

Town of Northbridge
Board of Health
Code of Regulations

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§ 201-1. Administrative. *[Amended 10-24-2011; Effective 12-1-2011]*

A. Definitions. As used in these regulations, the following terms shall have the meanings indicated:

APPROVED -- Licensed by the Board of Health of the Town of Northbridge in accordance with accepted standards of the State Department of Public Health and/or the State Department of Education.

BOARD OF HEALTH or BOARD -- The legally constituted Board of Health of the Town of Northbridge, Massachusetts, or its agent.

LICENSE and PERMIT -- The same.

OPERATOR -- The person in control of a particular establishment.

PERSON -- Any person, company, corporation, trust or any other entity.

B. Procedures.

- (1) 105 CMR 400, Chapter I of the State Sanitary Code, as most recently amended, which outlines administrative procedures relative to the Sanitary Code, is hereby adopted as a local regulation for the Town of Northbridge.
- (2) 310 CMR 11.00, Title I of the State Environmental Code, as most recently amended, which outlines administrative procedures relative to the Environmental Code, is hereby adopted as a local regulation of the Town of Northbridge.
- (3) All applications shall be made on a form approved by the Board of Health.
- (4) The license fee is considered part of the application.
- (5) Renewal of a permit is the sole responsibility of the permit holder. Any holder of a valid permit who fails to file for renewal of a permit before its expiration, and continues to operate after expiration of a permit, shall be assessed a Late Fee in the amount of \$50.00. Applications for renewal exceeding 30 days past the permit expiration shall be assessed a Late Fee in the amount of \$100.00. **(Amended 10-24-2011; Effective 12-01-2011)**

C. The Board of Health of the Town of Northbridge, in order to adequately protect the public health, and acting under the authority of Chapter 111 of the Massachusetts General Laws, hereby makes the following health regulations. All regulations previously made by the Board of Health shall no longer be in effect, except as to those matters currently pending.

Any condition which existed prior to the effective date of these regulations shall not be grandfathered or regarded as exempt from these regulations.

§ 201-2. Food regulations. [Amended 10-24-2011; Effective 12-1-2011; 11-13-18, effective 12-1-2018; Amended 11-14-2022, effective January 1, 2023]

Section 1. Authority

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

Section 2. Definitions

Board: The Board of Health of the Town of Northbridge and its authorized agent(s).

Cottage Foods: Non-time/temperature control for safety baked goods, jams, jellies, and other non-time temperature control for safety foods produced at a properly permitted residential kitchen food establishment for sale directly to the consumer.

Food Establishment: For the purposes of these regulations, “Food Establishment” is defined herein to match the definition within 105 CMR 590.001 under “Food Establishment.” In addition, a Food Establishment shall also include an establishment that offers only prepackaged foods regardless of whether they serve time/temperature control for safety foods.

Frozen Dessert Machine: For the purposes of these regulations, “Frozen Dessert Machine” is defined herein to mean any piece of equipment that vends “Frozen Dessert” as defined in 105 CMR 500.003.

Grease Trap: Also referred to as a “Grease Interceptor” by 248 CMR 10.00 (“Uniform State Plumbing Code”), is a device designed to remove dissolved and/or suspended grease and waste oil from wastewater and which bears the seal of acceptance of P.D.I. (Plumbing and Drainage Institute).

Mobile Food Operation: A Food Establishment that does not have a fixed location of operation, which includes but is not limited to food trucks, ice cream trucks, food carts, and other such operations.

Permit Holder: An individual that has successfully applied for and been approved to possess a Food Establishment Permit from the Town of Northbridge. For the purposes of these regulations, unless otherwise specified, a Permit Holder shall refer to an individual that possesses either a temporary, annual, mobile food, and/or a residential kitchen food establishment permit.

Permitted Offal Hauler: Any offal hauler that holds a current permit issued by the Northbridge Board of Health to remove, transport, and dispose of garbage, offal, or other offensive substances.

Section 3. Permitting

- A. 105 CMR 590.000, Chapter X of the State Sanitary Code, Food Establishment Regulations, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. No person shall operate a food establishment without first obtaining a permit from the Northbridge Board of Health. All food permits shall expire on December 31st of the year issued. Permits are not transferable.

- C. All permit applications for a Food Establishment in the Town of Northbridge shall include, at a minimum, all documentation as noted on the application document as approved by the Board. Failure to provide all necessary paperwork shall be deemed adequate reason to deny the permit application. All documentation must be up to date, and all certification attached must be issued by an accredited institution approved by the Massachusetts Department of Public Health. This documentation may include, but is not limited to, the following:
- a. A copy of every Food Manager Certification held by staff, or Food Handler Certification if deemed acceptable by the Board as indicated in Section 6B.
 - b. A copy of every Allergen Awareness Certification held by staff.
 - c. A copy of every Choke Saver Certification (if applicable) held by staff.
 - d. A Worker's Compensation Insurance Affidavit.
 - e. A Revenue Enforcement and Protection (REAP) Attestation.
 - f. Approval may be required from any applicable municipal departments whose involvement is necessary for the proper operation, construction, or renovation of the Food Establishment or any equipment therein. This documentation may be provided within a reasonable timeframe after the submission of all other documentation so long as said timeframe does not exceed a period approved by the Board. The permit is not considered active until all such documentation is presented and approved by the Board.
 - g. A Plan Review application (if applicable) as specified under Section 3E.
- D. Every permit holder must possess current copies of these local food regulations, 105 CMR 590.000 in both its original form and in the form of the Merged Food Code guidance document published by the Massachusetts Department of Public Health, and any other regulations the Board may reasonably require.
- E. A Plan Review shall be required for all new establishments, the remodeling of an existing establishment including the installation of any new equipment, and for establishments that are changing ownership. Plans and specifications for all new establishments and of all proposed and/or fixed equipment, walls, floors, ceilings, shelving, etc. are considered a part of the Plan Review application.
- F. It is the responsibility of the permit holder to renew their food establishment permit. As a courtesy to permit holders, permit renewal reminder notices may be sent by the Board of Health prior to the expiration date of the food permit.
- G. Mobile Food Operations shall provide a copy of the food permit for their base of operations upon initial application and annually thereafter indicating approval of said facility by the Board for use by the Mobile Food Operation's Permit Holder. Mobile Food Operation Permit Holders shall also supply annually to the Board and local Police Department (if applicable) a list of stops and times of operation within the permitting town.
- H. Any application for a temporary food permit shall be submitted to the Board no less than 14 days before the event. Applications received less than 14 days prior to an event shall be assessed an Expedited Processing Fee. No application received within 48 hours of an event will be accepted by the Board.
- I. Existing establishments that are transferring to a new owner, and in which there will be no modifications of the type of product offered, nor modification of the facility, must submit a Plan Review AND a Food Permit application a minimum of 30 days prior to the transfer date. Establishments previously grandfathered must be brought into compliance with these regulations. Establishments operating under a variance must resubmit a variance request in writing as outlined in Section 9 of these regulations.
- J. No food establishment shall add any form of food service without the written approval of the Board. Application for the approval of any such additional service(s) must be done in writing and submitted for review to the Board.

- K. Prior to commencement of operations, any Food Establishment applying for a permit for the first time or after a significant span of time of discontinued operations (as determined by the Board), will be subject to a pre-operation inspection. At the time of the inspection, the Food Establishment shall demonstrate sufficient readiness to begin operations and shall have no significant violations as deemed by the Board. The Food Establishment Permit is not considered active until such a time as the Board has deemed its operational capacity to be sufficient through the conduct of this pre-opening inspection and any subsequent re-inspections necessary to correct violations to these and other applicable regulations.

