KINGSTON BOARD OF HEALTH

RULES AND REGULATIONS
Title 5 Supplemental Regulations:
- Soil Evaluators
- Bull Run Values
- Inspections
- Increase in Living Space

Body Art

Health Clubs - Automatic External Defibrillators

Sewer:
- Connections Required
- Deferments
- Restrictive Covenant

Solid Waste:
- Regulations for Private Haulers Collection of Solid Waste and Recyclables

Tobacco and Synthetic Drugs Regulations:
- No Smoking in Workplaces or Public Places
- Restricting the Sale of Tobacco Products
- Restricting Tobacco Products at Parks and Playgrounds
- Restricting the Sale of Synthetic Drugs

Wells (Private)

Wood-Burning Furnace
POLICIES:

Eastern Equine Encephalitis (Protocol)

Nuisance Conditions (Investigation)

Septage/ Rubbish Haulers

Fee Schedule and Expiration Dates
TITLE 5 SUPPLEMENTAL REGULATIONS

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.

LOCATION OF DISPOSAL FACILITIES SHALL BE AS TO PROVIDE NOT LESS THAN THE FOLLOWING MINIMUM DISTANCES:

<table>
<thead>
<tr>
<th></th>
<th>SEPTIC TANK</th>
<th>SAS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY LINE:</td>
<td>15 FEET</td>
<td>15 FEET</td>
</tr>
</tbody>
</table>
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 PERCULATION 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.
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.
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.
INCREASE IN LIVING SPACE

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.

Any conversion of seasonal living space to year round living or storage space shall require an upgrade to the septic system.
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.


 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 by 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.
(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.

(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, or a solution of household chlorine bleach as recommended by the Center for Disease Control (CDC) 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 indictor. 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 an resterilizing.

(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.
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.

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.

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.

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;

(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.
TOWN OF KINGSTON
BOARD OF HEALTH REGULATIONS

THE OPERATION OF
HEALTH CLUBS

Automatic External Defibrillators in Health Clubs

Section 1
Purpose

The purpose of this Bylaw is to protect the health of general public in the Town of Kingston by enhancing the requirements set forth in Chapter 420 of the Acts of 2006, which amends Massachusetts General Laws pertaining to requirements for Automatic External Defibrillators in Health Clubs.

Section 2
Authority

These rules and Regulations are adopted under the authority of the Massachusetts General laws Chapter 111, Section 31.

Section 3
Definitions

a. The term “Health Club” shall have meaning set forth in G.L. c. 93, 78, as may be amended.

b. The term Automatic External Defibrillators (or “AED”) shall have the meaning set forth in G.L. c. 112, 12V ½, as may be amended.

Section 4
General Provisions

a. Notwithstanding the provisions of Section 5 of Chapter 420 of the Acts of 2006, the requirement for Health Clubs to maintain an AED shall apply to Health Clubs regardless of the number of persons employed by the Health Club.

b. In order to facilitate the protections afforded under Chapter 420 of the Acts of 2006, all Health Clubs shall, during all hours of operation, maintain at least one employee or authorized volunteer who is qualified to use an AED.
Section 5

Enforcement

The Town of Kingston Board of Health may issue appropriate orders to aid in the enforcement of these regulations; and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction.
TOWN OF KINGSTON

"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.

September 22, 2008
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.

<table>
<thead>
<tr>
<th>Age of Septic System (in years)</th>
<th>Time Period for Connection to Municipal Sewer System (in years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>have up to 9</td>
</tr>
<tr>
<td>2</td>
<td>have up to 8</td>
</tr>
<tr>
<td>3</td>
<td>have up to 7</td>
</tr>
<tr>
<td>4</td>
<td>have up to 6</td>
</tr>
<tr>
<td>5</td>
<td>have up to 5</td>
</tr>
</tbody>
</table>

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.
DECLARATION OF RESTRICTIVE COVENANT

I. RECITALS
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 of 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:
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
The Board voted to adopt the following Regulation: 3-10-08

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:________
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 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: ______________________________ Fax: ______________________________
Telephone Number: ______________________________
Inspector’s Signature: ______________________________

- Is the Septic System overflowing? □ YES □ NO
- Is the liquid level above the outlet invert? □ YES □ NO
- Is there any evidence of back-up of sewage into the dwelling? □ YES □ NO
- Is system in imminent danger of collapsing or caving? □ YES □ NO
- Is the system posing any potential health hazard? □ YES □ NO
- Is there any evidence of either dead matted grass or faster growing green grass that would indicate an overflow? □ YES □ NO
- 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? □ YES □ NO
- When was the system last pumped and attach copy of pumping slip to this report? □ YES □ NO

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

COMMENTS:
REGULATIONS FOR PRIVATE HAULERS
COLLECTION OF SOLID WASTE AND RECYCLABLES

1. Purpose
These regulations are intended to protect the public health, safety, and the environment in the Town of Kingston by regulating the storage, transferring, recycling and disposal of solid waste, as defined in 310 CMR 18.00-21.00 of the State Environmental Code, and to ensure compliance with the provisions of Chapter 111, Section 150A of the Commonwealth of Massachusetts; the Rules and Regulations stated in 310 CMR 18.00-21.00 of the State Environmental Code; 527 CMR 34.00 of the Board of Fire Prevention Regulations; and the Zoning Bylaws of the Town of Kingston.

