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Town of Bedford Massachusetts Board of Health

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CODE OF HEALTH REGULATIONS

The Town of Bedford Board of Health, in order to protect and preserve public health, and acting under the authority of Chapter 111 section 31 of Massachusetts General Laws, has adopted, voted, and promulgated this Code of Health Regulations.

Section 1	<u>Administrative</u>
Section 2	<u>Food</u>
Section 3	<u>Human Habitation (Landlord-Tenant: Housing Facility Standards)</u>
Section 4	<u>Subsurface Sewage Disposal Systems (Septic Systems)</u>
Section 5	<u>Keeping of Animals</u>
Section 6A	<u>Tobacco - Restrictions on Use in Workplaces and Public Places</u>
Section 6B	<u>Tobacco - Sales, Distribution (Youth Access)</u>
Section 7	<u>Massage Therapy; Bodywork; Movement Education</u>
Section 8	<u>Private Wells</u>
Section 9	<u>Regulations for Use of Recombinant DNA Molecule Technology</u>
Section 10	<u>Severability</u>
Section 11	<u>Fee Schedule</u>
Section 12	<u>Penalties</u>
Section 13	<u>Inspection(s), Enforcement, and Notice</u>
Section 14	<u>Variance</u>
Section 15	<u>Reserved for Body Art</u>

NOTE:

The Bedford Board of Health also enforces the Town General Bylaw #49 entitled "Control and Management of Hazardous Materials" and many other state statutes and state regulations not contained within this document. Town General Bylaw #49 is attached hereto as APPENDIX A.

Section 1 Administrative

- 1.1 Definition:
Board of Health means the legally constituted Board of Health of the Town of Bedford, Massachusetts, or its agents.
- 1.2 105 CMR 400, Chapter 1 of the State Sanitary Code, which outlines administrative procedures relative to the Sanitary Code, is hereby adopted, with the exception of §400.700 (Penalties), as a Board of Health Regulation and incorporates any amendments to 105 CMR 400 et seq. that may occur from time to time.
- 1.3 310 CMR 11.00, Title I of the State Environmental Code, which outlines administrative procedures relative to the Environmental Code, is hereby adopted, with the exception of §11.10 (Penalties), as a Board of Health Regulation and incorporates any amendments to 310 CMR 11.00 et seq. that may occur from time to time.

Section 2 Food

- 2.1 105 CMR 590.000, Chapter X of the State Sanitary Code, which incorporates by reference the science based FEDERAL FOOD CODE adopted by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, is hereby adopted, with amendments as may occur from time to time, as a local Board of Health Regulation. Violation(s) of 105 CMR 590.000 are deemed to be violation(s) of this Code of Health Regulations and are subject to the maximum applicable penalty as afforded by law and/or contained herein. (See section #12.)

Section 3 Human Habitation (Landlord-Tenant: Housing Facility Standards)

- 3.1 105 CMR 410.000, Chapter II of the State Sanitary Code, with the exception of Section 410.910 (Penalties), is hereby adopted, with amendments as may occur from time to time, as a local Board of Health Regulation. Violation(s) of 105 CMR 410.000 are deemed to be violation(s) of this Code of Health Regulations and are subject to the maximum applicable penalty as afforded by law and/or contained herein. (see section #12).

Section 4 Subsurface Sewage Disposal Systems (Septic Systems)

- 4.1 310 CMR 15.00, Title 5 of the State Environmental Code, is hereby adopted, with amendments as may occur from time to time, as a local Board of Health Regulation. Violation(s) of 310 CMR 15.000 are deemed to be violation(s) of this Code of Health Regulations and are subject to the maximum applicable penalty as afforded by law and/or contained herein. (See section #12.)

Section 5 Keeping of Animals

5.1 DEFINITIONS

Unless otherwise noted below, the following terms shall have the following definitions throughout all of section 5.

Abutter: shall mean: owners of the abutting land, ("the abutters"); owners of land directly opposite, on any public or private street or way; and abutters to the abutters within 300 feet of the property line of the petitioner.

Notes: *These owners/abutters shall be the owners as they appear on the most recent tax lists (even if in another town). **Applicants for permit must obtain a list of abutters, certified by the Town Assessor, and said list must be provided with the application.

Animal: for the purpose of these regulations, animal is to mean all animals, including fowl, that are kept or harbored as domesticated animals.

Animal Unit: for the purposes of licensing a given number of animals or fowl, the following shall be considered equivalent, and each will be regarded as a single animal unit: 1 horse, 1 bovine, 2 goats, 2 sheep, 2 swine, 3 geese, 4 mink, 5 ducks, 4 rabbits, 10 chickens, 15 pigeons. Fractional units are cumulative.

Corral: any pen or enclosure for confining animals.

Dwelling: any building or shelter used or intended for human habitation.

Facility: the total accommodations to be used for the keeping and care of animals, including but not limited to stable and corral.

Farm: a parcel of land under one ownership which contains a minimum of five (5) acres, and its use, concomitant with the keeping of animals, comprises a major source of income and/or constitutes a livelihood for the owner or tenant.

Fowl: as used in these regulations shall mean all members of the bird family, and shall include chickens, roosters, capons, hens, turkeys, pigeons, peafowl, guinea fowl, ducks, swans, and geese (other than wild species).

Horse: any solid-hoofed animal including, but not limited to, a horse, donkey, pony or mule.

Impervious Material: soils having a percolation rate greater than twenty (20) minutes per inch drop, and including but not limited to ledge, hardpan, clay, peat, loam, and organic matter.

Lot: A contiguous area of land in one ownership, with definite boundaries, used or available for use, as the site of one or more buildings.

Noise: sound of sufficient intensity and/or duration as to cause or contribute to an insanitary condition.

Owner: every person who alone, or jointly, or severally with others (a) has legal title to any dwelling or dwelling unit, or (b) has care, charge, or control of any dwelling unit as agent, executor, executrix,

administrator, administratrix, trustee, lessee, or guardian of the estate of the holder of legal title. Each such person thus representing the holder of legal title is bound to comply with the provisions of these regulations as if he/she were the owner.

Person: every individual, partnership, corporation, firm, association, or group, including a city, town, county, or other governmental unit, owning property or carrying on an activity regulated by these regulations.

Runoff: water from rain or melted snow that flows over the surface of the ground.

Stable: a building or structure in which animals are sheltered and/or fed.

Stall: a compartment in a stable used for the keeping of one or more animals.

Swamp: land which is wet and/or spongy during a major portion of the year.

Unsanitary Conditions: the state of being of a facility which, in the opinion of the Board of Health, is conducive to or results in breeding of flies, creation of offensive odors, rodent infestation, liquid effluent, runoff, and/or noise, in such concentrations and of such duration as to (a) cause a nuisance (b) be injurious or, on the basis of current information, potentially injurious to human health, or (c) unreasonably interfere with the healthy and safe enjoyment of life and property.

Vermin: any of various insects, bugs, or small animals regarded as objectionable because of their destructive or disease-carrying nature including but not limited to flies, mosquitoes, lice, and rats.

Watercourse: any stream, drain, pond, lake, or other body of water drained by a stream, dry ditch, or other depression that will permit drainage water to empty into any open waters of the Commonwealth.

Wild Animal: any animal not normally found or kept as a domesticated animal.

5.2 GENERAL REQUIREMENTS

5.2.1 No person shall keep or allow to be kept within the limits of the town in any building, or any premises on which he may be the owner, lessee, tenant, or occupant, any horses, cows, goats, fowl, sheep, swine, or any other animal than those kept as family pets (based on the Board of Health definition of animal unit) without a written permit from the Board of Health.

5.2.2 No person shall keep more than 1 horse, or 1 bovine, or 2 goats, or 2 sheep, or 2 swine, or 8 mink, or 8 rabbits, or 3 geese, or 10 ducks, or 20 chickens, or 30 pigeons on a lot except where the property for keeping said animals is more than one acre. The keeping of additional horses is specified in regulation 5.4.

5.2.3 The facility, both stable and corral, for the keeping of animals shall be located on a lot not less than

- (a) 15 feet from any abutting property line
- (b) 50 feet from any swamp or watercourse
- (c) 100 feet from any abutting dwelling
- (d) 100 feet from any well used as a supply of drinking water

(e) 10 feet from any part of any individual sewage disposal area

(f) the stable shall be 35 feet from any public way and the corral shall be 15 feet from any public way

The above minimum requirements may be enlarged or increased in any particular case at the discretion of the Board of Health.

5.2.4 These regulations shall not apply to a parcel of land defined as farm.

5.2.5 No person shall erect or use as a facility for animals requiring a permit any building in the Town of Bedford unless such use is approved by the Board of Health.

5.2.6 The owner or other person or persons having control of any existing building or buildings hereafter erected or converted into a facility for the keeping of animals, shall keep said facility in a clean, wholesome and attractive condition, free from decaying food, filth, feces, and stagnant water. The buildings and pens of the facility shall periodically be disinfected, and put in such condition as may be ordered by the Board of Health.

5.2.7 All facilities for the keeping of animals shall be securely fenced so as to prevent the escape of animals therefrom. At no time will animals be allowed to roam unattended.

5.2.8 Property barriers such as fencing or closely planted trees shall be installed, or other appropriate measures taken, on areas of lots where it is necessary to discourage neighborhood children from wandering into the area of the facility, or on areas of lots where the location of the facility will ordinarily interfere with the healthy and safe enjoyment of an abutter's property.

5.2.9 A supply of potable water shall be available at or near the facility for feeding, cleaning, and fire protection purposes.

5.2.10 Wild animals shall not be permitted except by expressed consent of the Board of Health.

5.3. SANITARY REQUIREMENTS

5.3.1 No person owning, leasing or controlling the management of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow or permit:

(a) the floor and/or the ground of the facility for the keeping of animals to be designed, constructed, and/or maintained so as to cause or contribute to unsanitary conditions at said facility

(b) drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged in runoff, or to flow over the surface of the ground onto neighboring property, public way or watercourse.

5.3.2 Management and disposal of manure and soiled bedding shall be such as to minimize odors, breeding of flies, and the attraction of vermin. Manure shall be collected and stockpiled at a single location, carefully chosen to maximize the distance from abutting properties and watercourses, and with due consideration of the prevailing winds.

(a) The manure shall not be stockpiled between the period of April 15 and October 15. If manure is disposed of by burying, the manure pit shall be no less than 25 feet from any lot line, 100 feet from any abutting dwelling, 50 feet from any surface or sub-surface watercourses, and in well-drained soil with the bottom of the pit at least 3 feet above maximum ground water elevation.

(b) During warm weather, manure shall be treated with lime or superphosphate to minimize odors and treated with approved insecticides for fly control.

(c) The dimensions and/or drainage conditions of any particular lot may, in the opinion of the Board of Health, require off-property disposal of manure. In such cases the manure shall not be put out for general town trash collection. It shall be the responsibility of the owner to dispose of manure in a safe and sanitary manner.

(d) The composting of manure generated at permitted facilities will be allowed upon specific approval by the Board of Health.

5.3.3 Animals shall be maintained in a clean and healthy condition.

5.3.4 Any animal feed that is stored on, at, or proximate to the facility for the keeping of animals shall be stored in sealed, moisture-proof, vermin-proof, and rat-proof containers.

5.3.5 No owner of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow, or permit an infestation of vermin at said facility. The continuance of an infestation of vermin at or near the facility beyond a date specified by the Board of Health, when the owner of the facility has been ordered by the Board of Health to abate any such infestation in a safe and sanitary manner, shall be cause for revocation of permit and initiation of legal proceedings to eliminate said conditions.

5.3.6 Dead animals shall be buried, incinerated, or disposed of in such a way as to prevent the attraction of flies and prevent odors. If buried, the animal shall be put in a hole and covered with at least four feet of compacted dirt. The burial site shall be at least 15 feet from any lot line, and 50 feet from any watercourse. This regulation does not apply to animals which are slaughtered for use as edible meats.