Section 4. Equipment and Physical Facilities

- A. All food equipment installed in a food establishment, including refrigeration and freezer units, cooking equipment, hot and cold holding units, and tables used for the preparation of food must be National Sanitation Foundation (NSF) approved.
- B. All equipment shall meet all applicable local and state laws and statutes, including but not limited to 527 CMR 1.00 ("Fire Code") for vent hoods and other fire prevention systems, 248 CMR 10.00 ("Uniform State Plumbing Code") for plumbing fixtures, and 527 CMR 12.00 ("Massachusetts Electrical Code").
- C. All restrooms shall be equipped with a covered trash receptacle.
- D. Approval by the Board is required for all new or replacement equipment. Failure to obtain approval shall be deemed a violation of these regulations. In addition to the penalties defined in Section 7E, the Board may require the removal of any and all equipment that does not obtain approval.

Section 5. Grease Interceptors

- A. All Food Establishments in possession of an internal grease trap that connects to a public waste disposal system must be inspected monthly by the Permit Holder, their designated representative, or a Licensed Offal Hauler. Said grease traps must be cleaned/emptied by either the Permit Holder, their designated representative, or a Licensed Offal Hauler every four (4) months or when an inspection reveals that the contents of the grease trap exceed 25% of its maximum capacity, whichever is sooner. All Food Establishments in possession of an external grease trap that connects to a public waste disposal system must be pumped every four (4) months at a minimum by a Licensed Offal Hauler. Service records for both forms of grease trap must be maintained on-site and be accessible for review by the Board or its agent(s).
 - a. Exceptions to the requirement for the proposed cleaning schedule for internal grease traps may be issued by the Board on a case-by-case basis, provided the Permit Holder submits a written request for an exception to Section 5A of these regulations alongside an explanation why the requirement is not necessary to protect the public health and the integrity of the public waste disposal system, or would otherwise constitute a manifest injustice. The Board will issue a decision in writing, a copy of which must be maintained on-site of the Food Establishment for review on request by the Board, as well as the office of the Board of Health.
- B. Any inspections conducted of internal grease traps as specified in Section 5A must be recorded and kept on-site of the Food Establishment for review on request by the Board. Such records will, at minimum, have a time and date of the inspection, the level of grease noted at time of inspection, what corrective action(s) were taken (if any), and the initials of the individual who conducted the inspection. This documentation shall be retained on site for a period of no less than two (2) years.

- C. All Food Establishments in possession of a grease trap that connects to a private septic system, whether internal or external, shall conform to the requirements for maintenance and repair of said grease trap as specified in 310 CMR 15.00 ("Title V").
- D. New or remodeled food establishments that prepare food with a seating capacity in excess of 75 seats must install an external grease trap with a minimum capacity of 1,500 gallons.
- E. Waste grease and oil shall not be disposed by the sanitary sewer. All waste oil and grease must be collected in an appropriate container provided by an approved vendor. The container must be stored on an impervious surface such as concrete or pavement.

Section 6. Operations

- A. Every Food Establishment Permit Holder (annual, seasonal, or temporary) shall employ at least one (1) full-time equivalent person in charge who shall be an on-site manager or supervisor and is at least 18 years of age, and who by being a certified food protection manager has shown proficiency of required information through passing a test that is part of an accredited program recognized by the Massachusetts Department of Health. Each food service establishment shall be required to have a certified food protection manager on staff at all times that food is being prepared and/or served. Documentation of successful completion must be on file in the Board of Health office as well as on-site at the Food Establishment, readily available during inspection. One approved course must be taken every five (5) years. If the certified food protection manager is transferred, terminated, or terminates employment, the Permit Holder shall notify the Board in writing and shall have sixty (60) days to employ a replacement. The Board may grant an extension not to exceed an additional sixty (60) days to comply with this requirement if deemed necessary.
- B. Residential Kitchens preparing only Cottage Foods are exempt from the requirements to maintain a Food Manager Certification as specified in Section 6A. However, they shall at minimum possess a Food Handler Certification.
- C. All Food Establishments shall have a means of cleaning up vomiting and diarrheal events, as well as other hazardous bodily fluid spills. Tools necessary to properly clean such events must be readily accessible to staff at all times, and a written procedure for how to address such an event shall be maintained on the premises and provided during an inspection.
- D. All caterers licensed by the Board must maintain a record of catered functions which include at least the following: date, person (name, address, and telephone number), contracting services, menu, food preparation staff, wait staff, and approximate number of persons served. All establishments which accommodate catered functions must retain for a minimum of 90 days a record of the name and address of the caterer, date of event, person in charge of the function, and number of people in attendance.
- E. All Food Establishments shall be required to contract with a Massachusetts licensed pesticide applicator for pest control services. Said contract shall specify monthly inspections of the establishment by the contractor and elimination of any infestations, if encountered, at a minimum. Each establishment shall make available for review by the Board a copy of said contract and all receipts of pesticide application undertaken by the licensed applicator, as well as any existing work logs and records of investigations by said contractor.

Section 7. Inspections and Enforcement

- A. Routine inspections of Food Establishments shall be conducted by an agent of the Board every six (6) months. The Board may choose to adopt a risk-performance based inspection schedule prioritizing more frequent inspections based upon its assessment of a Food Establishment's

history of compliance with these regulations, and the Food Establishment's potential as a vector of foodborne illness. The Board may charge additional fees proportional to an increase in number of inspections of the Permit Holder. Whenever an inspection of a Food Establishment is made, the findings shall be recorded on a printed inspection report form. This inspection report shall be deemed an Official Order to Correct the violations noted therein. Time permitted for compliance shall depend upon the nature of the violation and shall be noted within the inspection report form.

- B. Corrected violations will be confirmed via a re-inspection of the Food Establishment, conducted following the permitted time noted on the original inspection form, at the discretion of the Board.
- C. Any outstanding violations found during the re-inspection will need to be corrected and confirmed at a second re-inspection. The Permit Holder will be charged a fee as established in the Board of Health Fee Schedule (§ 201-23) for this re-inspection. The time permitted for compliance shall depend on the nature of the violation and shall be noted within the inspection report form.
- D. Any outstanding violations found during a second re-inspection will need to be corrected and confirmed at a third re-inspection. The Permit Holder will be charged a fee in addition to the fee listed in Section 7C as established in the Board of Health Fee Schedule (§ 201-23). In addition, the Permit Holder will be required to come before the Board, whereupon a correction plan must be submitted to the satisfaction of the Board. Failure to correct violations by the time of the third re-inspection may be deemed by the Board as sufficient cause to suspend or revoke the Food Establishment Permit. The time permitted for compliance shall depend on the nature of the violation and shall be noted within the inspection report form.
- E. The Boards reserves the right to impose additional fees for specific violations for reasons including but not limited to the following:
 - a. The violation creates an imminent health hazard as defined in 105 CMR 590.
 - b. The violation in question is of sufficient severity as decided by the Board to constitute a significant risk to health and safety.
 - c. The violation in question has recurred in prior inspections, or existing records indicate that the Food Establishment has been fined in the past for said violation and the violation has recurred.
 - d. The violation relates to possession or operation of a piece of equipment that does not possess approval by the Board.
- F. Fees imposed in Section 7E shall not exceed a value of \$100 for the first offense, or a value of \$300 for subsequent offenses. Every day a violation that imposes a fee as specified in Section 7E persists shall be considered to be a separate violation.
- G. Payment of all incurred fees is the responsibility of the Permit Holder. Until such a time as all outstanding fees are paid, the Permit Holder will not be eligible for renewal of their Food Establishment Permit.
- H. For the purposes of these regulations, inspections conducted to address general or illness complaints do not count as a re-inspection.

Section 8. Frozen Dessert

- A. 105 CMR 500.00 ("Good Manufacturing Practices for Food") is hereby adopted as a local regulation for the Town of Northbridge.
- B. In the event of a conflict between these regulations and 105 CMR 500, the more stringent regulations shall apply.