These regulations apply to all contractors, firms and/or persons operating as a Solid Waste Disposal Company or Private Hauler collecting solid waste and recyclables from residential properties in the Town of Kingston.

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

3. Definitions
“Definitions” shall be as defined in the Town of Kingston, Board of Health Solid Waste Regulations, included as an Appendix to these regulations, and as follows.

- Applicant: Contractor, firm and/or person named on application to provide solid waste and recycling collection and hauling services to residential customers throughout the Town of Kingston.

- Approved Facility: An established site or works, and other appurtenances thereto, that will be used for the handling, storage, transfer, processing, treatment and/or disposal of solid waste. An established site or works, and other appurtenances thereto, that will be used for the handling, storage, transfer, processing and/or treatment of recyclable materials. Such facility must be permitted and approved by the appropriate municipal and/or state agency.

- Disposal: see Appendix

- Enforcement Agent: Any member of the Board of Health, the Health Agent or designee thereof.
Permittee: Any contractor, firm and/or person which has applied for and obtained the appropriate permit to collect and haul solid waste and recycling within the Town of Kingston.

Recyclable Material: see Appendix

Solid Waste: see Appendix

Solid Waste/Recycling Collection Vehicle: Any vehicle used for the collection and hauling of solid waste and recyclables.

Waste Banned Materials: see Appendix

Waste Hauler/Private Hauler: Any contractor, firm, and/or person who is duly permitted by the Kingston Board of Health to collect or haul solid waste and recyclables within the Town of Kingston off-site to an approved solid waste or recycling treatment, processing or disposal facility.

4. PERMITTING AND OPERATIONAL PROCEDURES

a. No contractor, firm or person shall provide collection of solid waste or recyclables in the Town of Kingston without first obtaining a permit from the Kingston Board of Health.

b. No contractor, firm or person shall provide collection of solid waste in the Town of Kingston without providing collection of recyclable material in conjunction with collection of solid waste as a bundled/integrated service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Waste Bans, 310 CMR 19.017 and the Town of Kingston Board of Health Solid Waste Regulations. For the purposes of this regulation, incineration of waste is not considered recycling.

c. Each applicant/permittee shall submit the following information to the Board of Health with their permit application:

i. Information detailing how compliance with the terms of these regulations will be met. Such information shall include, at minimum, a list of residential customers served and frequency (weekly, bi-weekly), of collections and the names and locations of the approved facilities to which all refuse and recyclables are brought.

ii. Each applicant shall indicate the means for ensuring that customers exclude all items banned from disposal at solid waste facilities as described in 310 CMR 19.017 (3), including but not limited to providing each customer with a list of waste banned items and a
description of proper packaging or bundling methods with a clear explanation that recyclables must be separated from solid waste in a separate container. Applicant shall detail how non-recyclables will be excluded from loads of recyclables. The applicant must also indicate how customers will be notified of improper recycling or trash disposal methods.

d. Each applicant/permittee shall submit the following information to the Kingston Board of Health in order to maintain a valid permit:
   i. Each permittee will be required to submit quarterly reports to the Kingston Board of Health listing the tonnages of solid waste and recyclables that have been collected. Copies of weight slips supporting this data must be provided along with the names and locations of the approved facilities to which said materials are brought. Reports shall summarize the totals collected during the quarters ending March 31, June 30, September 30, and December 31 and shall be submitted within thirty (30) days of the end quarter. Failure to provide these reports in a timely fashion may be cause for revocation or suspension of permit.

e. A description of the collection vehicle(s) to be used, including the company name, make, model, year, type, registration number and the capacity of the vehicle(s) is a requirement of the permit application.

f. All permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application to the Kingston Board of Health. Permits are non-transferable without the prior approval of the Health Department.

g. Any Application which fails to include all information in the Board of Health Regulations shall be deemed incomplete and shall be denied.

5. FEES

A non-refundable permit fee is required with permit application. Please see the Kingston Board of Health fee schedule.

