups."
- (2) All Property owners whose property abuts a way in which an active public sewer line has been laid, and who cannot connect to the Town's sewer system because the system cannot accept any additional flows, as determined by the Sewer Commissioners in accordance with Chapter 250 of the Acts of 2006, may be permitted by the Board to install or maintain an approved Title 5 septic system under the following conditions:
 - a. The property owner must provide the Board with a connection "refusal letter" from the Sewer Commission;
 - b. The septic system permitted by the Board complies with all applicable laws, rules, regulations, statutes, by-laws, and orders, including but not limited to Title 5, and its operation does not create a public nuisance.
 - c. The septic system permitted by the Board may be utilized for up to ten (10) years in accordance with the Board's regulations promulgated on March 12, 2001, entitled "Deferment for Sewer Hookups." The deferment granted under this section may be extended if sewer service remains unavailable at the expiration thereof, upon the express written consent of the Board and subject to any terms and conditions set forth therein.
 - d. If at any time the septic system permitted by the Board fails, or at any time does not comply with applicable laws or creates a public nuisance, and sewer capacity is available, the property owner must immediately connect the property to the Town's sewer system in accordance with these regulations.
 - e. If at any time the septic system permitted by the Board fails, or does not comply with applicable laws or creates a public nuisance, and sewer capacity is not available, the property owner shall make any and all necessary repairs, replacements or upgrades to the septic system and may use said system in accordance with the deferral granted in accordance with section D (2)(c) of these regulations.

E. Enforcement

(1) Non- Criminal Disposition

This regulation may be enforced by any Town police officers or agents of the Board.

Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provide in G. L. c.40:21D and the Town's non-criminal disposition by-law. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) per day for each day of violation, commencing ten days following day of receipt of written notice from the Board. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

- (2) Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board shall not preclude enforcement through any other lawful means.

POLICY FOR INVESTIGATION OF NUISANCE CONDITIONS

- The Board of Health receives communication from the Police or Fire Department relative to observation of an extreme condition.
- The Board of Health, acting through its agent, may request that a report, accompanied by an affidavit, be prepared by the police officer or firefighter and anyone else who can provide relevant information detailing the observed condition.
- If the Board or its agent determines that information received through reports and affidavits warrants an inspection of the subject property, the agent shall attempt a visual inspection from the street or other public vantage point.
- The Board's agent may request permission to enter the property from the owner/occupant for the purpose of conducting an inspection.
- If permission is denied, the Board or its agent may apply to the Plymouth District Court for an administrative search warrant to determine whether violations of the state sanitary code exist at the property. The application shall be based upon the observation contained in the reports and affidavits combined with the denial of access for purposes of inspection.
- The Board of Health shall await the Court's decision on the application for an administrative search warrant before proceeding with action.
- Upon receipt of an administrative search warrant, the agent shall proceed with inspection of the property.

Voted October 25, 2004

Protocol Eastern Equine Encephalitis

On October 17, 2005, at a scheduled Board of Health Meeting, the Board discussed and implemented the following protocol:

Once the Board of Health Office receives notification of a positive threat of Eastern Equine Encephalitis, the Chairman of the Board of Health shall be contacted and he/she shall contact the Vice-Chair. They will discuss the issue and make a determination whether or not an emergency meeting should be held.

If a meeting is held, any action or order resulting from said meeting shall be communicated to the following:

Police Department 781 585-7556
Fire Department 781-585-0528
Highway Department Bin
Selectmen's Office Bin
Clerk's Office Bin
Conservation Commission Bin
Council on Aging Bin
Recreation Department 781-585-0545
Water Department Bin
State Representative
School Departments, Superintendent, Dana Parker, 781-585-2994
Sacred Heart, Principal, John Enos, 781-585-1249

Newspapers, Enterprise, 781-585-3133
Ledger, 617-786-7025
Mariner-781-837-4543
Reporter, 508-747-2148
Observer, e-mail

Web Site, Kingston
Cable TV - 508-830-9666
WATD, Radio, 781- 837-1825

POLICY NEW CONSTRUCTION

The following policy was adopted by the Board of Health on September 25, 2006:

Residents who are unable to connect to the Municipal Sewer System because the system is at capacity and cannot accept any additional flows and if the resident provides the Board of Health with a "refusal letter" from the Sewer Department, the Board of Health will allow the installation of Title 5 Septic System with a maximum 20 year life span even if sewer connection becomes available to them.