- C. Any individual, company, or other organization wishing to operate a Frozen Dessert Machine in the Town of Northbridge must first obtain a Food Establishment permit appropriate to their type of establishment.
- D. Any Food Establishment operating in the Town of Northbridge that wish to operate a Frozen Dessert Machine must obtain a Frozen Dessert Permit from the Board.
- E. All Frozen Dessert Machines must conform to the requirements for equipment as specified in these regulations, in addition to requirements for equipment as specified in other applicable local, state, and federal laws, bylaws, and regulations.
- F. Frozen Dessert Permit applications must be submitted with all applicable documentation. A Frozen Dessert Permit will be valid for a period of no longer than one (1) year commencing March 1st.
- G. Frozen Dessert Permits are non-transferable.
- H. Frozen Dessert Machines shall be tested at a frequency and to the specifications outlined in 105 CMR 500.
- I. A copy of all testing reports and all other documentation required by 105 CMR 500 shall be submitted to the Board, and a copy of such documentation shall be retained on site for a period of no less than two (2) years and shall be available upon request by the Board.

Section 9. Variance

Any request for a variance from these regulations must be submitted in writing to the Board. The Board shall within 30 days of receipt of the request for variance hold a public meeting, at which time the applicant must demonstrate to the Board, by clear and convincing evidence, that there will be no adverse effect on the public health by the granting of the variance request. All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.

Section 10. Severability

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

Section 11. Effective Date

This regulation shall take effect on January 1, 2023.

§ 201-3. RESERVED [Frozen dessert machines at the retail level. – Remove effective January 1, 2023]

§ 201-4. RESERVED [Installation and maintenance of grease traps and removal of grease from food establishments. – Remove effective January 1, 2023]

§ 201-5. Sewage disposal. *[Amended 6-15-1999, effective 7-1-1999; Amended 6-19-2007, effective 7-1-2007]*

- A. 310 CMR 15.00, Title V of the State Environmental Code, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. Percolation and soils evaluation testing procedures.
- (1) Application for percolation/soils evaluation testing must be filled out completely and submitted with appropriate fee to the Board of Health office prior to testing. This form shall include the name of the applicant, owner if different, street address, map and parcel number (available from the Assessor's office), the location of the proposed testing and the name of the registered professional engineer, registered sanitarian or other professional authorized by law who will be performing the test in the presence of the Board of Health Agent. Included with this application shall be the Assessor's map showing the location of the testing with directions to the site (off road), etc. For large tract testing a copy of the proposed lots will be required. Utility pole number nearest lot may also be required. All documentation will be required prior to testing.
 - (2) The Board of Health will issue a permit number for each application submitted. This number is required when scheduling testing with the Board of Health Agent. No testing will be scheduled without this number. The Engineer for the applicant requesting the testing shall contact the Board of Health Agent a minimum of seven days prior to the requested date. Testing will be scheduled on a first-come first-served basis.
 - (3) Percolation and soils evaluation tests may be made at any scheduled time during the year. However, an acceptable percolation test does not mean the lot is buildable.
 - (4) Soils evaluation holes on single lots must be excavated prior to the Agent's arrival on site and are to be left open for inspection. Soils evaluation holes shall be excavated on the day of testing and not the day before.
 - (5) At the time of testing, the engineer performing the test will set a permanent benchmark and provide the Board of Health Agent with elevations of each percolation and soils evaluation test performed. The engineer shall also provide horizontal ties to all permanent landmarks, property corners, utility poles, etc. This includes failed tests and abandoned tests as well.
 - (6) For new construction only, the engineer will be required to place grade stakes in all soils evaluation holes. These stakes will be marked with the test number and date of testing. The stakes will serve to locate the testing at future dates. This is not a requirement for soils testing on septic system repairs.

- (7) For testing on large tracts of land or land not easily accessible, the engineer performing the test will provide to the Board of Health within 60 days of testing, but in any case prior to submitting design plans, the above information (elevations and ties) or the results will be considered null and void and a new application and fee will be required. This will also violate 310 CMR 15.018 which gives soil evaluators 60 days to submit test information or face revocation of certification.
- (8) In areas of rock outcrops, ledge, or other areas comprised of less than four feet of natural occurring pervious material, a minimum of four soils evaluation holes will be required to ensure on-site suitability. The Board of Health Agent may require additional holes if necessary.
- (9) In the case of a cancellation of testing, the Board of Health Agent must be notified 24 hours prior to the scheduled test to avoid forfeiture of application fee. This does not include cancellation due to weather conditions.
- (10) The applicant's engineer must submit within 60 days of the date of the percolation and/or soils evaluation the results of those tests on DEP approved forms pursuant to 310 CMR 15.018. When testing is done separately results shall be forwarded and not left until the testing has been completed.
- (11) A complete soils test shall be valid for a period of two years. A complete soils test shall be considered the performance of both the soils evaluation holes and percolation test. The two-year period shall commence upon the performance of the complete soils test.
- (12) If the tests are done separately (soils evaluation one time, percolation test another), then the remaining part of the test must be completed within one year of the performance of the first part of the test to avoid forfeiture of the application. A new application will be required to continue testing.
- (13) If one or both tests should fail and the lot is comprised of enough area, then all other testing must be performed at least 60 feet from the failed test. A second application with appropriate fee may be required prior to testing. Abandoned test (other than due to high groundwater) will be considered as failures.
- (14) Unused applications will be good for a period of one year, after which time they shall be considered null and void and a new application submitted; application fees are nonrefundable.
- (15) Additional tests due to movement of the system or other engineering requirements will need a new application and will be subject to scheduling procedures.
- (16) Extensions beyond the two-year time limit for completed test are allowed with certain provisions. Please see § 201-5M of these regulations.

- (17) As of March 31, 1998, the Board of Health will no longer accept soils data performed under the 1978 Title 5 Code.

C. Plan requirements.

- (1) All requests for plan reviews shall be submitted to the Board of Health office using the request for plan review form. Each request must include the appropriate fee, an application for disposal works construction permit and six sets of the design plan.
- (2) All plans are to show name of applicant, owner's name and name of individual for whom the percolation test was performed (if different from present applicant), engineer at the time of testing, and agent witnessing the test as well as others present on site. The house number and street location of the lot should be shown and reference made to the lot designation used when the percolation tests were performed (if different) as well as the permit number from the subsurface testing.
- (3) The minimum effluent loading rate for design shall be 0.6 gpd/sq.
- (4) The following information will be required on all plan review submittals and shall be considered amendments to 310 CMR 15.00, Title, 5 of the State Environmental Code:

(a) Title block.

- [1] Name of applicant.
- [2] Street address and lot number.
- [3] Name of engineer/sanitarian.
- [4] Address and phone number of engineer/sanitarian.
- [5] Engineer/sanitarian stamp (wet stamp; including discipline).
- [6] Engineer/sanitarian signature and date.
- [7] Revisions, date and type.

(b) Design criteria.

- [1] Number of bedrooms.
- [2] Number of people (if required).
- [3] Square footage of building (if required).
- [4] Number of gallons per day.
- [5] System in nitrogen sensitive area (then no more than 440 gpd per acre required; well and septic quality as nitrogen sensitive).
- [6] Size of septic tank (one-thousand-five-hundred-gallon minimum).
- [7] Note that no garbage disposal is allowed.
- [8] Note that hydraulic cement is required to seal all connections at the septic tank and d-box.
- [9] Note that water softeners are not to be connected to tank.

(c) Property plan.