REGULATION 5.4 KEEPING OF HORSES

5.4.1 No permit shall be issued to keep a horse on any lot of land containing less than one (1) acre. The usable area, drainage conditions and dimensions of the lot must also be acceptable to the Board of Health. Additional horses up to a total of four (4) shall not be permitted unless the lot contains a minimum of two thirds (2/3) of an acre per each additional horse. More than four horses may be permitted to be kept on lots containing more than three (3) acres, provided that lot dimensions are acceptable to the Board of Health, and provided that the granting of such permit will not adversely affect the public health, safety, and welfare.

5.4.2 Facilities for the keeping of horses shall be located on well-drained land not susceptible to flooding. In no case shall a facility be located on impervious soil, or on ground on which stagnant water can collect. Locations requiring removal of impervious material shall be inspected by the Board of Health after excavation and before filling. Fill shall be of porous material such as gravel, coarse sand, or crushed rock, to a depth of at least twelve (12) inches, extending at least five (5) feet beyond the boundaries of the facility, and such that the finish grade within all parts of the facility are higher than the surrounding ground.

5.4.3 Feces (manure) dropped by any horse kept at said facility shall not remain on the ground or floor for a period of time in excess of three (3) days.

5.4.4 The corral fencing shall be constructed of sturdy material, visible to the horses, of at least five (5) feet in height, and so as to adequately contain the horses and for the protection of persons and contiguous property. The corral area shall be a minimum of one thousand (1,000) square feet, including the stable site for the keeping of one horse. An additional corral area of three hundred (300) square feet for each additional horse shall be required.

5.4.5 Each stable shall be located not less than 25 feet from any property line, and shall be of sturdy construction so as to provide an adequate, healthy and safe environment for horses. The stable shall contain a minimum of one hundred (100) square feet for the first animal, and at least sixty (60) additional square feet for each additional animal, and shall provide adequate space to store food and equipment.

Doors shall be of sufficient height and width to allow safe ingress and egress for horses. The ceiling and/or roof of the stable shall be of sufficient height to provide adequate ventilation.

At least one window with screening shall be provided for ventilation and light, with appropriate safeguards against drafts, and the breaking of glass. Construction shall be such as to prevent the accumulation of moisture within the stable with louvers of sufficient size located at opposite sides of the stable.

The floor shall be constructed so as to provide adequate drainage, to disallow urine from accumulating, and to allow easy removal of manure and soiled bedding.

5.4.6 Under no circumstances shall a horse be allowed to roam free or to be left tethered, unless in the presence of a responsible person.

5.5 KEEPING OF FOWL

5.5.1 Fowl shall not be allowed to forage or stray outside the area of the facility.

5.5.2 No rooster shall be kept unless the permit so specifies. It shall be adequate cause for refusing or revoking a permit to keep a rooster if one or more abutters complain of its presence by reason of noise.

5.5.3 Coops for the keeping of fowl shall be disinfected at least twice a year.

5.5.4 All coops shall be cleaned of droppings no less often than once every two (2) weeks between April 15 to October 15 of a given year and once every four (4) weeks during the remaining period. Every means should be taken to minimize the dust created from dried fowl manure.

5.5.5 Keeping of Pigeons:

(a) A permit shall distinguish between pigeons permanently cooped and pigeons allowed free flight.

(b) Every effort and precaution shall be taken to minimize flying or roosting on, above, within or proximate to abutting properties. It shall be adequate cause for refusing or revoking a permit for the keeping of pigeons if the flying of said pigeons habitually interferes with the healthy and safe enjoyment of surrounding properties.

(c) Training and/or exercising of the pigeons shall be undertaken at such times of the day or seasons which do not coincide with the normal periods of yard use and enjoyment of neighbors.

(d) Exercise shall be allowed only under supervision of the owner and for limited durations.

5.6 APPLICATIONS, PERMITS, FEES (Requirements & limits thereof)

5.6.1 All new applications for a permit to keep animals shall be submitted on a form supplied by the Board of Health. Such application shall be accompanied by a plan showing the property to be used, the names and addresses of all abutters, the proposed location of the facility, and the location of any streams, drains, or known sources of water supply within one hundred (100) feet of the facility. The application shall also be accompanied with a proposal or plan to indicate how the property shall be maintained so that it will be kept clean and free of filth and stagnant water, and the method to be used to control flies and rodents. Such plan shall show the construction details of the facility with necessary drainage details and shall also show compliance with all required set-back distances. The application plan shall also show the type, location and dimension of fencing.

5.6.2 Any person who proposes to remodel an existing building or a portion thereof, or to construct a new building which is to be used in whole or in part as a facility for the keeping of animals shall, prior to such construction or remodeling, submit plans to the Board of Health for approval as well as to the town building inspector if necessary.

(a) Such construction shall be commenced within ninety (90) days after Board of Health approval is given, and shall proceed without unreasonable delay or approval shall be null and void.

(b) The permit to keep animals shall be issued after construction of the facility is completed and approved by the Board of Health and the building inspector.

(c) In cases where a building permit is required, preliminary Board of Health approval shall be indicated by countersigning said building permit by the Board of Health or its authorized agent.

(d) In cases where a building permit is not necessary, approval by the Board of Health shall be given by means of the issuance of the animal permit itself.

5.6.3 All permits shall specify the exact number and type of animals or fowl to be kept within the area described for the keeping of such. No animals in excess of the specified number shall be kept therein.

5.6.4 The licensing fee shall be that specified by the existing schedule of fees at the time of application or renewal.

5.6.5 The keeping of less than a total of one half (1/2) animal unit on a lot does not require a permit.

5.6.6 Permits shall expire on April 30 of each year, unless sooner revoked or temporarily suspended by the Board of Health upon violation by the holder of any of the provisions of these regulations.

5.6.7 Application for renewal of permit shall be made each year on or before April 1 of each year, unless a later filing is allowed by the Board for good cause.

5.6.8 The person or persons who have had a permit denied or canceled shall be ordered to remove all unlicensed animals from the property occupied by said animals.

5.6.9 A permit to stable or keep animals on property in the Town of Bedford is not transferable.

5.6.10 All permits issued for the keeping of animals prior to the adoption of these regulations shall be valid, and may be renewed subject to the regulations in effect prior to the adoption of these new regulations providing conditions and agreements contained in the original applications have not changed, and that no conditions exist that would be injurious to public health, or restrict the normal use and enjoyment of contiguous property. All renewal of permits subsequent to the adoption of these regulations shall be subject to the adopted schedule of fees.

5.6.11 All new applications for a permit to keep animals and all variance requests submitted after February 1, 1995 will be considered by the Board only after the Board conducts a public hearing. Notice of public hearing shall be provided, at the applicants' expense, by registered return receipt mail to all abutters (see definition of abutter) and by legal notice in a local newspaper of general circulation. Both methods of notice shall provide at least fourteen days notice prior to the public hearing. The applicant shall submit a list of abutters, certified by the Town Assessor, with the application.

Section 6A Tobacco – Restrictions on Use in Workplaces and Public Places

SECTION 6A1 PURPOSE

The following regulations restricting the use, sale and distribution of tobacco within Bedford are being adopted for the following reasons:

There exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, various cardiac and vascular diseases, adverse birth outcomes, allergies and irritations to the eyes, nose and throat for both the smoker and nonsmoker exposed to environmental tobacco smoke.

Ongoing research attests to the health hazards of environmental tobacco smoke which is labeled as a Class A carcinogen. According to the federal government, 83% of workers' health complaints related to indoor air quality are linked to smoking. Elimination of environmental tobacco smoke will substantially reduce adverse health complications including, but not limited to severe headaches, upper respiratory ailments, cancer and heart disease.

This regulation is promulgated under the authority granted to the Bedford Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31 that "boards 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 "nothing in this section shall permit smoking in an area in which smoking is or may hereafter be prohibited by law including, without limitation: any other law or . . . health . . . regulation. Nothing in this section shall preempt further limitation of smoking by the commonwealth . . . or any political subdivision of the commonwealth."

SECTION 6A2 DEFINITIONS

Unless otherwise noted below, the following terms shall have the following definitions throughout all of section 6.

6A2.1 Board means the Bedford Board of Health and shall include enforcement officer(s) as the Board designates to enforce the provisions of these regulations.

6A2.2 Employee means any individual who performs services for an employer in return for wages or profit.

6A2.3 Employer means any individual, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Bedford or any agency thereof, which regularly uses the services of one(1) or more employees.

6A2.4 Enclosed means a space bound by walls, with or without windows or fenestrations, enclosed by 1 or more doors and under a roof.

6A2.5 Indoor Sports Arena means any sports pavilion, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

6A2.6 Mobile Food Unit means a vehicle-mounted food establishment designed to be readily movable.

6A2.7 Public Place means an indoor area open to or used by the general public, including but not limited to the following facilities: atriums; auditoriums; automatic teller machines; automobile repair and maintenance establishments; gasoline stations; bed and breakfasts; licensed childcare locations

including childcare homes; educational facilities; elevators accessible to the public; clinics, hospitals, rest homes and nursing homes; retirement homes; game arcades; hair cutting and cosmetology establishments; inns, hotel and motel lobbies, stairwells, entranceways and public rest rooms; free standing kiosks; laundromats; libraries; municipal buildings; museums; schools; school buses; retail stores; retail food establishments; indoor sports arenas; theaters; public transit facilities; and any clubs or rooms when used for public meetings.

6A2.8 Retail Store means any establishment selling goods or articles or personal services to the public.

6A2.9 Smoking means the lighting of any cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco product designed to be combusted and inhaled.

6A2.10 Tobacco Product means cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or tobacco in any of its forms.

6A2.11 Workplace means an indoor area, structure or facility or a portion thereof, at which one (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.

6A2.12 Work space or work spaces means an enclosed area occupied by an employee during the course of his/her employment.

SECTION 6A3 RESTRICTIONS on USE(s) of TOBACCO

6A3.1 SMOKING PROHIBITED

6A3.1.1 It shall be the responsibility of the employer to provide a smoke free environment for all employees working in an enclosed workplace.

6A3.1.2 Smoking shall be prohibited in enclosed workplaces, work spaces, common work areas, public places, classrooms, conference and meeting rooms, offices, elevators, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms, restaurants, cafés, coffee shops, food courts or concessions, mobile food unit, supermarkets or retail food outlets, bars, taverns, or in a place where food or drink is sold to the public and consumed on the premise as part of a business required to collect state meals tax on the purpose; or in a train, airplane, theatre, concert hall, exhibition hall, convention center, auditorium, arena, or stadium open to the public; or in a school, colleges, university, museum, library, health care facility as defined in Section 9C of Massachusetts General Laws Chapter 112, group child care center, school age child care center, family child care center, school age day or overnight camp building, or on premises where activities are licensed under Section 38 of Massachusetts General Laws Chapter 10 or in or upon any public transportation conveyance or in any airport, train station, bus station, transportation passenger terminal, or enclosed outdoor platform.

6A3.1.3 Smoking shall be prohibited in the area within fifteen feet of an entranceway to an enclosed workplace and/or an entranceway accessible to the public, except that this shall not apply to a smoker transiting through such fifteen foot area nor to a smoker approaching an entranceway with the intention of extinguishing a tobacco product.

6A3.1.4 A person shall not smoke in a municipal building or within fifteen feet of a municipal building or in a vehicle or vessel owned, leased, or otherwise operated by the town of Bedford, or in a space occupied by the town of Bedford which is located in another building, including a private office in a building or space mentioned in this sentence, or at an open meeting of a governmental body as

defined in Section 11A of Massachusetts General Laws Chapter 30A, Section 23A of Chapter 39 and Section 9F or Chapter 34, or in a courtroom or courthouse.