6. INSURANCE

a. Each applicant shall furnish to the Health Department a certificate from an insurance company licensed to do business in the Commonwealth of Massachusetts showing the applicant carries Public Liability Insurance in an amount not less than Five Hundred Thousand ($500,000.00) up to One Million ($1,000,000.00) dollars for injury or death of one or more persons, and Two Hundred Fifty Thousand ($250,000.00) dollars for damage to
property. Certificates of Insurance shall be furnished each year upon renewal of permit.

b. The applicant shall make certain that the above insurance policy is not canceled prior to notification of the Health Department. This notification shall be not less than thirty (30) days prior to such cancellation.

7. SUBMITTAL REQUIREMENTS

a. Completed Application
b. Confirmation of Compliance with Sections 4.c.1, 4.c.ii, and 4.d.i by the Kingston Board of Health

c. Appropriate Fee as described in Section 5

d. Proof of property/liability/workers compensation as described in Section 6

8. ENFORCEMENT

a. The individuals empowered as Enforcement Agent(s) may enforce the provisions of these regulations.

b. Enforcement Agent(s) may inspect collection vehicles and loads at reasonable times in order to ensure that they comply with all applicable state laws or local regulations. Failure to comply with any of these regulations or conditions of any permit(s) issued by the Kingston Board of Health may be cause for suspending or revoking a permit.

c. Enforcement of this regulation shall be by either criminal complaint in court of jurisdiction or non-criminal procedures as set forth in MGL Chapter 111 Sections 31, 31A, 31B and 150A.

d. Improper disposal of waste may be cause for immediate revocation of permit and prosecution to the fullest extent of the law. “Improper disposal” shall include disposal of recyclable materials with trash.

9. PENALTIES

Any contractor, firm and/or person who violate these regulations may be subject to revocation of permit and/or a fine of:

a. $100.00 for a first violation

b. $200.00 for the second violation

c. $500.00 for the third violation

Any subsequent violations shall be determined by the Board of Health at a show cause hearing at which time additional fines may be imposed or the license to operate may be suspended or revoked.
10. **APPEAL**

Any person aggrieved by the decision of the Kingston Board of Health and/or Agent may appeal to the Board of Health within ten (10) business days of grievance. Furthermore, if the decision of Kingston Board of Health and/or Enforcement Agent upheld by the Board of Health, the aggrieved party may appeal the Board’s decision in any court of competent jurisdiction, as provided in the laws of the Commonwealth.

11. **SEVERABILITY**

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

12. **EFFECTIVE DATE**

These regulations were adopted by the Kingston Board of Health at meeting 11/21/16. A summary of regulations adopted shall be published once in the Kingston Reporter as required by MGL Chapter 111, Section 31, of the General Laws of the Commonwealth.

Effective date of these Regulations shall be **April 15, 2017**

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
Appendix A—RECYCLABLES

PAPER PRODUCTS:
Newspaper and inserts
Magazines and Catalogs
Phone books
Junk (and other) mail
Cereal Boxes (paperboard), Packaging, toy boxes, etc.
White colored and computer paper
Corrugated Cardboard

GLASS:
Clear, Brown, and Green bottles and jars (food & beverage containers only)

METAL:
All metal cans (tin, steel, and aluminum, etc.)
Scrap metal
White goods (appliances)
Propane Tanks (valves closed, do not vent)

PLASTIC:
Plastics #1-#7

ELECTRONICS:
Computer Monitors/ TVs
Cell Phones
Rechargeable Batteries

AUTOMOTIVE:
Motor Oil (not contaminated)
Lead Acid Batteries
Tires

MERCURY-CONTAINING PRODUCTS:
Fluorescent Bulbs
Mercury Thermostats
Mercury Thermometers

YARDWASTE:
Leaves and Grass Clippings Only

OTHER HOUSEHOLD MATERIALS:
Useable Clothing
Books
Foam Padding
APPENDIX B – WATSE BAN MATERIALS

The following materials are banned from disposal by Massachusetts regulations 310 CMR 19.017:

**Asphalt Pavement, Brick, and Concrete:** asphalt pavement, brick and concrete from construction activities and demolition of buildings, roads and bridges and similar sources.

**Cathode Ray Tubes:** any intact, broken or processed glass tube used to provide the visual display in televisions, computer monitors, and certain scientific instruments such as oscilloscopes

**Glass Containers:** glass bottles and jars (soda-lime-glass) but excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields, and ceramics.

**Lead Batteries:** lead-acid batteries used in motor vehicles or stationary applications.

**Leaves:** deciduous and coniferous leaf deposition.

**Metal:** Ferrous and non-ferrous metals derived from used appliances, building materials, industrial equipment, transportation vehicles, and manufacturing processes.

**Metal Containers:** aluminum, steel or bi-metal beverage and food containers.

**Recyclable Paper:** all paper, corrugated, cardboard, and paperboard products, except tissue paper, toweling, paper plates and cups, wax-coated corrugated cardboard, and other low-grade paper products.