- [1] Property lines with bearings and distances.
- [2] Building setback lines in accordance with zoning.
- [3] Lot number, area and deed reference.
- [4] Existing topography shown as dashed lines at two-foot contour intervals minimum (at least 100 feet in all directions).
- [5] Proposed topography shown as solid lines at two-foot contour intervals minimum (at least 100 feet in all directions).
- [6] Plan at 20 scale (30 and 40 scale plans will not be allowed); locus plans allowable at a lesser scale.
- [7] North arrow.
- [8] Locus map.
- [9] Property abutter(s) (direct abutters only).
- [10] Two permanent benchmarks with good descriptions shown on the lot out of the construction area; ties to benchmarks will be required.
- [11] Street name and width; noting public or private.
- [12] Note any stormwater drainage or note that none exists.
- [13] Note any wetland areas and who flagged or state that no wetlands are found within 200 feet of the disturbed area.
- [14] Show all water supplies, existing and proposed, within 200 feet (well and municipal) of the proposed septic system or note if over 200 feet.
- [15] Show all septic systems within 150 feet of the proposed septic system or note if greater than 150 feet.
- [16] Distance ties to well.
- [17] Distance ties to septic system (include at least two ties to opposite corners).
- [18] Any and all easement shown and labeled with metes and bounds.
- [19] Show Flood Hazard Map reference and state if project falls within a flood hazard area.
- [20] Note if area is tributary to a drinking water supply or note if not.
- [21] Show any and all public drinking water supply wells or note if none exist.
- [22] Show any overhead wires and underground utilities or state that none exist.
- [23] A DigSafe note and telephone number shall appear on all plans.
- [24] State which zone the parcel lies in and show setback requirements (this will be reviewed by the Building Inspector).
- [25] Legend.
- [26] House/building sill and basement floor elevations.
- [27] Proposed spot elevations at house (pipe exit); all corners of house; septic tank; D-box; system.
- [28] Septic tank and D-box shown and labeled; also pump chamber when applicable.
- [29] Show removal of A and B Horizons (top and subsoil) on plan view and in general notes.
- [30] Show reserve area clearly.
- [31] Show all testing, including failed testing. (System should be placed in test area.)
- [32] Show monuments/markers that were used to field locate all testing.
- [33] Clearly indicate that breakout is achieved for the complete system.

- [34] Show all means of stabilizing slopes. (For any slope 2 to 1 or less environmental matting will be used.)
- [35] Clearly indicate how runoff from the system will be handled; do not direct to others property (rip-rap may be required).
- [36] Show a limit of construction on the plan view.
- [37] When wetlands are present then all mitigating measures (haybales/fencing) will be shown with details.
- [38] If a clay barrier is used the clay specifications must be at 10 to the minus 7th CMS; a detail showing the width and elevations for the barrier will be provided as well as the origin of the clay used (no tailings, backwash, etc., shall be used).

(d) Soils testing data.

- [1] Date(s) of all testing.
- [2] Applicant at time of testing.
- [3] Those present at time of testing (engineer, BOH Agent, excavator).
- [4] Soils test pit data; including estimated high groundwater.
- [5] Percolation test data.
- [6] Soils certification: "I certify that on (date) I have passed the examination approved by the Department of Environmental Protection and that the above analysis has been performed by me consistent with the required training, expertise and experience described in 310 CMR 15.018(2)."

(e) Proposed profile.

- [1] Invert at building.
- [2] Invert into septic tank.
- [3] Invert out of septic tank.
- [4] Invert into D-box.
- [5] Invert out of D-box.
- [6] Invert at beginning of all components.
- [7] Invert at end of all components.
- [8] Spec out SCH 40 pipe (perforated) for system.
- [9] Spec out 1 1/2 inch double-washed stone only.
- [10] Spec out 3/8 inch double-washed pea-stone only.
- [11] Note pipe diameter and slope.
- [12] Show pipe length (distance) and slope.

(f) Cross section.

- [1] Dimensions shown and labeled.
- [2] Spacing between trenches (triple width or depth).
- [3] Spec out SCH 40 pipe (perforated) for system.
- [4] Spec out 1 1/2 inch double-washed stone only.
- [5] Spec out 3/8 inch double-washed pea-stone only.
- [6] Note pipe diameter and slope.

(g) Pump system.

- [1] Pump calcs and curves.
 - [2] Type of pump.
 - [3] Size of chamber.
 - [4] Show all elevations on plan for: pump on; pump off; alarm; bottom of chamber; invert in and out.
 - [5] Show and note separate audio and visual alarms.
 - [6] Show vent with charcoal filter (detail).
 - [7] Buoyancy calcs.
- (5) Massachusetts General Law allows for a forty-five-day review period to review subsurface sewage disposal system design plans. If plans are returned for revisions, the forty-five-day review period begins anew upon resubmission of plans. New sets of plans must be submitted when revisions are required. The original plans will not be allowed to be resubmitted for review.
- (6) The line from house to the septic tank shall be ran straight with no bends. After tank, angles greater than $22\frac{1}{2}^{\circ}$ shall not be permitted.
- (7) When a concrete retaining wall is to be used to confine septic breakout, a complete plan showing all details will be required. This plan must include all types of steel required, including spacing and number. Elevations of the wall must be shown on both the detail plan and the plan view on the septic plan. (Specify air entrained concrete at 4,000 psi.) This plan must be stamped by a Commonwealth of Massachusetts professional civil or structural engineer. This engineer will be responsible for all construction and inspection of the wall and will be required to certify as such.
- (8) Systems utilizing a clay barrier to contain breakout must show a detail plan of the proposed barrier, including top and bottom elevations. All plans utilizing a clay barrier will specify clay at 10-cm/sec.
- (9) Systems for repair using alternative technology shall be accompanied by data on the use and design as well as the DEP approval status. The name and telephone number of the alternative technology company shall appear on the plan.
- (10) Plans must have a locus map and all utility poles with their respective numerical designation shall be shown within 100 feet of the property line or within 150 feet of the soil testing area, whichever is lesser.
- (11) The applicant's engineer is to design and submit the plans in accordance with Title 5 and any local regulations using the checklist provided by the Board of Health office. The minimum scale for all plans submitted for review shall be one inch equals 20 feet. All

plans shall be blue or black line prints on white background. No photocopies will be allowed unless wet-stamped and signed in blue ink. If, in the opinion of the Board of Health or its agent, the plan is not legible, it shall be returned without review.

- (12) Topography at a minimum of two-foot contour intervals shall be shown on the plan to a minimum of 100 feet in all directions from proposed sewage system and expansion area. The Board or their Agent shall require additional topography if, in their opinion, a greater distance is required to evaluate the proposed sewage system as to compliance with all local regulations. Driveways with appurtenant grading must be shown if within 100 feet of sewage system.
- (13) No garbage disposal units shall be installed in buildings served by subsurface sewage disposal systems. No water softener shall discharge to a septic system.
- (14) Sufficient elevations shall be shown, including final grades at each of the four corners of the building, to indicate clearly how the surface drainage is to be handled. In some cases it shall be necessary to consider effect on nearby properties. No low spots that allow ponding of rainfall runoff shall be permitted. All existing landmarks, including edge of pavement, stone walls, wire fences, old foundations, etc., must be shown.
- (15) Limits of topsoil and subsoil being removed and replaced must be shown when a system is to be constructed in or about that zone. Plans will not be approved with this information not shown.
- (16) All wetlands, as defined by the Wetlands Protection Act and Rivers Protection Act, shall be shown within 200 feet of the sewage system.
- (17) No soil absorption system shall be placed closer than 50 feet to any wetlands, watercourse or any other watercourse. The Title 5 definition of watercourse shall apply.
(Amended 10-24-2011; Effective 12-01-2011)
- (18) No repair septic system shall be placed closer than 25 feet from a watercourse even if utilizing alternative technology.
- (19) The location of all wells and water supplies within 200 feet of the proposed system shall be shown or a statement of certification that none are known to exist within 200 feet of the leach area. All sewage systems within 150 feet of a proposed well location shall be shown or a statement of certification that none are known to exist within that distance shall be indicated on the plans.
- (20) Wells shall be placed a minimum of 10 feet from the property lines.