6A3.1.5 It shall be unlawful for any person having control of any premises upon which smoking is prohibited by this regulation to permit, or for his or her agent to permit, a violation of this regulation.

6A3.1.6 Each person having control of premises upon which smoking is prohibited by these regulations, or his or her agent or designee, shall conspicuously display upon the premises signs reading "Smoking Prohibited".

6A3.2 HOTELS, MOTELS, INN ROOMS RENTED TO GUESTS

6A3.2.1 Hotels, motels and inns shall provide both smoking and non-smoking rooms as requested by guests. The rooms so designated will be posted as smoking prohibited or smoking permitted. Customers seeking accommodations will be routinely advised of the availability of non-smoking rooms by check-in personnel. Smoking rooms may be designated by the proprietor(s) or other person(s) in charge of a hotel/motel/inn and may not exceed 50% of the total number of rooms licensed for guests. The non-smoking rooms may not be located between smoking rooms. Non-smoking room locations shall be so situated as to utilize physical barriers and/or ventilation systems to minimize involuntary exposure to tobacco smoke.

SECTION 6A4 OUTDOOR SPACES

6A4.1 OUTDOOR SPACES

6A4.1.1 If an outdoor space has a structure capable of being enclosed by walls or covers, regardless of the materials or the removable nature of the walls or covers, the space will be considered enclosed, when the walls or covers are in place. All outdoor spaces shall be physically separated from an enclosed work space. If doors, windows, sliding or folding windows or doors or other fenestrations form any part of the border to the outdoor space, the openings shall be closed to prevent the migration of smoke into the work space. If the windows, sliding or folding windows or doors or other fenestrations are opened or otherwise do not prevent the migration of smoke into the work space, the outdoor space shall be considered an extension of the enclosed work space and subject to this section.

6A4.1.2 School grounds: No person shall smoke or use tobacco in any of its forms on school grounds or on school playing fields.

6A4.1.3 No person shall smoke or use tobacco in any of its forms on the following town-owned recreation areas/land:

- a) swimming areas, including Springs Brook Park.
- b) recreational playgrounds and athletic fields.

SECTION 6A5 EXEMPTIONS

6A5.1 SMOKING PROHIBITION - EXEMPTIONS

Notwithstanding Section 6.3A, smoking may be permitted in the following places and circumstances:

(1) Private residences; except during such time when the residence is utilized as part of a business as a group child care center, school age day care center, school age day or overnight camp, or a facility licensed by the Office of Child Care Services or as a health care related office or facility.

(2)(i) Premises occupied by a membership association, if the premises is owned, or under a written lease for a term of not less than 90 consecutive days, by the association during the time of the permitted activity if the premises are not located in a public building; but no smoking shall be permitted in an enclosed indoor space of a membership association during the time the space is:

- a. open to the public; or
- b. occupied by a non-member who is not an invited guest of a member or an employee of the association; or
- c. rented from the association for a fee or other agreement that compensates the association for the use of such space.

(ii) Smoking may be permitted in an enclosed indoor space of a membership association at all times, if the space is restricted by the association to admittance only of its members, the invited guest of a member, and the employees of the membership association. A person who is a contract employee, temporary employee, or independent contractor shall not be considered an employee of a membership association under this subsection. A person who is a member of an affiliated chapter or branch of a membership association that is fraternal in nature operating under the lodge system, and is visiting the affiliated association, shall be an invited guest for the purposes of this subsection.

(3) A guest room in a hotel, motel, inn, bed and breakfast or lodging home that is designed and normally used for sleeping and living purposes, that is rented to a guest and designated as a smoking room pursuant to Section 6A3.2.1 of this regulation.

(4) By a theatrical performer upon a stage or in the course of a professional film production, if the smoking is part of a theatrical production, and if permission has been obtained from the Bedford Board of Health.

SECTION 6A6 ENFORCEMENT and PENALTIES

6A6.1 The Bedford Board of Health or its enforcement officer(s) shall enforce these regulations.

6A6.2 Any person or entity aggrieved by the failure or refusal of any person to comply with or enforce any of the provisions of these regulations may complain in writing to the Board. The enforcement officer or designee shall respond in writing within thirty days to the complainant.

6A6.3 *Violations of these regulations may be punishable by maximum fines of up to \$1,000, in accordance with Massachusetts General Laws, Chapter 111, Section 31 and additionally as may be provided for by law, i.e., recovery of all Town expenses incurred as a result of and associated with the violation. Each day or part thereof that such violation continues shall constitute a separate punishable offense. The following fine schedule will be used:*

- 1.) \$100 per violation for a person who smokes in a public place.
- 2.) \$100 per day for the first violation for any proprietor(s) or other person(s) in charge of a public place or workplace who fail(s) to comply.
- 3.) \$200 per day for any proprietor(s) or other person(s) in charge of a public place or workplace for the second violation occurring within 2 years of the date of the first offense.
- 4.) \$300 per day for any proprietor(s) or other person(s) in charge of a public place or workplace for the third violation occurring within 2 years of the second violation.

6A6.3.1 In addition to fines, the Board of Health may impose the following penalties for violation of any section of these tobacco control regulations: suspend any license issued by the Board of Health for two days for any violation. Each day or part thereof that such violation continues shall constitute a separate punishable offense.

6A6.3.2 Upon determination by the Board that a violation of these regulations has been committed or allowed to occur, the Board shall notify the responsible person/entity in writing. Said notification shall state the violation and any associated penalty, include a time allowed to correct the violation and corrective action(s) which would be acceptable to the Board.

6A6.3.3 Municipal employees who violate these regulations while on duty, after an initial notification, will be subject to disciplinary action in accordance with personnel policies or collective bargaining agreements.

6A6.3.4 This regulation may be enforced by the non-criminal method of disposition procedures contained in G.L. ch. 40, § 21D.

SECTION 6A7 SEVERABILITY

6A7.1 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 6A8 CONFLICT WITH OTHER LAWS OR REGULATIONS

6A8.1 Notwithstanding the provisions of Section 6A3 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 6A9 EFFECTIVE DATE

6A9.1 This regulation shall be effective as of June 1, 2006.

Section 6B Tobacco –

Sales, Distribution (Youth Access)

6B1.0 Statement of Purpose:

Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and whereas more than eighty percent of all smokers begin smoking before the age of eighteen years (Centers for Disease Control and Prevention, "Youth Surveillance - United States 2000," 50 MMWR 1 (Nov. 2000); and whereas nationally in 2000, sixty nine percent of middle school age children who smoke at least once a month were not asked to show proof of age when purchasing cigarettes (Id.); and whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; and whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; now, therefore it is the intention of the Bedford Board of Health to curtail the access of tobacco products by minors.

6B2.0 Authority:

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

6B3.0 Definitions:

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

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

Employee: Any individual who performs services for an employer.

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

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

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

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

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

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

Vending Machine: Any automated or mechanical self service device, which upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.

6B4.0 Tobacco Sales to Minors Prohibited:

6B4.1

No person shall sell tobacco products or permit tobacco products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco products to a minor.

6B4.2

In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Bedford Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall

directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

6B4.3

Identification: Each person selling or distributing tobacco products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.

6B4.4

All retail sales of tobacco must be face-to-face between the seller and the buyer.

6B5.0 Tobacco Sales Permit:

6B5.1

No person shall sell or otherwise distribute tobacco at retail within Bedford, Massachusetts without first obtaining a tobacco sales permit issued annually by the Bedford Board of Health.

6B5.2

As part of the tobacco sales permit application process, the applicant will be provided with the Bedford Board of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco sales regarding both state laws regarding the sale of tobacco and this regulation.

6B5.3

Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco sales permit can be issued.

6B5.4

The fee for a tobacco sales permit shall be determined by the Bedford Board of Health annually. All such permits shall be renewed annually by December 31st.

6B5.5

A separate permit is required for each retail establishment selling tobacco.

6B5.6

Each tobacco sales permit shall be displayed at the retail establishment in a conspicuous place.

6B5.7

No tobacco sales permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state laws.

6B5.8

A tobacco sales permit is non-transferable, except a new permit will be issued to a retailer who changes location.

6B5.9

Issuance of a tobacco sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

6B6.0 Free Distribution:

6B6.1

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

6B7.0 Out-of-Package Sales:

6B7.1

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.

6B8.0 Self Service Displays:

6B8.1

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

6B9.0 Tobacco Vending Machines:

6B9.1

All tobacco vending machines are prohibited.

6B10.0 Violations:

6B10.1

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

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00) and the tobacco sales permit will be suspended for seven (7) consecutive business days.
- b. In the case of a second violation within twenty-four (24) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the tobacco sales permit will be suspended for fourteen (14) consecutive business days.
- c. In the case of three or more violations within a twenty-four (24) month period, a fine of three hundred dollars (\$300.00) and the tobacco sales permit will be suspended for thirty (30) consecutive business days.

6B10.2

Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the tobacco sales permit for thirty (30) consecutive business days.

6B10.3

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

6B10.4

The Bedford Board of Health shall provide notice of the intent to suspend a tobacco 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 therefore in writing. After a hearing, the Bedford Board of Health may suspend the tobacco sales permit if the Board finds that a sale to a minor occurred. All tobacco products shall be removed from the retail establishment upon suspension of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.

6B11.0 Non-Criminal Disposition:

6B11.1

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

6B11.2

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

6B12.0

Enforcement:

6B12.1

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

6B12.2

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

6B13.0 Severability:

6B13.1

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

6B14.0 Effective Date:

6B14.1

This regulation shall take effect on June 1, 2006.

Section 7 Massage Therapy; Bodywork; Movement Education

7.1 PURPOSE

7.1.1 The Bedford Board of Health finds it necessary to license the practice of massage therapy; bodywork; movement education in order to protect the public's health and safety. It is the Board's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public.

7.2 DEFINITIONS

Unless otherwise noted below, the following terms shall have the following definitions throughout all of section 7.

7.2.1 Massage therapy; bodywork; movement education shall mean the act or technique of moving or manipulating superficial or deep tissues, muscles, joints, or bones by rubbing kneading, quiding or the like by manual or mechanical means, or as directed by the practitioner, for the purpose of invigoration, relaxation, education, or an increase in physical and/or emotional health and well-being. The term massage therapy; bodywork; movement education shall include but not be limited to: Body-Mind Centering, Body-Oriented Psychotherapy; The FELDENKRAIS® Method; Massage Therapy; Neuromuscular Therapy; Oriental Bodywork Therapies including: Acupressure, Amma, Anma, Chi nei sang, Jin shin do®, Okazaki Restorative Massage, Nuat thai, Shiatsu and Tuina; Polarity Therapy; ROLFING®, and the TRAGER® Approach.

7.2.2 Direct Supervision shall mean a practicum conducted in the context of a 500 hour course of study with an instructor present to observe.

7.2.3 500 hour course of study shall mean study of massage therapy; bodywork; movement education taking place in one or any combination of the following: a class setting, a one-on-one student/instructor setting or a direct supervision setting with a supervisor present for observation of work. A 500 hour course of study shall include but not be limited to the subjects of technique, anatomy and physiology, practicum, communication skills, business practices and ethics.

7.2.4 State or national professional association or institute shall mean an organization providing standards for practice; code of ethics and grievance procedure; and providing or approving a 500 hour course of study. State or national professional associations or institutes meeting the above criteria include but shall not be limited to: American Massage Therapy Association, American Oriental Bodywork Therapy Association, American Polarity Therapy Association, Body-Mind Centering Association, Inc., The Feldenkrais Guild®, Massachusetts Association for Body Oriented Psychotherapy and Counseling Bodywork, Massachusetts Professional Bodywork Association, The Rolf Institute, The Trager Institute.

7.2.5 Advisory Board shall mean the group of professional and consumer representatives whose function shall be to assist Boards of Health of Massachusetts cities and towns in their evaluation of the credentials of applicants for licensure and in their evaluation of grievances against practitioners. The Advisory Board shall also evaluate and approve additional state and national professional associations and institutes. See Section 7.10 where the Advisory Board is further defined.