**Single Polymer Plastics:** all narrow-neck plastic containers where the diameter of the mouth of the container is less than the diameter of the body of the container. This includes single polymer contains labeled 1-6.

**Tires:** a continuous solid or pneumatic rubber covering intended for use on a motor vehicle.

**White Goods:** appliances employing electricity, oil, natural gas or liquefied petroleum gas to preserve or cook food; wash or drying clothing or kitchen utensils or related items; or cool or heat air or water.

For purposes of the waste bans, white goods include, but are not limited to, refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters. White goods do not include microwave ovens.

**Wood:** treated and untreated wood, including wood waste.

**Yard Waste:** deciduous and coniferous seasonal deposition (e.g. leaves), grass clippings, weeds, hedge clippings, garden materials and brush 1 (one) inch or less in diameter (excluding diseased plants).
TOWN of KINGSTON
REGULATION
PROHIBITING SMOKING in WORKPLACES and PUBLIC PLACES

SECTION 1

The purpose of this regulation is to protect the health of the residents and employees in the town of Kingston.

SECTION 2

This regulation is promulgated under the authority granted to the Kingston Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31 that “[b]oards of health may make reasonable health regulations.” It is also promulgated pursuant to Massachusetts General Laws Chapter 270, Section 22(2)(j) which states in part that “[n]othing in this section shall permit smoking in an area in which smoking is or may hereafter be prohibited by law including, without limitation: any other law or ... health . . . regulation. Nothing in this section shall preempt further limitation of smoking by the commonwealth . . . or political subdivision of the commonwealth.”

SECTION 3

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise:

“Business agent”, an individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of the establishment.

“Compensation”, money, gratuity, privilege, or benefit received from an employer in return for work performed or services rendered.

“Employee”, an individual or person who performs a service for compensation for an employer at the employer’s workplace, including a contract employee, temporary employee, and independent contractor who performs a service in the employer’s workplace for more than a de minimus amount of time.

“Employer”, an individual, person, partnership, association, corporation, trust, organization, school, college, university or other educational institution or other legal entity, whether public, quasi-public, private, or non-profit which uses the services of 1 or more employees at 1 or more workplaces, at any 1 time, including the Town of Kingston.

1 This sentence is only applicable to Board of Health regulations. If enacting an ordinance or by-law, this section can begin with the second sentence, with the word “also” omitted.
“Enclosed”, a space bounded by walls, with or without windows or fenestrations, continuous from floor to ceiling and enclosed by 1 or more doors, including but not limited to an office, function room or hallway.

“Membership association”, a not-for-profit entity that has been established and operates for a charitable, philanthropic, civic, social, benevolent, educational, religious, athletic, recreation or similar purpose, and is comprised of members who collectively belong to:

i. a society, organization or association of a fraternal nature that operates under the lodge system, and having 1 or more affiliated chapters or branches incorporated in any state; or

ii. a corporation organized under Massachusetts General Laws Chapter 180; or

iii. an established religious place of worship or instruction in the town of Kingston whose real or personal property is exempt from taxation; or

iv. a veterans' organization incorporated or chartered by the Congress of the United States, or otherwise, having 1 or more affiliated chapters or branches incorporated in any state.

Except for a religious place of worship or instruction, an entity shall not be a membership association for the purposes of this definition, unless individual membership is required for all members of the association for a period of not less than 90 days.

“Outdoor space”, an outdoor area open to the air at all times and cannot be enclosed by a wall or side covering.

“Retail tobacco store”, an establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of 18 is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Kingston Board of Health.

“Smoking” or “smoke”, the lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.

“Smoking bar”, an establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by Mass. General Law Ch. 270, §22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue.
“Workplace”, an indoor area, structure or facility or a portion thereof, at which 1 or more employees perform a service for compensation for an employer, other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space.

“Work space or work spaces”, an enclosed area occupied by an employee during the course of his employment.

**SECTION 4: SMOKING PROHIBITED**

(1) It shall be the responsibility of the employer to provide a smoke free environment for all employees working in an enclosed workplace.

(2) Smoking is hereby prohibited in Kingston in accordance with M.G.L. Ch. 270, §22.

(3) Pursuant to M.G.L. Ch. 270, §22(j) smoking, and the use of any tobacco product, is also hereby prohibited in Kingston at town-owned playgrounds, parks, and recreational facilities and in any establishment that possess a Tobacco Sales and Location Permit from the town of Kingston.

**SECTION 5: ENFORCEMENT**

(1) An owner, manager, or other person in control of a building, vehicle or vessel who violates this section, in a manner other than by smoking in a place where smoking is prohibited, shall be punished by a fine of:

   (i) $100 for the first violation;

   (ii) $200 for a second violation occurring within 2 years of the date of the first offense; and

   (iii) $300 for a third or subsequent violation occurring within 2 years of the second violation.