- (21) There must be sufficient property line information to clearly show the location of the system on the lot. Ties from the well and septic system to the property lines must be shown.
- (22) Two benchmarks must be provided, one of which is to be of a permanent nature. One benchmark should be located near the leach area so that the installer does not have to run levels to install the system. Both benchmarks are to appear on the plan with both being on the lot or in front of it and out of any excavation or fill area. The statement "2nd bench mark to be set prior to construction" is not valid.
- (23) A cross-section of the leach area should be shown (need not be to scale) with dimensions and elevations. The profile of sewage system shall be shown (need not be to scale) with invert and bottom elevations indicated.
- (24) Interceptor trenches utilized to lower groundwater in the system area must be installed prior to construction of the proposed septic system to ensure proper functioning of the system. Once installed, monitoring pipes on each side of the trench may be used to check elevations during the deep hole season. Interceptor trenches installed during the dry season (June-November) must be functioning at least 30 days prior to testing and must be tested during the wet season (December to May). Only after approval of this trench will a disposal works construction permit be issued.
- (25) Plans requiring additional testing will not be approved until testing is completed.
- (26) Systems requiring a local upgrade approval and/or a state variance will not be issued a disposal works construction permit until the Board of Health has approved the local upgrade request and, when applicable, been notified by DEP that the request for variance has been approved.
- (27) Systems requiring an order of conditions from the Conservation Commission will not be issued a disposal works construction permit until the appeal period has lapsed and the Commission has notified the Board of Health that work on the system may commence.
- (28) Upon approval of the subsurface sewage disposal plan, the Board of Health will sign the building permit, provided a private well is not required. If a private well is required, the Board of Health will sign the building permit only after a well permit is issued and quantity and quality results have been submitted and approved by the Board of Health.
- (29) A statement shall appear on the plan recommending that the well be tested a minimum of every two years.
- (30) Plans will be valid for a period of three years commencing on the date of approval shown on plan. The applicant will then have three years from that approval date to pull a permit for construction.

- (31) All plans shall note the use of 2-compartment tanks. (Added 7-1-2007; **Amended 10-24-2011; Effective 12-01-2011**)

D. Disposal works installers license.

- (1) No person shall engage in the construction, repair or replacement of an on-site sewage disposal system without first obtaining a disposal works installers license from the Northbridge Board of Health. All such licenses shall expire December 31 of the calendar year in which they were issued.
- (2) All applicants for disposal works installers licenses shall be required to take and pass an examination to demonstrate their knowledge of Title 5 and these rules and regulations. A grade of 70% will be considered passing.
- (3) The Board of Health may at their discretion waive the testing requirement if the applicant possesses current licenses with three other Massachusetts cities or towns.
- (4) Installers are required to keep their license to install active by submitting a minimum annual fee of \$25 by March 1. Total annual license renewal fee [See § 201-23 Fee Schedule.] balance to be paid when the first disposal works construction permit is taken out. Failure to renew a license by March 1 may require a reexamination of the written test at the expense of the applicant in the Board of Health office. (**Amended 10-24-2011; Effective 12-01-2011**)
- (5) Applications for a license to install must be accompanied by a certificate of insurance with liability insurance in a minimum amount of \$100,000 and must be up to date. The certificate of insurance must be issued to the individual seeking to obtain the installer license.
- (6) When installing, repairing or replacing a subsurface sewage disposal system or any of its components, the licensed installer shall be required to appear in the Board of Health office to fill out a disposal works construction permit.
- (7) The installer shall be required to submit an installer as-built certification form to the Board of Health for approval. The installer shall also be required to sign the certificate of compliance upon completion of work.

E. Installation inspection procedures.

- (1) Only an installer licensed by the Board of Health can install or repair a septic system. The licensed installer must fill out the appropriate paperwork at the Board of Health office and pay any and all fees. The installer who holds the license must sign the paperwork and the permit. The installer must have the approved septic design plan and permit prior to construction.

- (2) For new construction where the system components will be located within 15 feet of the property line, the property corners and all proposed structures, including house, well and system components, the system must be staked out by a Commonwealth of Massachusetts registered professional land surveyor prior to any construction on site. For repair and upgrade systems, this procedure will not be a requirement unless the situation warrants. The installer will be responsible for the placement of the on-site system. It is recommended that the installer hire a surveyor to stake the system.
- (3) The design engineer and the Board of Health Agent must first review any changes to the proposed construction by the installer. The request for change will be made, in writing, by the design engineer giving the reason and the description of the change. All changes are subject to Title 5 and should the proposed change require a variance it will be subject to variance procedures. The change(s) must be approved by the agent and Board of Health and must be shown on the as-built plan.
- (4) The system will be inspected by both the Board of Health Agent and the design engineer at the following points:
 - (a) Excavation of the A and B horizons (top and subsoil). The installer shall excavate the proposed area for disposal in accordance with the provisions on the design plan. The bottom of the excavation area must be scarified at the time of inspection. The design engineer will measure the length and width of the excavated area and show these on the as-built forms.
 - (b) Installation and placement of components.
 - [1] The installer will construct the system in accordance with the approved plan and any approved changes. The installer will provide to the Board of Health the origin of the stone and sand used in the construction process. Placement of all tees, gas baffles and endcaps will be required at time of inspection. The tees in the septic tank will be brought to the middles of the manhole opening. All unused openings in the tank and D-box will be sealed with hydraulic cement. The installer is to leave the vertical four-inch pipes at the ends of the system to allow the measurement of the depth of stone. The installer will have 24 hours to cover the system after inspection. If a pump is installed, a licensed electrician is required to obtain an electrical permit from the Town Electrical Inspector and be inspected according to town requirements.
 - [2] The design engineer will be responsible for the verification of all elevations of the system and its components, including building sill, top of septic tank and top of distribution box.

- [3] The Board of Health Agent may at his discretion shoot the elevation of any system component for verification. Additionally, the Board of Health Agent will be required to shoot all grades and elevations for systems constructed by a "design-build" firm.
- (c) Final cover and grading. The installer will be required to have all the final grading in place as well as all the breakout grades. All areas around the site will be clear of any construction debris, including downed trees, stumps, rocks, etc. The area will be ready for loaming and seeding. Manhole covers will be brought to within four inches of this grade, The design engineer will take measurements of the grading around the entire system, including breakout grading, top of system, top of D-box, top of tank, at all corners of the house and where the pipe exits the house.
- (d) Stabilization of area.
- [1] The installer, upon approval to proceed, will stabilize the entire system area to prevent erosion and keep the system area free from any and all trees, debris or rocks of any size. During the growing season acceptable methods of stabilization shall be loaming and seeding or the laying of sod. If the growing season has passed, the acceptable method of temporary stabilization shall be the use of matting and hay on the entire system until final placement of loam and seed or sod in the spring. In areas that have a greater than 3 to 1 slope, environmental matting will be used to ensure slope stability while the growing process continues. The installer will be responsible for any earth settling that may occur and will repair as needed.
- [2] Any deviation from the above methods of stabilization must get approval from the Board of Health or its agent prior to the signing off of a certificate of compliance.
- (5) Calls for inspections by the Board of Health will be as follows:
- (a) All requests for inspections will go through the Board of Health office. This is true for all inspections.
- (b) All inspections will require a forty-eight-hour notice.
- (c) Once the inspection has been performed the installer will be notified of the results and may proceed once approved.
- (d) All reinspections will require a notice to the Board of Health, and new inspection fees will be required.

- (e) Any installer who proceeds with installation of the system at any stage without notice from the Board of Health or its agent will be subject to license revocation. In addition, any work performed will be subject to removal and replacement.
- (6) A copy of the approved design plan must be left on site in a location where the Board of Health agent may have access to it.
- (7) After the system has been covered the installer shall place caution tape around the entire system to ensure no construction vehicles pass over the system.
- (8) Title 5 states that systems will not be constructed in frozen ground. If temperatures during the winter months drop below freezing at night then the Board of Health or its Agent may place a moratorium in effect until the temperature rises above the freezing point.

F. Reserved for repair procedures.

- (1) All repairs shall be consistent with 310 CMR 15.00, Title 5, and the regulations of the Northbridge Board of Health. All repairs must be reviewed and approved by the Board of Health Agent.
- (2) Any disturbance within the area of the subsurface sewage disposal system shall be considered a repair and shall require Board of Health approval. All necessary permits and fees shall apply.
- (3) The definition of repair shall include but not be limited to the replacement of system components, i.e., septic tank, distribution box, soil absorption system. The pumping of a tank or leach pit or the installation of baffles or a riser in conjunction with a Title 5 inspection shall not be included in this definition.

G. Engineer's as-built plans.

- (1) Once the system has been inspected and covered, the design engineer will forward to the Board of Health an as-built plan for review and approval by the Board of Health Agent. For review purposes four copies of the as-built plan will be submitted superimposed on the approved design plan showing location and elevation of the system as it is constructed. Review will include groundwater offset and slope constructed. Review will include groundwater offset and slope breakout as well as proximity to testing. All as-built submittals will show the following information, all of which will be shown in red ink:
 - (a) Location of the septic system as it appears in the field shown on the design plan.
 - (b) All proposed and as-built elevations, including sill.