7.2.6 Professional practitioner shall mean any person who has completed a minimum 500 hour course of study in massage therapy; bodywork; movement education which meets the standards of a state or national professional association or institute; or who has passed the National Certification Exam for Therapeutic Massage and Bodywork; or who has been recommended by the Advisory Board and who for compensation, hire or reward engages in the practice of massage therapy; bodywork; movement education.

7.2.7 Training facility or school shall mean any premises, facility, structure or building used to train individuals to become professional practitioners of massage therapy; bodywork; movement education.

7.2.8 Fieldwork shall mean a practicum conducted by a student/apprentice practitioner on his/her own without an instructor present to observe. Fieldwork hours may be required as part of a massage therapy; bodywork; movement education curriculum, and shall be over and above the 500 hour course of study. Fieldwork requirements may be met during or after the 500 hour course of study and shall be indirectly supervised by a licensed professional practitioner.

7.2.9 Student/apprentice practitioner shall mean any person having accumulated fewer than 500 hours in his/her course of study, who is engaged in a fieldwork practicum in massage therapy; bodywork; movement education outside of a training facility or school for the purpose of meeting curriculum requirements and/or for compensation, hire or reward. A student/apprentice practitioner shall maintain contact with a licensed professional practitioner responsible for overseeing his/her fieldwork.

7.2.10 Member shall mean participant on the Advisory Board.

7.2.11 Information Packet shall mean a published compilation, prepared by the Advisory Board, of descriptions, standards for practice, codes of ethics, and required documentation for licenses and permits related to each massage therapy; bodywork; movement education, state or national professional association and institute herein named.

7.2.12 Establishment shall mean the licensed room or group of rooms, office, building, place of business, training facility or school, or location where massage therapy; bodywork; movement education is practiced or taught.

7.2.13 Off-premise business shall mean the practice of massage therapy; bodywork; movement education at locations other than an establishment, including, but not limited to private homes, businesses and sports events.

7.2.14 CORI shall mean Criminal Offender Record Information as obtained by the Bedford Board of Health from the Massachusetts Criminal History Systems Board.

7.3 LICENSES, PERMITS, RENEWALS, AND FEES

7.3.1 No person shall practice as a professional practitioner of massage therapy; bodywork; movement education for hire or reward or advertise or hold him/herself as being so engaged in the Town of Bedford unless first having been issued a license required pursuant to these regulations. The fee for the initial license and for annual renewal license shall be in accordance with Section 11 of this Code (see also Appendix B).

7.3.2 No person shall practice as a student/apprentice practitioner of massage therapy; bodywork; movement education for gaining practical experience and/or for hire or reward or advertise or hold him/herself as being engaged in the business of massage therapy; bodywork; movement education in the Town of Bedford unless first having been issued a permit pursuant to these regulations. The fee for the initial permit and for annual renewal permit shall be in accordance with Section 11 of this Code (see also Appendix B).

7.3.3 No person shall own or operate an establishment for the practice of massage therapy; bodywork; movement education unless first having been issued a license required pursuant to these regulations. The fee for initial establishment license and annual renewal license shall be in accordance with Section 11 of this Code (see also Appendix B).

7.3.4 A license issued to the operator of an establishment; or a license or permit issued to a professional or student/apprentice practitioner of massage therapy; bodywork; movement education is not transferable to another location or person.

7.3.5 All licenses and permits expire one year from the date of issue and must be renewed in accordance with sections 5.7 or 6.1.M or 7.7 as contained herein.

7.4 EXCEPTIONS AND EXCLUSIONS:

7.4.1 Practitioner: These regulations shall not apply to the following individuals while engaged in the regular performance of the duties of their respective professions:

(a) Physicians, chiropractors, osteopaths, occupational therapists or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

(b) Athletic trainers duly licensed under the laws of the Commonwealth of Massachusetts.

(c) Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts.

(d) Barbers and beauticians who are duly registered under the laws of the Commonwealth of Massachusetts, except that this exemption shall apply solely to the massage of the neck, face, scalp, and hair of the customer or client for cosmetic or beautifying purposes.

(e) An acupuncturist duly licensed under the laws of the Commonwealth of Massachusetts.

(f) Teachers of the Alexander Technique.

7.4.2 Establishment: These regulations shall not apply to the following: hospitals, nursing homes, convalescent homes, home health agencies or other institutions similarly licensed by the Commonwealth of Massachusetts. However, massage therapy; bodywork; movement education practitioners working in such institutions within the town of Bedford are required to obtain a license or permit as provided herein unless excluded under Section 4.1.

7.5 APPLICATION AND RENEWAL PROCEDURE FOR LICENSE OF PROFESSIONAL PRACTITIONER OF MASSAGE THERAPY; BODYWORK; MOVEMENT EDUCATION

No person shall be licensed to practice as a professional practitioner of massage therapy; bodywork; movement education in the town of Bedford unless he/she meets the following requirements:

7.5.1 Submit to the Bedford Board of Health a completed application form as supplied by the Board of Health. False statements in said application shall be grounds for denial or revocation of a license.

7.5.2 Provide satisfactory evidence that the applicant is eighteen (18) years of age or older, by presenting two forms of positive identification with photo or a valid passport.

7.5.3 Submit a demonstration of competency in one of the following 3 ways:

1. Submit satisfactory evidence of education as outlined on the documentation page of the Information Packet.
2. Submit evidence of having passed the National Certification Exam for Therapeutic Massage and Bodywork.
3. Submit evidence of having received a recommendation from the Advisory Board confirming completion of a course of study and/or training experience evaluated as equivalent to a 500 hour course of study in massage therapy; bodywork; movement education.

7.5.4 Submit one face-front photograph at least two (2) inches by two (2) inches in size taken within thirty (30) days prior to the submission of the application.

7.5.5 Agree to follow all rules and regulations specified herein and conduct him/herself in accordance with the standards for practice and ethical guidelines of his/her state or national professional association or institute named herein or in accordance with the ethical code outlined by the Advisory Board. Professional practitioners shall not misrepresent their training, experience, credentials, or title.

7.5.6 Submit proof of a negative skin test result for tuberculosis. The tuberculosis skin test date shall not be more than 1 year prior to the date of application for license. A new skin test for tuberculosis shall be required every year thereafter.

7.5.7 File an application for renewal not less than 30 days prior to the expiration of his/her license, whereupon his/her existing license shall not expire until the Bedford Board of Health has determined the application's renewal status. At time of filing renewal application, the applicant shall submit satisfactory evidence, as outlined on the documentation page of the Information Packet, of his/her current professional status.

7.6 APPLICATION AND RENEWAL REQUIREMENTS FOR LICENSE OF AN ESTABLISHMENT

7.6.1 Every operator of an establishment for the giving of massage therapy; bodywork; movement education shall meet the following requirements:

- A. Submit to the Bedford Board of Health a completed application form containing all information therein requested. False statements in said application shall be grounds for revocation or denial of a license.
- B. Notify the Bedford Board of Health at least fourteen (14) days prior to any change of name, address, or ownership.
- C. Operate only under the name or designation specified on the license or a change thereto as pursuant to paragraph B of this section.
- D. Employ or cause to be employed as a massage therapy; bodywork; movement education practitioner(s) only person(s) who has (have) a license(s) or permits(s) for the practice of massage therapy; bodywork; movement education from the Bedford Board of Health.
- E. Perform or allow to be performed no illegal act on the premises. A violation of this section may be grounds for revocation, suspension or modification of the massage therapy; bodywork; movement education establishment license.
- F. Serve no alcoholic beverages in the portion of a building that the Board of Health determines is being used for the purpose of giving massage therapy; bodywork; movement education.
- G. Operate no x-ray, fluoroscope, diathermy or other similar equipment unless licensed by the Commonwealth of Massachusetts to practice a profession requiring the use of such equipment.
- H. Provide that all rooms used for massage therapy; bodywork; movement education be clean and easily cleanable, well lighted, adequately ventilated and properly heated in accordance with local and/or state regulations.
- I. In an establishment where shower facilities are not provided, the establishment owner shall conspicuously post a sign in the reception area which shall read:

NOTICE TO MASSAGE CLIENTS

THIS ESTABLISHMENT DOES NOT PROVIDE A SHOWER FOR USE AFTER MASSAGE. IF YOU BELIEVE YOU ARE ALLERGIC TO LOTIONS, OILS OR POWDERS, PLEASE NOTIFY THE MASSAGE THERAPIST PRIOR TO THE MASSAGE. THEY WILL NOT BE USED. IF REQUESTED, THE MASSAGE THERAPIST WILL USE RUBBING ALCOHOL OR SOAP AND WARM WATER TO REMOVE OILS, LOTIONS OR POWDER USED DURING MASSAGE.

The letters in the first two lines shall be at least one inch in height. Hypoallergenic soap, water and rubbing alcohol (70% Isopropyl, by volume) shall be available in the establishment at all times when a shower is not provided. The sign shall not be required in establishments where techniques are performed on clients fully clothed or where techniques are performed that do not use oil (e.g. Oriental bodywork, Polarity therapy, etc.).

- J. Maintain all areas of the establishment, including the furniture and equipment therein, in sanitary condition at all times. All massage therapy; bodywork; movement education tables, mattresses, etc. shall be easily cleanable. All surfaces used for massage therapy; bodywork; movement education shall be properly cleaned and sanitized after each massage therapy; bodywork; movement education session.
 - K. Clean and sanitize after each use all robes, sheets, towels, etc. supplied by the establishment which may come in direct contact with the body. Single service items are acceptable, and shall be used only once.
 - L. Display in a conspicuous place the current license of the establishment and current licenses or permits of all massage therapy; bodywork; movement education practitioners conducting massage therapy; bodywork; movement education therein.
 - M. File an application for renewal not less than 30 days prior to the expiration of the establishment license, whereupon the existing license shall not expire until the Bedford Board of Health has determined the renewal application's status.
- 7.6.2 Every operator of an establishment for the giving of massage therapy; bodywork; movement education shall require all practitioners conducting massage therapy; bodywork; movement education on the premises to meet the following requirements:

- A. Touch or work with a client, when either the client or practitioner is afflicted with a communicable disease that could be spread through the massage therapy; bodywork; movement education process or through close contact ordinarily associated with the massage therapy; bodywork; movement education process, only when precautions are taken to prevent transmission. Should precautions be insufficient to prevent disease transmission, the practitioner is required to refrain from conducting massage therapy; bodywork; movement education until the condition is no longer communicable.
- B. Wash hands thoroughly with soap and hot water immediately before and after performing a massage therapy; bodywork; movement education session.
- C. Maintain sufficient level of personal cleanliness and be clothed in clean and appropriate attire.
- D. Take all precautions for proper hygiene within the facilities.

7.7 APPLICATION AND RENEWAL PROCEDURE FOR PERMIT OF STUDENT/APPRENTICE PRACTITIONER OF MASSAGE THERAPY; BODYWORK; MOVEMENT EDUCATION

No person shall be granted a student/apprentice practitioner permit to practice massage therapy; bodywork; movement education in the town of Bedford unless he/she meets the following requirements:

- 7.7.1 Submit to the Bedford Board of Health a completed application form as supplied by the Board of Health which shall include the name, address and phone number of the applicant's fieldwork instructor (a licensed professional practitioner). False statements in said application shall be grounds for denial or revocation of a permit.
- 7.7.2 Provide satisfactory evidence that the applicant is eighteen (18) years of age or older, by presenting two forms of positive identification with photo or a valid passport.
- 7.7.3 Submit satisfactory evidence as outlined on the documentation page of the Information Packet that he/she is engaged in the pursuit of a 500 hour course of study in massage therapy; bodywork; movement education.
- 7.7.4 Submit one face-front photograph at least two (2) by two (2) inches in size taken within thirty (30) days prior to the submission of the application.