(2) Each calendar day on which a violation occurs shall be considered a separate offense.

(3) This regulation shall be enforced by the Board of Health and its designees.

(4) Violations of Section 4.2 shall be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Law without an enabling ordinance or by-law. The disposition of fines assessed shall be subject to Section 188 of Chapter 111.

(5) Violations of Section 4.3 may be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Law.
(6) If an owner, manager or other person in control of a building, vehicle or vessel violates this regulation repeatedly, demonstrating egregious noncompliance as defined by regulation of the Department of Public Health, the Board of Health may revoke or suspend the license to operate and shall send notice of the revocation or suspension to the Department of Public Health.

(7) Any person may register a complaint to initiate an investigation and enforcement with the Board of Health, the local inspection department of the equivalent.

SECTION 6: SEVERABILITY

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

SECTION 7: CONFLICT WITH OTHER LAWS OR REGULATIONS

Notwithstanding the provisions of Section 4 of this regulation nothing in this regulation shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire health or other regulations.

SECTION 8: EFFECTIVE DATE

This regulation shall be effective as of January 1, 2009. As voted this day

October 27, 2008.

Chairman

Vice Chairman

Member

Member

Member
Regulation of the Kingston Board of Health
Restricting the Sale of Tobacco Products

A. Statement of Purpose:

Whereas there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat\(^1\);

Whereas among the 15.7% of students nationwide who currently smoke cigarettes and were less than 18 years old, 14.1% usually obtained them by buying them in a store (i.e. convenience store, supermarket, or discount store) or gas station\(^2\);

Whereas nationally in 2009, 72% of high school smokers and 66% of middle school smokers were not asked to show proof of age when purchasing cigarettes\(^3\);

Whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin\(^4\) and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development\(^5\);

Whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major public health problem;

Whereas research has shown that raising the minimum legal drinking age to 21 has reduced alcohol consumption among youth and protected drinkers from long-term negative outcomes in adulthood, including alcohol and other drug dependence\(^6\);

More than 80 percent of all adult smokers begin smoking before the age of 18; and more than 90 percent do so before leaving their teens\(^7\).

---


\(^7\) SAMHSA, Calculated based on data in 2011 National Survey on Drug Use and Health.
Whereas the Institute of Medicine (IOM) concludes that raising the minimum age of legal access to tobacco products will reduce tobacco initiation, particularly among adolescents 15-17, and will improve health across the lifespan and save lives.\(^8\)

Whereas the U.S. Centers for Disease Control and Prevention has reported that electronic cigarette use among middle and high school students doubled from 2011 to 2012.\(^9\)

Whereas in a lab analysis conducted by the FDA, electronic cigarette cartridges that were labeled as containing no nicotine actually had low levels of nicotine present in all cartridges tested, except for one.\(^10\)

Whereas according to the CDC's youth risk behavior surveillance system, the percentage of high school students in Massachusetts who reported the use of cigars within the past 30 days went from 11.8% in 2003 to 14.3% in 2011.\(^11\)

Whereas survey results show that more youth report that they have smoked a cigar product when it is mentioned by name, than report that they smoked a cigar in general, indicating that cigar use among youth is underreported.\(^12\)

Whereas in Massachusetts, youth use of all other tobacco products, including cigars, rose from 13.3% in 2003 to 17.6% in 2009, and was higher than the rate of current cigarette use (16%) for the first time in history.\(^13\)

Whereas research shows that increased cigar prices significantly decreased the probability of male adolescent cigar use and a 10% increase in cigar prices would reduce use by 3.4%\(^14\).

Whereas nicotine levels in cigars are generally much higher than nicotine levels in cigarettes.\(^15\)

Whereas Non-Residential Roll-Your-Own (RYO) machines located in retail stores enable retailers to sell cigarettes without paying the excise taxes that are imposed on conventionally manufactured cigarettes. High

---


\(^10\) Food and Drug Administration, Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA, available at: http://www.fda.gov/newsevents/publichealthfocus/ucm173146.htm


\(^12\) 2010 Boston Youth Risk Behavior Study. 16.5% of Boston youth responded that they had ever smoked a fruit or candy flavored cigar, cigarillo or little cigar, while 24.1% reported ever smoking a “Black and Mild” Cigar.


excise taxes encourage adult smokers to quit\textsuperscript{16} and high prices deter youth from starting.\textsuperscript{17} Inexpensive cigarettes, like those produced from RYO machines, promote the use of tobacco, resulting in a negative impact on public health and increased health care costs, and severely undercut the evidence-based public health benefit of imposing high excise taxes on tobacco;