- (c) All grading and spot grades in conjunction with Subsection E(4)(c) above.
 - (d) Swing ties from house corners to tank and D-box, and ends of leaching system.
 - (e) Well location and distance from tank and system.
 - (f) All other wells within 200 feet.
 - (g) Inspection dates and who was present for engineer.
 - (h) Location of house referencing mortgage plot plan and showing as-built footprint.
 - (i) Show field footprint of house.
- (2) The design engineer shall be required to submit four copies of the engineering as-built certification form and certificate of compliance form along with four sets of the as-built plan to the Board of Health for approval.

H. Installer's certificate.

- (1) The licensed installer will submit the installer as-built certification form with all data required. The Board of Health Agent will not sign the certificate of compliance without this information.
- (2) The certificate will have at least one dated copy of the origin of the gravel and sand (and clay, if applicable) used in the construction of the system.
- (3) Certification by the operator of gravel/sand pit where the sand fill material originated that the sand fill material is in compliance with DEP-Title 5 specifications must be provided by the installer to the Board of Health prior to issuance of the Certificate of Compliance. Certification shall be dated no greater than 60 days prior to the issuance of the Disposal Works Construction Permit to construct system. (Added 7-1-2007)

I. Component replacement procedures.

- (1) 310 CMR 15.404(1) allows for replacement of a particular component should a system fail a Title 5 inspection. When replacement is requested other than during a Title 5 inspection, the applicant must seek Board of Health approval.
- (2) The replacement of a steel tank or unsuitable concrete tank and/or distribution box may be made without an engineer by a licensed installer. The installer is required to take out a disposal works construction permit in the Board of Health office and submit the proper application and fees for the inspection of the component replacement. The installer will also be required to sign the component certificate of compliance. All tank replacements shall be at a minimum a 1500-gallon 2-compartment tank. (**Amended 10-24-2011; Effective 12-01-2011**)

- (3) For systems which were constructed prior to 1978 or for systems for which exists no record, the soil absorption system (leaching facility) will not be allowed to be replaced without proper soils testing and designs.
- (4) For systems constructed after 1978 which have approved plans and are only failed due to a clogged biomat, then replacement may be made by a licensed installer. The installer will be required to have an engineer submit an as-built plan showing elevations and location of the system. Prior to a permit being allowed for replacement a report stating the cause of the failure must be submitted by an engineer to the Board of Health.
- (5) Once a permit is allowed for any component replacement, normal inspection procedures will be followed and a component certificate of compliance must be completed, signed and submitted to the Board of Health for approval.
- (6) For soil absorption system replacements the certificate of compliance will not be considered complete until the submission of both the installer as-built certification and the engineering as-built certification forms.

J. Certificate of compliance.

- (1) A new individual sewage disposal system and alteration or repairs to an existing individual system shall not be placed in service, nor shall new buildings or dwellings or additions thereto which must rely on individual sewage disposal systems for sewage disposal be occupied, until the Board of Health has issued a certificate of compliance indicating that said disposal system has been located, constructed, altered or repaired in compliance with the of the permit and the requirements of Title 5 and these rules and regulations.
- (2) The certificate of compliance is the last document to be signed in the approval process. Once the design engineer and installer have submitted their as-built plans and installation certificates, they must then sign the certificate of compliance. Please note that if the as-built plans have been submitted and approved and the installation certification has been submitted, but either the design engineer and/or installer have not signed the certificate of compliance, then the Board of Health Agent cannot sign off on this certificate of compliance.
- (3) The Board of Health Agent will only sign the certificate of compliance after all system components have been inspected (including final grading and stabilization) and the design engineer and installer sign the form first.
- (4) It is the owner/applicant's responsibility to see that he/she has all signatures necessary and that all documents are received in the Board of Health office well in advance of any

real estate closing date. It will not be the responsibility of the Board of Health or its agent to review as-built plans to ensure a closing date.

- (5) All designers/installers are to fill out the required certificate of compliance as-built requirement form and submit four copies to the Board of Health.

K. Wetlands and floodplains.

- (1) No disposal facility shall be closer 50 feet to watercourses or wetlands. (**Amended 10-24-2011; Effective 12-01-2011**)
- (2) The applicant should be aware of his obligations to comply with the requirements established by the Division of Water Pollution Control pursuant to MGL C. 21, § 43, and the Wetlands Protection Act, MGL, C. 131, § 40.

L. Local upgrade and state variance procedures.

- (1) Plans requiring a state variance or local upgrade using the provisions of 310 CMR 15.401 through 15.422 must be accompanied by a letter requesting the variance and/or upgrade. The section numbers, subparagraphs and the reason for the request must be clearly noted in the letter and filed with the local Board of Health. It will be the responsibility of the applicant and/or his engineer to file the request with the DEP. All requests shall be shown on the proposed design plan.
- (2) Local upgrades and variances will not be granted for new construction.
- (3) Plans requiring a local upgrade must be submitted upon the approved DEP form with abutter notification when required. The applicant must notify the abutter by certified mail at least 10 days prior to the Board of Health meeting at which the variance/upgrade request will be on the agenda. The applicant is responsible for obtaining an abutter's list from the Assessor's office and is also responsible for mailing fees. Proof of notification (certified return receipts) must be submitted to the Board prior to the scheduled meeting date.
- (4) More than one upgrade request will result in the need for a state variance when requesting a three-foot offset to groundwater. All requests shall be shown on the proposed plan.
- (5) State variances are required when the proposed system cannot be designed in full compliance with the code or by granting local upgrade provisions. The Board of Health must approve or deny the variance. This decision must be in writing.
- (6) A public hearing, when required, shall be held on all requests for state variance and local upgrades. The Board of Health office shall notify the applicant's engineer of the date and time of the hearing. No public hearing will be scheduled until a plan has been

approved by the Board of Health Agent. An approved plan by the Agent is for technical review only and does not imply Board of Health approval.

- (7) Voluntary upgrades of systems not in failure shall be required to comply fully with 310 CMR 15.00.
- (8) In the case of a Title 5 variance request, notice of the grant of each variance and date issued must be filed with the Department of Environmental Protection (DEP) by the design engineer.
- (9) The DEP shall, within 30 days of receipt of the notice, approve, disapprove or modify the variance. If the DEP fails to comment within 30 days, approval shall be presumed.
- (10) No work may be done under any Title 5 variance until the DEP approves it or until 30 days have elapsed without DEP comment, unless the Board of Health certifies, in writing, that an emergency exists.
- (11) Any variance granted under Title 5 might later be modified, suspended, revoked or allowed to expire by the Board of Health or DEP. This action may apply to the entire variance or a section thereof. Before any action may be taken, however, the holder of the variance must be notified, in writing, and given the opportunity to request a hearing.
- (12) Any person aggrieved by the decision of the Board of Health or DEP may seek relief by appealing within 30 days in any court of competent jurisdiction as provided by the laws of the commonwealth.

M. Extensions: percolation/soils evaluation results.

- (1) Applications for extensions of percolation and soil evaluations require a request for extension to be filed at the Board of Health office with the appropriate fee in order to be considered by Board of Health at its next scheduled meeting.
- (2) Criteria for extensions:
 - (a) The testing to be extended must have been performed after March 31, 1995, and certified by an approved soils evaluator.
 - (b) The applicant or their agent must apply for the extension prior to the expiration of the first two-year period. This is solely the responsibility of the applicant and their agent.
 - (c) The Board of Health agent will perform a site investigation to determine if any topographical changes or excavations have occurred since the completed soils testing was finished.

- (d) If requested after the Board of Health Agent's inspection, the application for extension must be accompanied with an engineer's sketch (need not be to scale), showing the location of the testing (using offset ties) and the elevations of the site (showing benchmarks). Sketch must be legible.
- (3) The Board of Health Agent, upon visual inspection of the site, shall notify the Board of Health of the findings. The Board of Health reserves the right to approve or deny the request for extension.