7.7.5 Submit proof of a negative skin test result for tuberculosis. The tuberculosis skin test date shall not be more than one year prior to the date of application for license. A new skin test for tuberculosis shall be required every year thereafter.

7.7.6 Agree to follow all rules and regulations specified herein and conduct him/herself in accordance with the standards for practice and ethical guidelines of his/her state or national professional association or institute named herein or in accordance with the ethical code outlined by the Advisory Board. Student/apprentice practitioners shall not misrepresent their training, experience, credentials, or title.

7.7.7 File an application for renewal not less than 30 days prior to the expiration of his/her permit, whereupon the existing permit shall not expire until the Bedford Board of Health has determined the renewal application's status. At the time of filing renewal application, the applicant shall submit satisfactory evidence as outlined on the documentation page of the Information Packet of current enrollment in a training program in massage therapy; bodywork; movement education.

7.7.8 Permitted Student/Apprentice practitioners of massage therapy; bodywork; movement education must practice within a licensed establishment.

7.8 OFF-PREMISE BUSINESS LIMITATION

7.8.1 Off-premise business will be allowed only by a professional practitioner of massage therapy; bodywork; movement education who is licensed by the Bedford Board of Health and currently practices within a licensed Bedford establishment. A professional practitioner, while conducting off-premise business, shall comply with the requirements specified by Sections 7.6.1.E, 7.6.1.F, 7.6.1.G, 7.6.1.H, 7.6.2.A, 7.6.2.B, 7.6.2.C, 7.6.2.D, and 7.9.1 as contained herein. The practitioner shall carry his/her Town of Bedford professional practitioner license when conducting off-premise business.

7.9 COLONIC HYDROTHERAPY PROHIBITED

7.9.1 A massage therapy; bodywork; movement education license does not qualify the practitioner to practice Colonic Hydrotherapy.

7.10 ADVISORY BOARD

7.10.1 The statewide Advisory Board shall be established to serve the Boards of Health of the Commonwealth to better carry out these Rules and Regulations. The Advisory Board shall meet at least twice a year, with additional meetings as needed. The Advisory Board shall consist of individuals representing massage therapy; bodywork; movement education professions, Boards of Health, Health Officers and consumers as specified in the Advisory Board bylaws.

7.10.2 Members of the Advisory Board shall be appointed by the associations(s) they represent as specified in the Advisory Board By-Laws. A member may be removed for neglect of duty or incompetence as specified in the Advisory Board By-Laws.

7.10.3 The list of state and national professional associations and institutes will be updated periodically by the Advisory Board to include other massage therapy; bodywork; movement education professions provided that each association or institute has a published code of ethics, grievance procedure, standards for practice, and definition of a minimum 500 hour course of study.

7.10.4 Functions of the Advisory Board

The Advisory Board shall serve in as advisory capacity to the Bedford Board of Health in matters pertaining to the granting of licenses to professional practitioners and permits to student/apprentice practitioners of massage therapy; bodywork; movement education. The Advisory Board shall advise the Bedford Board of Health on such matters as policies affecting examination, qualifications, issuance and renewal, denial, suspension or revocation of permits and licenses and the development of rules and

regulations. The Advisory Board shall also serve in an advisory capacity in matters pertaining to the evaluation of complaints against practitioners. The Advisory Board shall provide a code of ethics for those practitioners who have not been provided a code through their training.

7.10.5 Procedures to evaluate candidates for professional practitioner or student/apprentice practitioner of massage therapy; bodywork; movement education shall be as follows:

- A. The Bedford Board of Health using these Rules and Regulations and the Information Packet provided by the Advisory Board shall decide the eligibility of an applicant for a license or permit.
- B. When the Bedford Board of Health, for any reason, cannot determine an applicant's eligibility for a license or permit, the Board of Health shall contact the Advisory Board for direction and assistance in the following manner:
 1. The Board of Health shall ask the applicant to indicate which massage therapy; bodywork; movement education member most closely represents the applicant's work. The Board of Health shall then contact that member with the specific problem or question regarding the applicant's qualifications.
 2. If neither the applicant nor the Board of Health can determine the appropriate massage therapy; bodywork; movement education member to contact, the Board of Health shall contact the Advisory Board chairperson.
 3. After reviewing the applicant's qualifications, the appropriate member shall make a recommendation to the Board of Health regarding the applicant's eligibility for a license or permit in a timely fashion.

7.10.6 Procedures to evaluate complaints against professional or student/apprentice practitioners of massage therapy; bodywork; movement education shall be as follows:

- A. The Bedford Board of Health using these Rules and Regulations and the Information Packet provided by the Advisory Board shall decide the validity of the complaint and determine if said complaint warrants suspension, revocation or modification of the license or permit.
- B. When the Bedford Board of Health, for any reason, cannot determine the status or validity of a complaint, the Board of Health shall contact the Advisory Board for direction and assistance in the following manner:
 1. The Board of Health shall refer the complaint to the member of the Advisory Board most closely representing the work of the practitioner against whom the complaint has been made.
 2. After reviewing the complaint, the appropriate member of the Advisory Board shall make a recommendation regarding the validity of the complaint to the Board of Health in a timely fashion.

7.10.7 All recommendations made by a member of the Advisory Board according to procedures in 7.10.5 or 7.10.6 shall be reported for review by the full Advisory Board at the next scheduled meeting of the Advisory Board.

7.11 LICENSE OR PERMIT REVOCATION, SUSPENSION OR MODIFICATION AND APPEALS

- 7.11.1 The Bedford Board of Health may suspend, revoke or modify a professional practitioner license or establishment license or student/apprentice practitioner permit for any violation of these rules and regulations or for the performance of any illegal act on the premises by serving an order in writing to the person(s) responsible for the violation.

- 7.11.2 The person(s) to whom an order has been served may request a hearing before the Bedford Board of Health within 7 days after the day the order was served. Upon receipt of such petition the Board of Health shall set a time and place for such hearing and shall inform the petitioner thereof in writing. The hearing shall commence not later than 60 days after the day on which the order was served. The 60 day period may be extended if in the opinion of the Board of Health the petitioner has submitted a good and sufficient reason for such postponement.
- 7.11.3 At the hearing the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn. After the hearing the Board of Health shall sustain, modify or withdraw the order and shall inform the petitioner in writing of this decision within ten (10) days.

7.12 CRIMINAL OFFENDER RECORD INFORMATION (CORI) AND REFERENCES

- 7.12.1 CORI: Each person applying for license or permit to practice massage therapy; bodywork; movement education (as a professional practitioner or student/apprentice practitioner), or to own, operate, or conduct an establishment for giving of massage therapy; bodywork; movement education for hire or reward, shall have a background free of conduct which, in the judgment of the Bedford Board of Health, bears adversely upon his or her ability to safely and reputably provide massage therapy; bodywork; movement education. The Bedford Board of Health shall determine whether an applicant's conduct, criminal or otherwise shall disqualify that person from obtaining massage therapy; bodywork; movement education license or permit. In making this determination, the Bedford Board of Health shall consider at least the following conduct:
- a. Having a criminal conviction included in CORI report or engaging in, or having engaged in, any other conduct criminal or otherwise, determined by Bedford Board of Health, to impair the applicant's ability to safely and reputably provide massage therapy; bodywork; movement education.
 - b. Use of alcohol or drugs to an extent or in a manner that is determined by Bedford Board of Health to impair his/her ability to safely and reputable provide massage therapy; bodywork; movement education.
- 7.12.2 References: Three professional and three personal references shall accompany all license and permit applications. The applicant shall utilize a character reference form, to be supplied by the Board of Health. At least one of the professional references and at least one of the personal references must be Massachusetts residents.

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Section 8 Private Wells

Section 8.1: Definitions

Unless otherwise noted below, the following terms shall have the following definitions throughout all of Section 8.

- 8.1.1 Agent: Any person designated and authorized by the Board to execute these regulations. The agent shall have all the authority of the Board and shall be directly responsible to the Board and under its direction and control.
- 8.1.2 Applicant: Any individual, corporation, association, trust, or partnership who intends to have a Private Well constructed.
- 8.1.3 Aquifer: A water bearing geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.
- 8.1.4 Board: The Board of Health of Bedford, Massachusetts.
- 8.1.5 Business of Digging or Drilling: A person who charges a fee for digging or drilling a well, or a person who advertises for hire the availability to dig or drill wells within the Commonwealth of Massachusetts.
- 8.1.6 Certified Laboratory: Any laboratory currently certified by the Department of Environmental Protection for analysis of drinking water in Massachusetts. Provisional certification shall also qualify.
- 8.1.7 Monitoring Well: A well designated to facilitate down-hole measurement of groundwater and/or gas levels and/or the collection of groundwater and/or gas samples. A Monitoring Well shall not be used to supply water.
- 8.1.8 Private Well: Any dug, driven, or drilled hole, with a depth greater than its largest surface diameter, developed to supply water and not subject to regulation by 310 CMR 22.00.
- 8.1.9 Private Drinking Water Well: A Private Well intended and/or used for human consumption.
- 8.1.10 Private Irrigation Well: A Private Well serving water to irrigate lawns, shrubs, trees, vegetables, ornamental plants and other such items. Irrigation well water shall NOT serve as water intended for human consumption.
- 8.1.11 Pumping Test: A procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.
- 8.1.12 Registered Well Driller: Any person registered with the Department of Environmental Management/Office of Water Resources to dig or drill wells in the Commonwealth of Massachusetts.
- 8.1.13 Static Water Level: The level of water in a well under non-pumping conditions.
- 8.1.14 Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, fence, or the like.

Section 8.2: Well Construction Permit/Registration

- 8.2.1 Approval to construct a Private Well from the Board is required as follows.
 - a) For a Private Drinking Water Well the Applicant shall obtain a permit from the Board. A completed Private Well Application must be filed with and approved by the Board.

- b) For a Private Irrigation Well the Applicant must register with the Agent. A completed Private Irrigation Well Application must be filed with and approved by the Agent.
- c) Monitoring Wells may be constructed without a permit or registration if constructed in accordance with the Department of Environmental Protection Standard Reference for Monitoring Wells (1992, 1999; et seq.).

8.2.2 Each permit application and each registration application shall include the following:

- a) the property owner's name and address
- b) the well driller's name and proof of valid state registration
- c) a plan with a specified scale showing the location of the proposed well in relation to existing or proposed above or below ground structures.
- d) a description of visible prior and current land uses within two-hundred (200) feet of the proposed well location, which represent a potential source of contamination, including but not limited to the following:
 - 1) existing and proposed structures
 - 2) subsurface sewage disposal systems
 - 3) subsurface fuel storage tanks
 - 4) public ways
 - 5) utility rights-of-way
 - 6) any other potential sources of pollution.
- e) a permit/registration fee in accordance with Appendix B of the Bedford Board of Health Code of Regulations.

8.2.3 Well Construction Permits and Well Construction Registrations are not transferable.

8.2.4 Private Wells shall not be permitted within the Zone I protection area of any public water supply well in Bedford as defined per 310 CMR 22.00.

8.2.5 The Board/Agent may grant the Applicant's application for permit/registration, when in its opinion the construction of a Private Well will not result in harm to the public health or local environment. The Board may deny the application if it appears the construction will result in harm to the public health or environment. The Board may also request additional information from the Applicant before rendering a decision.

Note: Copies of Private Well applications will be furnished to the Bedford Department of Public Works, Conservation Commission and Building Department. The Applicant shall comply with all other applicable local, state and federal laws, statutes and regulations. It is the responsibility of the Applicant to consult with the Bedford Department of Public Works, Conservation Commission and Building Department to determine if any other bylaws or regulations mandate additional requirements or conditions.

8.2.6 All Private Wells shall be constructed in accordance with the Massachusetts Department of Environmental Protection Private Well Guidelines (2001; et seq.).