Whereas it is estimated that 90\% of what is being sold as pipe tobacco is actually being used in Non-Residential RYO machines. Pipe tobacco shipments went from 11.5 million pounds in 2009 to 22.4 million pounds in 2010. Traditional RYO tobacco shipments dropped from 11.2 million pounds to 5.8 million pounds; and cigarette shipments dropped from 308.6 billion sticks to 292.7 billion sticks according to the December 2010 statistical report released by the U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB)\textsuperscript{18};

Whereas the sale of tobacco products is incompatible with the mission of health care institutions because these products are detrimental to the public health and their presence in health care institutions undermine efforts to educate patients on the safe and effective use of medication, including cessation medication;

Whereas educational institutions sell tobacco products to a younger population, who is particularly at risk for becoming smokers and such sale of tobacco products is incompatible with the mission of educational institutions that educate a younger population about social, environmental and health risks and harms;

Whereas the Massachusetts Supreme Judicial Court has held that "[t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means"\textsuperscript{19}.

Now, therefore it is the intention of the Kingston Board of Health to regulate the sale of tobacco products.

B. Authority:

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

C. Definitions:

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

\textsuperscript{19} Druzhik et al v. Board of Health of Haverhill, 324 Mass. 129 (1949).
Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

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

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

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices, optician/optometrist offices and dentist offices.

Minimum Legal Sales Age (MLSA): The age an individual must be before that individual can be sold a tobacco product in the municipality.

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

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

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, engaged in the sale or distribution of tobacco products directly to consumers.

Retail Tobacco Store: An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale, but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Kingston Board of Health.
Self-Service Display: Any display from which customers may select a tobacco product, as defined herein, without assistance from an employee or store personnel.

Schools: Public or private elementary or secondary schools.

Smoke Constituent: Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

D. Tobacco Sales to Persons Under the Minimum Legal Sales Age Prohibited:

1. No person shall sell tobacco products or permit tobacco products, as defined herein, to be sold to a person under the minimum legal sales age; or not being the individual's parent or legal guardian, give tobacco products, as defined herein, to a person under the minimum legal sales age. The minimum legal sales age in Kingston is 21.

2. Required Signage

   a. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Kingston Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than 4 feet or greater than 9 feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health.

   b. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post signage provided by the Kingston Board of Health that discloses current referral information about smoking cessation.
c. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post a sign stating that "The sale of tobacco products, including e-cigarettes, to someone under the minimum legal sales age of 21 years is prohibited." The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

3. Identification: Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 years old or older. Verification is required for any person under the age of 27.

4. All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

E. Tobacco Product Sales Permit:

1. No person shall sell or otherwise distribute tobacco products, as defined herein, within the town of Kingston without first obtaining a Tobacco Product Sales Permit issued annually by the Kingston Board of Health. Only owners of establishments with a permanent, non-mobile location in Kingston are eligible to apply for a permit and sell tobacco products at the specified location in Kingston.

2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Kingston regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.

3. Each applicant who sells tobacco products is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued.

4. The fee for a Tobacco Product Sales Permit shall be determined by the Kingston Board of Health annually. All such permits shall be renewed annually by January 1st.

5. A separate permit is required for each retail establishment selling tobacco products, as defined herein.

6. Each Tobacco Product Sales Permit shall be displayed at the retail establishment in a conspicuous place.

7. No Tobacco Product Sales Permit holder shall allow any employee to sell tobacco products, as defined herein, until such employee reads this regulation and federal and state laws regarding the sale of tobacco products and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state and federal laws.

8. A Tobacco Product Sales Permit is non-transferable. A new owner of an establishment that sells tobacco products, as defined herein, must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
9. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant’s consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

10. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding permit suspensions.

11. A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant’s business premises. Applicants who purchase an existing business that holds a current Tobacco Product Sales Permit at the time of the sale of said business may apply, within sixty (60) days of such sale, for the permit held by the Seller if the Buyer intends to sell tobacco products, as defined herein.

F. Cigar Sales Regulated:

1. No person shall sell or distribute or cause to be sold or distributed a single cigar.

2. No person shall sell or distribute or cause to be sold or distributed any original package of two or more cigars, unless such package is priced for retail sale at $5.00 or more.

3. This Section shall not apply to:

   a. The sale or distribution of any single cigar having a retail price of two dollars and fifty cents ($2.50) or more.

   b. A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Kingston.

4. The Kingston Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

G. Prohibition of the Sale of Blunt Wraps:

No person or entity shall sell or distribute blunt wraps in Kingston.

H. Free Distribution and Coupon Redemption:

No person shall distribute, or cause to be distributed, any free samples of tobacco products, as defined herein. No means, instruments or devices that allow for the redemption of any tobacco products, as defined herein, for
free or cigarettes at a price below the minimum retail price determined by the Massachusetts Department of Revenue shall be accepted by any permit holder.