Periods of extension will be granted for a two-year period. Each subsequent extension will also be for a two-year period.

An extension of the soil evaluation is not required when the sewage disposal plan approval is on file with the Board of Health unless the periods of extension for the plan have been exhausted, then a soils evaluation extension request prior to the expiration of the plan approval would be required. **(Amended 10-24-2011; Effective 12-01-2011)**

N. Extensions: approved septic system design plans.

- (1) Applications for extensions of approved septic system design plans require a request for extension to be filed at the Board of Health office with the appropriate fee in order to be considered by the Board of Health at its next scheduled meeting. A new application for disposal works construction permit shall also be filed with the request for extension.
- (2) Criteria for extensions:
 - (a) The testing to be extended must have been performed after March 31, 1995.
 - (b) The applicant or their agent must apply for the extension prior to the expiration of the first three-year period. This is solely the responsibility of the applicant and their agent.
 - (c) The Board of Health Agent will perform a site investigation to determine if any topographical changes or excavations have occurred since the completed soils testing was finished.
- (3) The Board of Health Agent, upon visual inspection of the site, shall notify the Board of Health of the findings. The Board of Health reserves the right to approve or deny the request for extension.
- (4) Periods of extension may be granted for a one-year period only. **(Amended 10-24-2011; Effective 12-01-2011)**
- (5) If construction of the sewage disposal system has not commenced prior to the expiration of all extensions received, it will be necessary for the applicant/owner to

apply for an extension of the soils evaluation. If approved, new sewage disposal plans in compliance with current Title 5 regulations will need to be submitted for approval utilizing the soils evaluation on file. If the soils evaluation extension request is denied, then a new soils evaluation will be required and a new sewage disposal plan in compliance with current title 5 regulations will be required. **(Amended 10-24-2011; Effective 12-01-2011)**

O. Septage hauler permits.

- (1) No person shall engage in the pumping of a septic system or the hauling of septic waste without first obtaining a septage hauler permit from the Board of Health.
- (2) The appropriate fee and certificate of insurance in the amount of \$100,000 to \$300,000 general liability must accompany all applications for septage hauler permits.
- (3) All septage haulers licensed by the Board of Health must submit a copy of the pumping slip for those systems pumped within the Town of Northbridge. These slips must include street address, owner of property and amount of sewerage collected and where disposed, and date of collection. These slips are due within days of the actual date of pumping.

P. Building Permit Considerations (other than new construction) **(Added 10-24-2011; Effective 12-01-2011)**

- (1) All building permit applications which require an expansion or upgrade to the on-site sewage disposal system or where a connection to municipal sewer is proposed to accommodate the additional flow shall be required to be upgraded prior to Board of Health approval of the building permit application.
- (2) Above ground pools shall be set back a minimum of 10-feet from both the septic tank and the sewage disposal system.
- (3) When a Bedroom-Count Deed Restriction is deemed necessary by the Board of Health, the Deed Restriction shall be recorded at the Registry of Deeds prior to Board of Health approval of the building permit application.

§ 201-6. Floor Drain Regulations. *[Added 6-11-2003, effective 7-1-2003; Amended 10-24-2011; Effective 12-01-2011]*

- A. Purpose. Whereas, floor drains in industrial and commercial facilities are often tied to a system leading to a leaching structure (e.g. dry well, cesspool, leach field) or a septic system; and poor management practices and accidental and/or intentional discharges may lead petroleum and other toxic or hazardous materials into these drainage systems in facilities managing these products; and improper maintenance or inappropriate use of these systems may allow the passage of contaminants or pollutants entering the drain to discharge from the leaching structure or septic system to the ground; and discharges of hazardous wastes and other pollutants to floor drains leading to leaching structures and septic systems have repeatedly threatened surface and ground water quality throughout Massachusetts; and surface and ground water resources in the Town of Northbridge contribute to the town's drinking water supplies; the Town of Northbridge Board of Health adopts the following regulation, under its authority as specified in Section B, as a preventative measure for the purpose of preserving and protecting the Town of Northbridge's drinking water resources from discharges of pollutants to the ground via floor drains, and minimizing the threat of economic losses to the Town due to such discharges.
- B. Scope of Authority. The Town of Northbridge Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. c.111 s.31 and s.122. The regulation shall apply, as specified herein, to all applicable facilities, existing and new, within the Town of Northbridge.
- C. Definitions For the purposes of this regulation, the following words and phrases shall have the following meanings:

Commercial or Industrial Facility: A public or private establishment where the principal use is the supply, sale, and/or manufacture of services, products, or information, including but not limited to: manufacturing, processing, or other industrial operations; service or retail establishments; printing or publishing establishments; research and development facilities; small or large quantity generators of hazardous waste; laboratories and hospitals.

Department: The Massachusetts Department of Environmental Protection.

Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the Commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

Drinking Water Resource: Any and all potable water supplies including but not limited to, public water supply, public wells, private wells, and surface water groundwater.

Facility: Commercial or Industrial facility as defined above.

Floor Drain: An intended drainage point on a floor constructed to be otherwise impervious which serves as the point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

Leaching Structure: Any subsurface structure through which a fluid that is introduced will pass and enter the environment, including, but not limited to, drywells, leaching catch basins, cesspools, leach fields, and oil/water separators that are not water-tight.

Oil/Water Separator: A device designed and installed so as to separate and retain petroleum based oil or grease, flammable wastes as well as sand and particles from normal wastes while permitting normal sewage or liquid wastes to discharge into the drainage system by gravity. Other common names for such systems include MDC traps, gasoline and sand traps, grit and oil separators, grease traps, and interceptors.

Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Northbridge. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (MGL) Chapter 21C and 21E or Massachusetts Hazardous Waste regulations (310 CMR 30.000), and also include such products as solvents, thinners, and pesticides in quantities greater than normal household use.

Use of Toxic or Hazardous Material: The handling, generation, treatment, storage, or management of toxic or hazardous materials.

D. Prohibitions. With the exception of discharges that have received (or have applied and will receive) a Department issued permit prior to the effective date of this regulation, no floor drain(s) shall be allowed to discharge, with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system in any industrial or commercial facility if such floor drain is located in either:

- (a) An industrial or commercial process area;
- (b) A petroleum, toxic, or hazardous materials and/or waste storage area; or
- (c) A leased facility without either (a) or (b) of this section, but in which the potential for a change of use of the property to a use which does have either (a) or (b) is, in

the opinion of the Board of Health or its agent, sufficient to warrant the elimination of the ground discharge at the present.

E. Requirements of Existing Facilities

- (1) The owner of a facility in operation prior to the effective date of this regulation with a prohibited (as defined under Section D) floor drain system shall:
 - (a) disconnect and plug all applicable inlets to and outlets from (where possible) applicable leaching structures, oil/water separators, and/or septic systems;
 - (b) remove all existing sludge in oil/water separators, septic systems, and where accessible, leaching structures. Any sludge determined to be a hazardous waste shall be disposed of in accordance with state hazardous waste regulations (310 CMR 30.000). Remedial activity involving any excavation and/or soil or groundwater sampling must be performed in accordance with appropriate Department policies;
 - (c) alter the floor drain system so that the floor drain shall be either:
 - [1] connected to a holding tank that meets all applicable requirements of Department policies and regulations, with hauling records submitted to the Town of Northbridge Board of Health at the time of hauling;
 - [2] connected to a municipal sanitary sewer line, if available, with all applicable Department and local permits; or
 - [3] permanently sealed. (Any facility sealing a drain shall be required to submit for approval to the Board of Health a hazardous waste management plan detailing the means of collecting, storing, and disposing any hazardous waste generated by the facility, including any spill or other discharge of hazardous materials or wastes.)
- (2) Any oil/water separator remaining in use shall be monitored weekly, cleaned not less than every 90 days, and restored to proper conditions after cleaning so as to ensure proper functioning. Records of the hauling of the removed contents of the separator shall be submitted to the Board of Health at the time of hauling.
- (3) Compliance with all provisions of this regulation must be accomplished in a manner consistent with Massachusetts Plumbing, Building, and Fire code requirements.
- (4) Upon complying with one of the options listed under Section E.1.(c), the owner/operator of the facility shall notify the Department of the closure of said system by filing with the Department's UIC Notification Form (which may be obtained by calling 617-292-5770) with the Department, and sending a copy to the Northbridge Board of Health.