Section 8.3: Water Supply Certificate

8.3.1 The issuance of a Water Supply Certificate by the Board shall certify that the Private Drinking Water Well may be used as a drinking water supply. A Water Supply Certificate must be issued for the use of a Private Drinking Water Well prior to the issuance of an occupancy permit for an existing structure or prior to the issuance of a building permit for new construction which is to be served by the well.

8.3.2 The following shall be submitted to the Board to obtain a Water Supply Certificate:

- a) a copy of the Water Well Completion Report as required by the DEM Office of Water Resources (313 CMR 3.00)
- b) a copy of the Pumping Test Report required pursuant to Section 8.5 of these regulations
- c) a copy of the Water Quality Report required pursuant to Section 8.6 of these regulations

- 8.3.3 Upon the receipt and review of the above documents, the Board shall make a final decision on the application for a Water Supply Certificate. A final decision shall be in writing and shall comprise one of the following actions:
- a) Issue a Water Supply Certificate. All Water Supply Certificates issued by the Board shall include the following disclaimer: "The issuance of a Water Supply Certificate shall not be construed as a guarantee by the Board or its Agent that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use."
 - b) Deny the Applicant a Water Supply Certificate and specify the reasons for the denial.
 - c) Issue a conditional Water Supply Certificate with those conditions which the Board deems necessary to ensure fitness, purity and quantity of the water derived from that Private Well. Said conditions may include but not be limited to requiring treatment or additional testing of the water.

Section 8.4: Well Location and Use Requirements

- 8.4.1 In locating a Private Well, the applicant shall identify all potential sources of contamination which exist or are proposed within two hundred (200) feet of the site. When possible, the well shall be located upgradient of all potential sources of contamination and shall be as far removed from potential sources of contamination as possible, given the layout of the premises.
- 8.4.2 Each Private Well shall be accessible for repair, maintenance, testing, and inspection. The well shall be completed in a water bearing formation that will produce the required quantity of water under normal operating conditions.
- 8.4.3 Each Private Well shall be located at least ten (10) feet from any property line. The centerline of a well shall, if extended vertically, clear any projection from an adjacent structure by at least five (5) feet.
- 8.4.4 All Private Wells shall be located a minimum of 25 feet from the normal driving surface of any public roadway or a minimum of 15 feet from the road right-of-way, whichever is greater.
- 8.4.5 Each Private Well shall be located at least 25 feet, laterally, from the normal high water mark of any lake, pond, river, stream, ditch, or slough. When possible, private wells shall be located in areas above the 100-year floodplain.
- 8.4.6 A suction line or well shall be located a minimum of 10 feet from a building sewer constructed of durable corrosion resistant material with watertight joints, or 50 feet from a building sewer constructed of any other type of pipe; 50 feet from a septic tank; 100 feet from a leaching field; and 100 feet from a privy.
- 8.4.7 Water supply lines shall be installed at least 10 feet from and 18 inches above any sewer line. Whenever water supply lines must cross sewer lines, both pipes shall be constructed of class 150 pressure pipe and shall be pressure tested to assure watertightness.
- 8.4.8 The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.
- 8.4.9 No Private Well, or its associated distribution system, shall be connected to the distribution system of a public water supply system.

Section 8.5: Water Quantity Requirements

- 8.5.1 For a Private Drinking Water Well the Applicant shall submit to the Board for review and approval a Pumping Test Report. The Pumping Test Report shall include the name and address of the well owner, well location referenced to at least two permanent structures or landmarks, date the pumping test was

performed, depth at which the pump was set for the test, location for the discharge line, static water level immediately before pumping commenced, discharge rate and, if applicable, the time the discharge rate changed, pumping water levels and respective times after pumping commenced, maximum drawdown during the test, duration of the test, including both the pumping time and the recovery time during which measurements were taken, recovery water levels and respective times after cessation of pumping, and reference point used for all measurements.

- 8.5.2 In order to demonstrate the capacity of the well to provide the Required Volume of water, a pumping test shall be conducted in the following manner:
- The volume of water necessary to support the household's daily need shall be determined using the following equation: (number of bedrooms plus one bedroom) x (110 gallons per bedroom) x (a safety factor of 2) = number of gallons needed daily.
 - The storage capacity of the well shall be determined using the measured static water level and the depth and radius of the drillhole or casing.
 - The Required Volume shall be calculated by adding the volumes of water in (a) and (b) above. It is this volume of water that must be pumped from the well within a 24-hour period.
- 8.5.3 The pumping test may be performed at whatever rate is desired. Following the pumping test, the water level in the well must be shown to recover to within eighty-five (85) percent of the pre-pumped static water level within a twenty-four (24) hour period.

Example 1: For a one bedroom house with a well six (6) inches in diameter and contains 200 ft. of standing water:

- 1) $1 \text{ bedroom} + 1 \text{ bedroom} = (2 \text{ bedrooms}) \times (110 \text{ gallons per bedroom}) \times (\text{safety factor of } 2) = 440 \text{ gallons needed daily.}$
- 2) $\text{the volume of a 6-inch well is } 1.5 \text{ gallons for every foot of water column length. Therefore, } (200 \text{ ft. of standing water}) \times (1.5 \text{ gal./ft.}) = 300 \text{ gallons.}$
- 3) $440 \text{ gallons} + 300 \text{ gallons} = 740 \text{ gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity. Recovery up to 85\% of the static water level must also occur within 24 hours after cessation of pumping.}$

Example 2: For a 4 bedroom house with a well that is six (6) inches in diameter and contains 100 ft. of standing water:

- 1) $4 \text{ bedroom house} + 1 \text{ bedroom} = (5 \text{ bedrooms}) \times (110 \text{ gallons per bedroom}) \times (\text{safety factor of } 2) = 1,100 \text{ gallons needed daily.}$
- 2) $\text{the volume of a 6-inch well is } 1.5 \text{ gallons for every foot of water column length. Therefore, } (100 \text{ ft. of standing water}) \times (1.5 \text{ gal./ft.}) = 150 \text{ gallons.}$
- 3) $1,100 \text{ gallons} + 150 \text{ gallons} = 1,250 \text{ gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity. Recovery up to 85\% of the static water level must also occur within 24 hours after cessation of pumping.}$

Section 8.6: Water Quality Testing Requirements

- 8.6.1 Prior to the use of a Private Well the Applicant must conduct water quality testing in compliance with regulations 8.6.2 through 8.6.6. All costs and laboratory arrangements for the water testing are the responsibility of the Applicant.
- 8.6.2 A water sample shall be collected either after purging three well volumes or following the stabilization of the pH, temperature and specific conductance in the pumped well. The water sample to be tested shall be collected at the pump discharge or from a disinfected tap in the pump discharge line. In no event shall a water treatment device be installed prior to sampling.
- 8.6.3 The required water quality test, utilizing an applicable US EPA approved method for drinking water testing shall be conducted by an EPA or Massachusetts certified laboratory and shall include analysis for the parameters specified in 8.6.6 and the results shall not exceed Massachusetts drinking water standards for public water supplies:

- 8.6.4 Following receipt of the water quality test results, the applicant shall submit a Water Quality Report to the Board which includes:
- 1) a copy of the certified laboratory's test results
 - 2) the name of the individual who performed the sampling
 - 3) where in the system the water sample was obtained
- 8.6.5 The Board reserves the right to require re-testing of the specified parameters, or testing for additional parameters when, in the opinion of the Board, it is necessary due to local conditions or for the protection of the public health, safety and welfare.

- 8.6.6 Analysis of water from a Private Drinking Water Well shall include all of the parameters listed below.
Analysis of water from a Private Irrigation Well shall include the Volatile Organic Compounds and Metals listed below.

Coliform Bacteria

Metals

Antimony
Arsenic
Barium
Beryllium
Cadmium
Chromium
Lead
Copper
Mercury
Selenium
Thallium

Other Inorganic Compounds

Asbestos
Cyanide
Flouride
Nitrate
Nitrite
Total Nitrate and Nitrite

Volatile Organic Compounds

Benzene
Carbon Tetrachloride
Dichloromethane
o-Dichlorobenzene
para-Dichlorobenzene
1,2-Dichloroethane
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
1,1 Dichloroethylene
1,2-Dichloropropane
Ethylbenzene
Monochlorobenzene
Styrene
Tetrachloroethylene
Toluene
Trichloroethylene
1,1,1-Trichloroethane
1,2,4-Trichlorobenzene
1,1,2-Trichloroethane
Vinyl Chloride
Xylenes (total)

Radionuclides

Gross Alpha Activity
Radium – 226 & 228
Uranium
Radon

Synthetic Organic Compounds

Alachlor
Atrazine
Benzo(a)pyrene
Carbofuran
Chlordane
Dalapon
Di(2-ethylhexyl)adipate
Di(2-ethylhexyl)phthalate
Dinoseb
Diquat
Dibromochloropropane (DBCP)
2,4-D
Endothall
Endrin
Ethylene Dibromide (EDB)
Glyphosate
Heptachlor
Heptachlor epoxide
Hexachlorobenzene
Hexachloropentadiene
Lindane
Methoxychlor
Oxamyl (Vydate)
Polychlorinated biphenyls (PCBs)
Pentachlorophenol
Picloram
Simazine
2,3,7,8-TCDD (Dioxin)
Toxaphene
2,4,5-TP (Silvex)
Total Trihalomethanes

Section 8.7: Decommissioning Requirements

- 8.7.1 Abandoned wells, test holes, and borings shall be decommissioned so as to prevent the well, including the annular space outside the casing, from being a channel allowing the vertical movement of water.
- 8.7.2 The owner of the Private Well shall decommission the well if the well meets any of the following criteria:
- a) construction of the well is terminated prior to completion of the well
 - b) the well owner notifies the Board that the use of the well is to be permanently discontinued.
 - c) the well has been out of service for at least three years
 - d) the well is a potential hazard to public health or safety and the situation cannot be corrected
 - e) the well is in such a state of disrepair that its continued use is impractical
 - f) the well has the potential for transmitting contaminants from the land surface into an aquifer or from one aquifer to another and the situation cannot be corrected
- 8.7.3 The owner of the Private Well shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged in accordance with the Massachusetts Department of Environmental Protection Private Well Guidelines (2001; et seq.). Only registered well drillers may plug abandoned wells, test holes, and borings.

Section 9 REGULATIONS FOR USE OF RECOMBINANT DNA MOLECULE TECHNOLOGY

9.1 APPLICABILITY

All activities associated with constructing and handling: a) recombinant DNA (RDNA) molecules and b) organisms and viruses containing RDNA molecules within the Town of Bedford shall be performed in strict accordance with these regulations and with the National Institutes of Health (NIH) Guidelines. These regulations shall govern in addition to the NIH Guidelines. These regulations do not apply to finished products which contain RDNA molecules and which have been approved by other government regulatory agencies for medical or other purposes.

9.2 DEFINITIONS

For the purpose of these regulations, the following definitions are adopted:

- a) Guidelines mean: National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules published in the Federal Register of November 23, 1984, and any subsequent Federal amendments thereto.

In the event that the National Institutes of Health shall discontinue or abolish their guidelines, those guidelines in effect at the time of such discontinuance shall remain in effect as to all activities within the Town of Bedford.

- b) Institution means: Any public or private entity including Federal, State, and local governmental agencies.
- c) Institutional Biosafety Committee (IBC) means: A committee that (i) meets the requirements for membership specified in the Guidelines and (ii) reviews, approves, and oversees projects in accordance with the responsibilities as defined in the Guidelines.
- d) Large-scale means: The use of more than ten liters but less than 5000 liters of RDNA culture.
- e) Recombinant DNA Molecules mean: (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.
- f) Significant deviation means: Any deviation that might have an adverse affect on personal or public health.