I. **Out-of-Package Sales:**

The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any tobacco product, as defined herein, for retail sale. No person may sell or cause to be sold or distribute or cause to be distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

J. **Self-Service Displays:**

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

K. **Vending Machines:**

All vending machines containing tobacco products, as defined herein, are prohibited.

L. **Non-Residential Roll-Your-Own Machines:**

All Non-Residential Roll-Your-Own machines are prohibited.

M. **Prohibition of the Sale of Tobacco Products by Health Care Institutions:**

No health care institution located in Kingston shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist or drug store, shall sell or cause to be sold tobacco products, as defined herein.

N. **Prohibition of the Sale of Tobacco Products by Educational Institutions:**

No educational institution located in Kingston shall sell or cause to be sold tobacco products, as defined herein. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

O. **Violations:**
1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation. The violator shall receive:
   
   a. In the case of a first violation, a fine of one hundred dollars ($100.00).
   
   b. In the case of a second violation within 36 months of the date of the current violation, a fine of two hundred dollars ($200.00) and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
   
   c. In the case of three or more violations within a 36 month period, a fine of three hundred dollars ($300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
   
   d. In the case of further violations or repeated, egregious violations of this regulation within a 36 month period, the Board of Health may revoke a Tobacco Product Sales Permit.
   
2. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.

3. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products directly to a consumer while his or her permit is suspended shall be subject to the suspension of that permit for the remainder of that permit year. The permit holder will also be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.

4. The Kingston Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Kingston Board of Health shall suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products, as defined herein, shall constitute a separate violation of this regulation.

P. Non-Criminal Disposition:

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

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

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

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

R. Severability:

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

S. Effective Date:

This regulation shall take effect on JUNE 12, 2015.

APPROVED BY MAJORITY VOTE OF THE BOARD OF HEALTH ON MAY 18, 2015

1. [Signature]

2. [Signature]

3. [Signature]

4. [Signature]
KINGSTON BOARD OF HEALTH

PRESS RELEASE

Kingston Parks and Playgrounds

To Be Tobacco Free starting on January 1, 2009

Tobacco use will be prohibited in all Kingston town-owned playgrounds, parks and recreational facilities effective January 1, 2009, as a result of a new regulation passed by the Kingston Board of Health at a public meeting on October 27, 2008. In addition, smoking will be prohibited in any establishment that possesses a Tobacco Sales and Location Permit from the Town of Kingston.

This amendment is one of the many ways the Kingston community can continue to work together as positive role models, for children and young people playing sports and other recreational activities. This is an effort to prevent Kingston’s children from starting to use tobacco as well as reducing everyone’s exposure from secondhand smoke. State Law already prohibits the use of tobacco on school property and school-owned recreational areas.

The Massachusetts Department of Public Health will provide the proper signage to be installed in the designated areas.
Regulation of the Kingston Board of Health
Restricting the Sale of Synthetic Drugs

Statement of Purpose
Whereas, given advances in the manufacturing of narcotics, there is growing concern that synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body. These synthetic cannabinoids, synthetic stimulants and synthetic psychedelic/hallucinogens pose health, safety, and welfare issues for the residents of Kingston.

1. Authority: This regulation is promulgated pursuant to the authority granted to the Kingston Board of Health by Massachusetts General Laws Chapter 111, Section 31 that “Boards of Health may make reasonable health regulations.”

2. Definitions: As used in this Section, the following terms shall have the meaning ascribed to them below:
A. Person: An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.
B. Synthetic Marijuana: (i) any substance as defined by 21 U.S.C. section812(d), excluding "marijuana" as such term is defined in Massachusetts General Laws chapter 94C section1, 21 U.S.C. section812(d) notwithstanding; or; (ii) any one or any combination of the following cannabinoids, or, a substance containing any one or combination of the following cannabinoids: JWH-018, JWH-073,CP-47,497, JWH-200, or, cannabicyclohexanol; or, (iii) vegetable material that has been chemically treated and is possessed, sold, or, purchased, with the intent that it will, despite any labeling to the contrary, be consumed by humans, for the purpose of voluntary intoxication, said vegetable material typically having a retail price of over five dollars per ounce and contained within packaging indicating that the content is not for human consumption, which, if consumed, may induce an effect or effects of intoxication similar to a controlled substance or imitation controlled substance, said effect or effects to include elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, dulling of the senses or nervous system, or, distortion of audio, visual or mental processes.
C. Synthetic Marijuana Analogue: a substance: (i) the chemical structure of which is substantially similar to the chemical structure of synthetic marijuana; (ii) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana; or (iii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of synthetic marijuana.
D. Consumed: introduced into the human body by any manner including but not limited to inhalation and ingestion.
3. **Prohibited Activity:**
   A. No person shall sell, offer to sell, distribute, gift, or, publicly display for sale, any synthetic marijuana or synthetic marijuana analogue.
   B. This Regulation shall apply regardless of whether the synthetic marijuana or synthetic marijuana analogue is described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, and, regardless of whether the substance is marketed for the purpose of being smoked or ingested, and, regardless of whether the substance is marked "not for human consumption".
   C. This Regulation shall not be construed to prohibit any manufacture or sale of any marijuana or cannabis based product that is manufactured or sold legally for medical or other purposes that is permissible under State or local law.