REGULATION

10/10/06

WOOD BURNING FURNACE

REGULATIONS FOR WOOD BURNING FURNACE-----14 & 15

KINGSTON BOARD OF HEALTH
“Outdoor Wood-Burning Furnace” Regulations

Section 1 - Statement of Purpose

WHERE AS, the Kingston Board of Health recognizes the need to protect the public from detrimental effects from pollutants produced by “outdoor wood-burning furnaces”, hereby enacts the following:

Section II - Authority

The Kingston Board of Health, pursuant to the authority granted under Massachusetts General Laws Chapter III, Section 31, hereby adopts the following regulation to protect the public health of the community.

Section III - Definition

For the purposes of this section, “outdoor wood-burning furnace” means an accessory structure or appliance designed to be located outside space ordinarily used for residential, business or industrial purposes which is designed to provide heat and/or hot water via liquid or other means through the burning of wood, for heating spaces other than where such structure or appliance is located, or for heating domestic, swimming pool, hot tub or Jacuzzi water. “Outdoor wood-burning furnace” does not include a fire pit, wood-fired barbecue or chimney type devices.

Section IV - Regulation of “outdoor wood-burning furnace” use

No person shall: Install, establish, modify, operate or use an outdoor wood-burning furnace unless the outdoor wood-burning furnace complies with the following:

1. The installation of the outdoor wood-burning furnace shall not be less than one hundred feet from a building not serviced by the outdoor wood-burning furnace.
2. The installation of the outdoor wood-burning furnace shall not be less than two hundred feet from any property line.
3. The height of the chimney of the outdoor wood-burning furnace shall exceed the elevation of the roof peaks of buildings located within five hundred feet of the outdoor wood-burning furnace, which buildings are not served by the outdoor wood-burning furnace, provided further that in no event shall the height of the chimney be less than sixteen feet, nor shall the chimney height exceed thirty-five feet from the ground level.

4. The chimney of an outdoor wood-burning furnace must be equipped with a properly functioning spark arrestor system.
5. The material burned in the outdoor wood-burning furnace should only consist of wood that has not been chemically treated, painted or stained, in no case shall demolition product or pallets be used as a wood source.
6. The installation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions provided such instructions do not conflict with the provisions of this regulation.
7. The operation of the outdoor wood-burning furnace does not create a nuisance or a public health hazard.

Section V - Enforcement

The Kingston Board of Health and the Health Agent are authorized to enforce this regulation.

Section VI - Waiver Conditions

Any person may apply for a waiver to the Kingston Board of Health from one or more of the provisions of this regulation. Every waiver request shall be made in writing and shall be submitted in person or by certified mail to the Kingston Board of Health and shall be subject to a public hearing before the Board of Health. The requesting party, at their sole expense, must notify all property owners within 300 feet of their property boundary by certified mail at least ten (10) days prior to the public hearing.

Section VII - Non-Criminal Method of Disposition

Any person who operates an outdoor wood-burning furnace in violation of this regulation shall be deemed to have committed an infraction and shall be fined in accordance with the provision of 21D as defined in the General By-Laws.

Section VIII - Severability

If any part, paragraph, provision or section of this regulation is determined by any Court to be invalid, against public policy, or unconstitutional, said finding shall not affect the legality of any remaining part(s), paragraph(s), provision(s) or section(s) of this regulation which shall continue in full force and effect.

Section IX - Effective Date

This regulation shall take effect immediately upon its passage and advertisement in a newspaper of general circulation in the Town of Kingston.