9.3 INSTITUTIONAL BIOSAFETY COMMITTEE (IBC)

- a) The Institutional Biosafety Committee (IBC), established by the Guidelines, shall include as members the Director of Public Health of the Town of Bedford or his/her designee, plus one additional community representative appointed by the Board of Health.
- b) The IBC shall meet no less than once a year. All minutes of the IBC meetings shall be forwarded to the Board of Health.
- c) The community member of the IBC and the Director of Public Health, or his/her designee, shall have no financial interest in any institution involved in the use of RDNA, or any other institution in competition therewith, and such representatives shall be bound to the same provisions as to non-disclosure and non-use of proprietary information and trade secrets as all other members of IBC, except to the extent

necessary to alleviate any public health hazard. As used in these regulations proprietary information and trade secrets shall be defined as set forth under the law of the Commonwealth of Massachusetts.

- d) In accordance with the Guidelines, the IBC, acting on behalf of an institution, reviews all RDNA use for compliance with the Guidelines and approves those projects that conform with the Guidelines. A description of each protocol approved by the IBC, including all organisms and the containment to be used, and a statement certifying that the experiment conforms with the Guidelines shall be filed with the Board of Health.
- e) All information sent to the Board of Health shall have any proprietary information and trade secrets removed therefrom. The full text shall remain on file in the records of the institution for inspection at all reasonable times by any member of the IBC.

9.4 PERMITS

- a) All institutions planning to use RDNA must obtain a permit from the Board of Health before commencing said technology. All permits are issued for one year and may be revoked for cause.
- b) Institutions seeking such a permit from the Board of Health shall submit the following:
 - (1) A plot plan showing the proposed location of the facility and a floor plan shown in the internal layout of the facility.
 - (2) A listing of all organisms, containment levels, and decontamination procedures to be employed.
 - (3) A plan for a screening process to insure the purity of the strain of host bacterial organisms used in the experiments and to test organisms resulting from such experiments for their resistance to commonly used therapeutic antibiotics. Host bacterial organisms obtained from independent laboratories shall undergo the same screening process.
 - (4) A plan for systematic monitoring of waste to assure that surviving RDNA organisms will not be released into the environment.
 - (5) A plan for systematic pest control management in laboratories, contiguous facilities and food service establishments in any and all segregated buildings.
 - (6) A plan for systematic security of the premises.
 - (7) The institution's health monitoring, health surveillance and safety manuals, together with the plan for an appropriate medical surveillance program as determined by the IBC for all persons engaged in the use of RDNA. Such programs shall include, but shall not necessarily be limited to:
 - A pre-employment medical examination for employees.
 - Prompt reporting to the IBC of employee illnesses that are potentially related to RDNA use.
 - Retention of medical and health records for ten years. Medical or employee health records shall be made available for inspection and may be used for public health studies.
 - A training program of safeguards and safety procedures for personnel.
 - (8) The name(s) of the Principal Investigator(s) who shall be responsible for enforcing the guidelines.
 - (9) A plan for orienting representatives of the Bedford Health, Fire and Police Departments to the physical plant and to procedures to be utilized in the event of an emergency.

(10) Written authorization to allow inspection of facilities and pertinent records by the Board of Health.

- c) The Board of Health shall review the institution's application for a permit and supporting documents. The Board of Health shall take final action on the permit application within 75 days after the application is filed. The period within which final action shall be taken may be extended for a definite period by mutual consent of the Board of Health and the applicant.
- d) The fee for a permit granted by the Board of Health, or annual renewal thereof, shall be \$500.00

9.5 INSPECTION AND REVIEW

- a) All institutions involved in the use of RDNA shall allow inspection of their facilities, procedures and practices in order to confirm compliance with this ordinance.
- b) The Board of Health will require an independent representative, professionally competent, paid for by the company, to perform inspections and reviews. The results shall be reported to the Board of Health, and the institution involved.
- c) The Board of Health, its employees, and any individual or institution employed to perform inspections shall maintain the confidentiality of all proprietary information released to them by reason of these regulations.

9.6 RESTRICTIONS

- a) RDNA use requiring BL3 and BL4 containment shall not be permitted.
- b) Experiments for which containment levels are not prescribed in the guidelines, shall be approved by the Board of Health before the experiment is initiated.
- c) Large scale RDNA use shall not be permitted without prior review and approval by the Board of Health. Use of more than 5,000 liters of RDNA culture shall not be permitted.
- d) Precautions shall be adhered to, to preclude release into the environment, that is to sewers, drains or the air, of any live organisms containing RDNA or active antibiotics.
- e) The institution shall report within 24 hours to the Director of Health, followed by a written report within 15 days to the Board of Health, any significant accidents or illnesses or releases related to the use of RDNA. An additional inspection of facilities and procedures may be deemed necessary by the Board of Health based upon its judgment of the nature and extent of the problem.

Section 10 Severability

10.1 Severability of Sections

The provisions of these Regulations are severable and if any provision shall be declared unlawful by a valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining provisions of these Regulations.

Section 11 Fee Schedule

11.1 Fee Schedule

(See APPENDIX – B)

Section 12 Penalties

12.1 Penalties

Unless otherwise specified within this Code of Health Regulations the following shall apply.

Whoever, by his/her servant or agent, or as the servant or agent of any other person or any firm or corporation, violates any regulation of this code may be punished by the maximum fines in accordance with Massachusetts General Law, including, i.e. recovery of all Town expense(s) incurred as a result of, or in association with the violation, and/or imprisonment, as may otherwise be provided by Law. Each day, after notice and deadline for correction has been provided, in which a violation continues shall constitute a separate and punishable violation.

Section 13 Inspection(s), Enforcement, and Notice

13.1 Inspection(s), Enforcement, and Notice

The Board of Health shall conduct inspections and may take such action(s) as deemed necessary for the protection of the public health and for the enforcement of these regulations.

If any inspection reveals a violation of any regulation of this Code, the Board of Health shall order the responsible party to comply with the violated provisions(s).

Any such order shall be in writing and served in the following manner:

- a) personally, by any person authorized to serve civil process, or;
- b) by any person authorized to serve civil process by leaving a copy of the order at the responsible party's last and usual place of abode, or
- c) by sending the responsible party a copy of the order by registered or certified mail, return receipt requested, if the responsible party is within the Commonwealth, or
- d) if the responsible party's last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the premises and by advertising it once in one or more newspapers of general circulation within the town.

Section 14 Variance

14.1 Variance

Unless otherwise specified within this Code of Health Regulations the following shall apply.

Upon receipt of written request, a variance from the specific requirements of this code of regulations may be granted by the Board after notice and a public hearing, if the Board finds that owing to unique circumstances a literal enforcement of the provisions of these regulations would involve a substantial hardship, financial or otherwise, and that the relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating the intent and purpose of these regulations. The Board may impose conditions, safeguards or limitations, both of time and of use, as it deems appropriate upon the grant of any variance.

Section 15 Reserved for Body Art

ARTICLE 49. CONTROL AND MANAGEMENT OF HAZARDOUS MATERIALS

49.1 Purpose

This Bylaw is hereby adopted to provide rules and guidelines for the safe management, handling, and transport of hazardous materials used in commercial, industrial, or other nonresidential settings in order to minimize, prevent, or eliminate adverse environmental effects and to protect public health.

49.2 Definitions

In this Bylaw the following terms shall mean:

- 49.2.1 "Board", shall mean the Bedford Board of Health and shall include enforcement officer/s as the Board may designate as its representative for purposes of enforcing the provisions of this Bylaw.
- 49.2.2 "Responsible Party", shall include owners, occupants, and operators of new or existing premises and operations, except residential, which use, handle, or manage hazardous materials.
- 49.2.3 "Hazardous Materials", shall mean any substance, or combination of substances, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. However, it does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967 as amended, or materials which are discharged subject to permits under the Clean Air Act of 1970 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Acts of 1954. The definition of hazardous materials shall include substances considered to be toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts under the provision of Massachusetts General Law, Chapter 21C as amended.
- 49.2.4 "Violation", shall include; failure to meet the provisions of this Bylaw, the required contingency plan or the required training plan.
- 49.2.5 "Certificate of Compliance", hereafter COC, is a document that certifies official recognition of compliance with respect to this Bylaw.
- 49.2.6 "Spills and Leaks", shall have the following meanings; i) An actual release to the environment of any substance listed in Public Law 99-499 ("SARA") Sections 302 and 304, or any substance listed in Massachusetts General Law Chapter 21E, in volume in excess of one half of the Reportable Quantity (RQ) stated therein, ii) An actual release to the environment of any substance listed in Massachusetts General Law Chapter 111F (the Massachusetts Substance List) in volume exceeding one (1) pound, and which substance is not already listed above.

49.3 Compliance

The Board may vary any requirement of subsections 3.1 and 3.2 upon demonstration by the applicant that the intent of said Sections 3.1 and 3.2 may be otherwise satisfied. (see also Bylaw Section 4.5)

49.3.1 Contingency Plan

- 49.3.1.1 The responsible party shall have a contingency plan for each facility. A statement of environmental policy signed by the responsible party shall be included indicating management's intent and resolve to prevent and minimize unsafe handling and accidental spillage of hazardous materials.

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- 49.3.1.2 The provisions of the contingency plan shall be carried out immediately whenever there is a spill or leak as defined in Section 2.6.
- 49.3.1.3 The contingency plan shall clearly define the lines of communication and responsibilities among facility personnel and shall describe the actions they shall take to:
- (a) comply with Sections 3.1.1 and 3.1.2; and
 - (b) complete incident notifications and reports
- 49.3.1.4 If the responsible party has, prior to the effective date of this bylaw, prepared a plan concerning Spill Prevention, Control, and Countermeasures (SPCC) or some other emergency or contingency plan, the responsible party need only add to that plan whatever is necessary to comply with the requirements of this Bylaw.
- 49.3.1.5 Each facility shall at all times have an emergency coordinator either on the premises, or, to the extent the facility's operations make this option inappropriate, on call and available to respond to an emergency by reaching the facility within one hour. The emergency coordinator shall have the responsibility for coordinating all emergency response measures. This person shall be thoroughly familiar with all aspects of the contingency plan, all operations and activities at the facility, the location and characteristics of hazardous materials, the location of all records, and the facility layout. The coordinator shall have access to all parts of the facility. In addition, this individual shall have the authority to hire emergency contractors, consultants, or other resources necessary to carry out the contingency plan in an emergency.
- 49.3.1.6 The contingency plan shall include maps and information which illustrate for the Bedford Fire Department, Department of Public Works, Police Department, area hospitals, and Board of Health, the layout of the facility and site, a complete listing of each hazardous material on-site with estimated maximum volumes of each hazardous material on site where the estimated maximum volumes exceed the referenced volumes in Section 2.6, and other information concerning the quantities, locations and methods of storage, handling, and disposal of hazardous materials/wastes. An effort to consider and identify wetlands, in accordance with MGL Ch. 131 s. 40 and the Town of Bedford Wetlands Protection Bylaw, shall be provided on a site map. As a minimum, the Town of Bedford Wetlands Maps shall be used as a reference. Following any hazardous materials spill, the site map shall be revised to include an on site wetlands delineation.
- 49.3.1.7 The contingency plan shall show an updated list containing the names, addresses, and the office and home telephone numbers of all individuals qualified to act as emergency coordinator. If more than one individual is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates. For new facilities, this information shall be initially supplied to the Board of Health at the time of application for COC. The Board of Health shall be promptly notified of any changes in this information.
- 49.3.1.8 The contingency plan shall include a list of all emergency equipment, including emergency medical equipment, to be kept and maintained at the facility. This list shall be kept up-to-date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.
- 49.3.1.9 The contingency plan shall include a description of procedures, or equipment used at the facility to prevent and/or respond to:
- (a) uncontrolled reaction of incompatible materials especially wastes; for example, procedures to avoid fires, explosions, or toxic gases;
 - (b) hazards in unloading operations; for example, ramps, special fork lifts, emergency containment equipment;

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- (c) run-off from hazardous material handling areas to other areas of the facility or environment; for example, floor drains and exterior surface and storm drainage systems;
 - (d) flooding;
 - (e) adverse effects of equipment failure or power outages;
 - (f) hazards to public health, safety, or welfare or the environment from fires, explosions, spills, or any other unplanned or non-sudden release of hazardous materials to air, soil, surface water, or ground water;
 - (g) undue exposure of personnel to hazardous materials (e.g., protective clothing).
- 49.3.1.10 The plan shall include a facility evacuation plan. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes in case the primary routes were to be blocked by potential or actual releases of hazardous waste or fires.
- 49.3.1.11 Reports of Spills and Leaks. Any person having knowledge of a spill or leak of hazardous material shall report same immediately to the Fire Department and additionally to the Board as soon as possible and within two (2) hours.
- 49.3.1.12 The Board may require a Responsible Party to implement reasonable measures to protect the environment or public health consistent with Section 1.0. Said requirements shall be reasonable in relation to the hazard involved and difficulty of compliance.