4. **Penalty for violation:** Any violation of this section shall be punishable by a fine of $150 (one hundred fifty dollars) for a first offense. Any subsequent violation shall be punishable by a fine of $300 (three hundred dollars) for each offense. Punishment for violation may also include but be not limited to, revocation or suspension of any and all permits and licenses issued by the Kingston Board of Health associated with the establishment.

5. This regulation may be enforced by criminal complaint before the District Court, or, by noncriminal disposition.

6. **Severability:** If any part of this regulation or the application thereof to any person or circumstances is held by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in effect.

This regulation was approved by the Board at a legally posted and regularly scheduled meeting held May 2nd, 2016. This regulation shall take effect upon publication. **Friday, May 13, 2016**

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
PRIVATE WELL

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 regulations 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 of 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 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, whichever 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 watertight 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.
KINGSTON BOARD OF HEALTH
“Outdoor Wood-Burning Furnace” Regulations

Section 1 - Statement of Purpose

WHEREAS, 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.

Voted By The Board of Health 10-10-06
EASTERN EQUINE ENCEPHALITIS

Once the Board of Health receives notification of a positive result, the Chairman of the Board of Heath shall be contacted and he (she) shall contact the Vice-Chairman to discuss the issue and make a determination whether or not an emergency meeting should be held. If a meeting is held, any orders shall be communicated to the appropriate departments and commissions in Town.
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.

- The agent shall report to the Board regarding the outcome of the inspection.

- In case of an emergency, the agent may proceed with enforcement action or may report findings to the Board of Health for further action.

- The Board of Health will review the outcome of any inspection and determine whether further action is required.

Voted October 25, 2004
SEPTAGE HAULERS

RUBBISH HAULERS

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 1 year.

No license will be issued if any fees/fines are outstanding.

Late renewal payment made 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.

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.
FEE SCHEDULE

Bakery:
100.00

Bed & Breakfast:
50.00

Body Art Facility:
150.00

Body Art Individual:
100.00

Catering:
150.00

Catering, Out of Town,
One Day Event:
40.00

Disposal Works Installer’s License:
175.00

Disposal Works Construction Permit:
New
200.00
Repair
150.00
Abandonment
25.00
Business
200.00

Variance:
New
100.00
Repair
50.00
Food Service Establishment:
Up to 50 Seats
150.00
50 to 100 Seats
200.00
101 to 150 Seats
250.00
151 to 200 Seats
300.00
Over 201 Seats
350.00

Retail Food Establishment:
Under 5000 Square Feet
100.00
1501 to 5000 Square Feet
175.00
Over 5000 Square Feet
400.00

Food Service/Retail Plan Review:
75.00

Frozen Desserts:
50.00

Milk & Cream:
25.00

Mobile Food Service:
150.00

Nursing/Rest Home:
Under 10 Beds
75.00
11 to 25 Beds
100.00
26 to 50 Beds
125.00
51 to 100 Beds
300.00
Over 100 Beds
450.00
Overnight Camps/Cabins
Motels/Inns:
100.00

Percolation Tests:
New
300.00
Repair
200.00
Business/New
325.00
Business/Repair
225.00

Rubbish Haulers:
200.00

Septage Haulers:
200.00

Swimming Pools:
Public/Semi Public
100.00
Private
15.00

Tanning Facility:
100.00

Tobacco:
100.00

Well:
100.00

Food service/retail expires: 12/31
Well permits: 6 months
Tobacco: 12/31
Disposal Works Construction: 3 years
All others: 1 year

Voted by the Board of Health 10/16/17
BUSINESSES THAT FAIL TO RENEW AN ANNUAL PERMIT PRIOR TO THE JANUARY 1\textsuperscript{ST} DEADLINE WILL BE REQUIRED TO PAY A $100.00 LATE FEE. IF LATE FEE AND PERMIT FEE IS NOT PAID BY JANUARY 15\textsuperscript{TH}, YOUR PERMIT TO OPERATE WILL BE REVOKED AND YOU WILL HAVE TO APPEAR BEFORE THE BOARD OF HEALTH FOR A NEW PERMIT.

APPROVED AND UNANIMOUSLY ADOPTED BY THE BOARD OF HEALTH AT ITS MEETING, OCTOBER 16, 2017