49.3.2 Training Plan

49.3.2.1 Training Program:

- (a) Personnel assigned to the management or handling of hazardous materials shall successfully complete an initial and annual refresher review program of instruction or on-the-job training that teaches and reminds them to perform their duties in a way that ensures environmental safeguards, adequate personal health, public health, and the conditions of the facility's contingency plan in accordance with Bylaw Section 3.1. This program shall be directed by an instructor trained in hazardous material and hazardous waste management procedures and shall include instruction concerning specific hazardous waste management procedures, including contingency plan implementation relevant to the position in which the individual is employed.
- (b) Personnel new to a facility shall not work in unsupervised positions until they have successfully completed appropriate training in accordance with Bylaw Section 3.2.1.
- (c) Within 6 months of being assigned to a new position at the facility such personnel shall be provided additional training as needed in order to perform their new duties in accordance with Bylaw Section 3.2.1.
- (d) Training records of current personnel shall be retained for the duration of their employment at the facility. Training records of former personnel shall be kept for at least three years after the person last worked at the facility.

49.3.2.2 Contents of Training Plan:

- (a) All instructors shall access and utilize in each training session a brief introductory training unit prepared and/or approved by the Bedford Board of Health. Said training unit will present and comprise "The Bedford Experience", i.e. the continuing consequences with respect to hazardous waste and hazardous material releases in general.
- (b) The Responsible Party shall prepare a written personnel training plan designed to ensure compliance with Bylaw Sections 3.2.1(a) - 3.2.1(d). To ensure that personnel are able to respond effectively to emergencies the training plan shall:
- (1) Specify the frequency and the manner in which personnel will be familiarized with the chemical properties of the hazardous materials at the facility, emergency procedures, emergency equipment, emergency systems, and personnel safety

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equipment. This may be provided either individually by job title or by category of job function.

- (2) Provide procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.
- (3) Provide instructions for the proper use of automatic safety systems, if any;
- (4) Provide guidelines and procedures for emergency communications and use of alarm systems, if any;
- (5) Provide guidelines and procedures to respond to fire, explosions, and threat of a spill or leak;
- (6) Provide guidelines to respond to potential ground water or surface water contamination incidents;
- (7) Provide a list, by job title, of each position related to the management or handling of hazardous materials;
- (8) Provide a written description of the continuing training (vs. introductory training) that will be given to each individual filling a position listed pursuant to Bylaw Section 3.2.1(a).
- (9) Provide for a records system that documents that the training required pursuant to Bylaw Section 3.2.1(a) has been given to, and satisfactorily completed by facility personnel; and
- (10) Provide procedures for shutdown of operations.

49.3.3 Annual Review of Contingency Plan and Training Plan

The contingency and training plans shall be reviewed by the Responsible Party and the Board on an annual basis utilizing a form supplied by the Board, and the plans shall be amended if necessary, whenever:

- 49.3.3.1 A plan is to be voluntarily revised by the responsible party;
- 49.3.3.2 The plan fails in an emergency;
- 49.3.3.3 The list of emergency coordinators changes;
- 49.3.3.4 The list of hazardous materials, estimated volumes of hazardous materials, or the list of emergency equipment changes;
- 49.3.3.5 There is any change in the operation or maintenance of the facility;
- 49.3.3.6 There occurs any other circumstance which indicates the need for a change;
- 49.3.3.7 Upon request of the Board.

49.4 Compliance Procedures

49.4.1 Application and Renewal Requirements: Responsible Parties shall submit a letter to the Board requesting a COC and shall adhere to the following procedures:

- 49.4.1.1 Five copies of the required initial Contingency Plan and five copies of a detailed outline of the required initial Training Plan shall be provided by the applicant. A complete Training Plan shall be provided upon request of the Board at the time of initial compliance or any renewal.
- 49.4.1.2 The site shall be identified and a brief summary of site operations shall be provided on the cover page of each plan.
- 49.4.1.3 A renewal form, as supplied by the Board, shall be completed and returned to the Board on an annual basis by all Responsible Parties who have been issued a COC.
- 49.4.1.4 A filing fee shall be submitted with each initial COC application and each renewal application. The fee submittal shall be consistent with a fee schedule developed by the Board and said fee schedule may be revised from time to time in accordance with MGL Ch.111 Sec. 31. Until notice to the contrary, the fee schedule shall be as follows:
 - (a) \$200. - for each initial COC application submittal

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- (b) \$25. - for each annual review and routine amendments to Contingency Plans and Training Plans. Refer to Secuon 3.3.
- (c) \$300. - for all requests to review and/or amend Contingency Plan and/or Training Plan submitted in response to an emergency incident in which either plan has failed as determined by the Board.

49.4.2 Interagency Review

Upon receipt of a complete application, the Board shall immediately transmit a copy of the Contingency Plan and the detailed outline of the Training Plan to Fire Department, Public Works, Conservation Commission, and Selectmen. Each agency shall make recommendations as they may deem appropriate and forward these recommendations to the Board of Health within 30 days after receiving said documentation.

49.4.3 Decision Process

The Board shall act upon a completed application for COC within 75 days of receipt of application. In making such determinations the Board shall give consideration to the simplicity, reliability, and feasibility of the proposed control measures, and the degree of threat to the environment and public which would result if the control measures failed. Failure of the Board to respond or act within the referenced 75 day period shall be deemed a lack of opposition thereto.

49.4.4 Inspection

The Board may, according to law, enter upon any premises except residential, at any reasonable time to inspect for compliance with the provisions of this Bylaw. Upon demand by the owner or person in control of the premises, however, the Board shall obtain a warrant authorizing such entry and inspection. Information necessary to demonstrate compliance shall be submitted by the occupant of the premises at the request of the Board. If requested, samples of hazardous materials shall be provided to the Board for testing. All records pertaining to hazardous materials, disposal and removal shall be retained for no less than five (5) years and shall be made available for review within 48 hours of a request.

49.4.5 Variance Process

Upon receipt of written request, a variance from the specific requirements of this Bylaw may be authorized by the Board, after notice and a public hearing, where the Board finds that, owing to circumstances relating to the type of operation, hazardous material, or anticipated volume of hazardous material, a literal enforcement of the provisions of the Bylaw would involve a substantial hardship, financial or otherwise, and that the relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this Bylaw. The Board may impose such conditions, safeguards and limitations, both of time and of use, as it deems appropriate upon the grant of any variance.

49.4.6 Confidentiality

Any information, record, or particular document obtained by the Board shall, upon written request by the applicant, be kept confidential and not considered to be public record when it is deemed by the Board that such record, information, or report relates to proprietary processes, methods of manufacture or production or that such record, information, or report, if made public, would divulge a trade secret. This section shall not prevent disclosure of any information necessary for an enforcement action.

49.5 Enforcement

47.5.1 The provisions of this Bylaw shall be enforced by the Board of Health.

47.5.2 Responsible Parties violating this Bylaw shall receive written notification of violation. Said notification shall include a time allowed to correct the violation and may suggest corrective action/s which would be acceptable to the Board. Penalties, in accordance with Secuon 7.0, will commence accruing subsequent to elapse of the allowed time to correct said violation.

49.6 Administrative Appeal

Whenever the Board denies or modifies a COC the Board shall inform the Responsible Party to whom such action is addressed of its right to submit, within 15 days, a written request for reconsideration of that action. The request shall set forth in detail the facts supporting the request for reconsideration. The Board shall schedule interviews with the Responsible Party submitting the request and shall rule in writing on the request within 45 days of the completion of the interview process.

49.7 Penalties

Violations of this Bylaw shall be punishable by the maximum fines in accordance with Massachusetts General Law Chapter 40 Section 21 and additionally as may be provided for by law, i.e. recovery of all Town expenses incurred as a result of and associated with the violation. Each day or part thereof that such violation continues shall constitute a separate punishable offense.

49.8 Validity and Separability

The invalidity of one or more sections, subsections, clauses or provisions of this Bylaw shall not invalidate or impair the Bylaw as a whole or any other part thereof.

	LICENSE/PERMIT	FEE per MGL Ch. 111 s.31	EXPIRATION DATE
1	Animal Permits	\$15/unit	31-Dec
2	Burial Permits	\$10.00	
3	Disposal Works Construction Permit	\$200.00	31-Dec
4	Disposal Works Installers Permits	\$75.00	
5	Food Service Establishment Permits		
	Food Service, 0-25 seats	\$150.00	28-Feb
	Food Service, 25+ seats	\$150.00 plus \$2.50 each seat over 25 seats	28-Feb
	*Retail Food	\$150.00	28-Feb
	**Retail Food Small Scale	\$20.00	28-Feb
	***Supermarket	\$300.00	28-Feb
	NOTES		
	*Retail Food = up to 3500 sq. ft. floor space of food operation		
	**Retail food, Small Scale Operation = less than 18 sq. ft. floor space of non-potentially hazardous food operations		
	***Supermarket = greater than 3500 sq. ft. floor space of food operations		
6	Mobile Unit/Push Cart	\$50.00	28-Feb
7	Residential Kitchen	\$50.00	28-Feb
8	Function Halls	\$100.00	28-Feb
9	Church Kitchens	\$0.00	
10	Temporary Food Establishment	\$25.00 per event	28-Feb
11	Caterers	\$75.00	28-Feb
12	Frozen Dessert Mnfr's License	\$25.00	28-Feb
13	Funeral Director's License	\$50.00	30-Apr
14	Motel/Recreation Camp License	\$50.00	31-Dec
15	Soils Test: Includes observation, test pits, percolation tests, ground water evaluation/determination & septic system plan review.	\$300.00 per lot per day	
16	Swimming Pool Permit	\$150.00	31-May
17	Private Well Permit/Registration		
	Potable/Drinking	\$100.00	
	Irrigation	\$25.00	
18	Tanning Facility License	\$25.00 per device	30-Jun
19	Recombinant DNA Molecule Technology	\$500.00	31-Mar
20	Garbage, Rubbish, Septic Haulers Permit (commercial transporters)	\$75.00	31-Dec
21	Plan Review	\$75.00	
22	Hazardous Material Certificate of Compliance		
	New	\$200.00	
	Annual Renewal	\$25.00	
	Post incident review	\$300.00	
23	Massage Therapy; Bodywork; Movement Education		31-Dec
	Professional Practitioner License	\$50.00	
	Student/Apprentice Practitioner Permit	\$50.00	
	Establishment Owner/Operator License	\$100.00	
24	Tobacco Sales	\$100.00	31-Dec
25	RN Screening(S) Service(s)	*Range: \$1 to \$10	
26	Beaver Removal Permit	\$50.00	
27	Late Permit Reinstatement Fee		
	Up to 30 days delinquent - Fee 25% increased		
	30-60 days delinquent - Fee 50% increased		
	>60 days delinquent = permit lapsed, new review and fee doubled prior to reinstatement		