F. **Effective Date.** The effective date of this regulation is July 1, 2003.

(1) Existing Facilities:

- (a) Owners/Operators of a facility affected by this regulation shall comply with all of its provisions within 120 days of the effective date of this regulation;
- (b) All applicable discharges to the leaching structures and septic systems shall be discontinued immediately through temporary isolation or sealing of the floor drain.

(2) New Facilities

- (a) As of the effective date of the regulation, all new construction and/or applicable change of use within the Town of Northbridge shall comply with the provisions of this regulation.
- (b) Certification of conformance with the provisions of this regulation by the Board of Health shall be required prior to issuance of construction and occupancy permits.
- (c) The use of any new oil/water separator shall comply with the same requirements as for existing systems, as specified above in Section E.2.

G. **Penalties.** Failure to comply with provisions of this regulation will result in the levy of fines of not less than \$200.00, but no more than \$1,000.00. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

Note: Effective 1992, under Chapter 111: Section 31 (violation of health regulation) maximum fines increased from \$500 to \$1,000 and Section 122 (violation of nuisance regulations) maximum fines increased from \$100 to \$1,000.

H. **Severability.** Each provision of this regulation shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

§ 201-7. Regulation of the Northbridge Board of Health - Restricting the Sale of Tobacco Products [Adopted October 3, 2023; Effective November 1, 2023]

[This replaces § 201-7 of the Northbridge Board of Health Code of Regulations “Smoking and tobacco or nicotine delivery products; youth access regulations]

A. Statement of Purpose:

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

Whereas, the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin² and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,³ and that it is addiction to nicotine that keeps youth smoking past adolescence;⁴

Whereas, a Federal District Court found that Phillip Morris, RJ Reynolds and other leading cigarette manufacturers “spent billions of dollars every year on their marketing activities in order to encourage young people to try and then continue purchasing their cigarette products in order to provide the replacement smokers they need to survive” and that these companies were likely to continue targeting underage smokers;⁵

Whereas, the majority (90%) of smokers begin smoking before the age of 25, and over 5 million youth and young adults (ages 25 and under) smoke;⁶

Whereas, cigars and cigarillos, can be sold in a single “dose;” and enjoy a relatively low tax as compared to cigarettes;⁷

Whereas, the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking;⁸

¹ U.S. Center for Disease Control and Prevention (CDC), *Health Effects of Cigarette Smoking Fact Sheet* (2021), https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

² CDC, *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*, (2010), http://www.cdc.gov/tobacco/data_statistics/sgr/2010/.

³ U.S. Dep’t of Health and Hum. Servs., *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General* at 122 (2014), <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

⁴ *Id.* at 13 (Executive Summary).

⁵ *United States v. Phillip Morris*, 449 F.Supp.2d 1, 1605-07 (D.D.C. 2006).

⁶ Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration, *Key substance use and mental health indicators in the United States: Results from the 2020 National Survey on Drug Use and Health* (HHS Publication No. PEP21-07-01-003, NSDUH Series H-56) (2021) (Retrieved from <https://www.samhsa.gov/data/>).

⁷ CDC, *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 12, note 5) (2009) (Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>).

⁸ U.S. Dep’t of Health and Human Servs., *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General* 508, 530 (2012) (www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

Whereas, the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are considered to be “starter” products that help establish smoking habits that can lead to long-term addiction;⁹

Whereas, the U.S. Surgeon General recognized in his 2014 report that a complementary strategy to assist in eradicating tobacco-related death and disease is for local governments to ban categories of products from retail sale;¹⁰

Whereas, ever use of e-cigarettes among students in Massachusetts is 30.9% for high schoolers and 10.9% for middle schools, representing a 20.3% decrease for high schoolers, and a 4.6% decrease for middle schoolers from 2019 to 2021;¹¹

Whereas, the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an “acutely hazardous waste”;¹²

Whereas, the New England Commission on Higher Education requires colleges and universities to maintain a safe and healthy environment for students,¹³ which is incompatible with the sale of tobacco and nicotine products;

Whereas, research indicates that the density and proximity of tobacco retailers increase smoking behaviors, including number of cigarettes smoked per day, reduced smoking abstinence during a quit attempt, and increased smoking prevalence among youth;¹⁴

Whereas, the density of tobacco retailers near adolescents’ homes has been associated with increased youth smoking rates and initiation of non-cigarette tobacco product use;¹⁵

⁹ Food and Drug Administration, *Fact Sheet: Flavored Tobacco Products* (2011), www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Dep’t of Health and Human Services, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 508, 539 (2012) www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁰ See fn. 3 at p. 85.

¹¹ MA YRBS 2017

¹² 310 CMR 30.136

¹³ New England Commission on Higher Education, *Standards for Accreditation* at 24 (2021), <https://www.neche.org/resources/standards-for-accreditation>.

¹⁴ Ying-Chih Chuang et al., *Effects of neighbourhood socioeconomic status and convenience store concentration on individual level smoking*, 59(7) *J. Epidemiol Cmty Health* 568 (2005) (doi: 10.1136/jech.2004.029041); Shelley D. Golden et al., *County-level associations between tobacco retailer density and smoking prevalence in the USA, 2012*, 17 (101005) *Prev. Med. Rep.* (Mar. 2020) (doi: 10.1016/j.pmedr.2019.101005); Eric C. Leas et al., *Place-Based Inequity in Smoking Prevalence in the Largest Cities in the United States*, 179(3) *JAMA Intern Med.*, 442 (2019) (doi: 10.1001/jamainternmed.2018.5990); JG Lee et al., *Associations of tobacco retailer density and proximity with adult tobacco use behaviors and health outcomes: a meta-analysis*. *Tobacco Control*. Published Online First: 03 September 2021; LR Reitzel et al., *The effect of tobacco outlet density and proximity on smoking cessation*. *American Journal of Public Health*. 2011, 101(2):315-320; L Henriksen et al., *Is adolescent smoking related to the density and proximity of tobacco retailers and retail cigarette advertising near schools?* *Preventive Medicine*. 2008, 47(2): 210-4.

¹⁵ LJ Finan et al., *Tobacco Outlet Density and Adolescents’ Cigarette Smoking: A Meta-Analysis*, 28(1) *Tob Control*. 27 (2019) (doi: 10.1136/tobaccocontrol-2017-054065); Abdel Magid HS et al., *Tobacco Retail Density and Initiation of Alternative Tobacco Product Use Among Teens*, 66(4) *J. Adolescent Health* 423 (2020) (doi: 10.1016/j.jadohealth.2019.09.004).

Whereas, tobacco retailers are more prevalent in underserved communities, especially in neighborhoods with a higher proportion of African American or Hispanic residents;¹⁶

Whereas, policies to reduce tobacco retailer density have been shown to be effective and can reduce or eliminate social and racial inequities in the location and distribution of tobacco retailers;¹⁷

Whereas, the Massachusetts Supreme Judicial Court has held that “. . . [t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means.”¹⁸

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

B. Authority:

This regulation is promulgated pursuant to the authority granted to the **Northbridge** Board of Health by G.L. c. 111, §31 which states "Boards of health may make reasonable health regulations".

C. Definitions:

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

Adult-Only Retail Tobacco Store (also known as “Retail Tobacco Store” in G.L. c. 270): An establishment that is not adjoined, that has a separate entrance not used by any other retailer, that does not sell food, beverages or alcohol, that does not have a lottery license, whose only purpose is to sell or offer for retail sale tobacco products and/or tobacco product paraphernalia, in which the entry of persons under the age of 21 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products from the **Northbridge** Board of Health and applicable state licenses. Entrance to the establishment must be secure so that access to the establishment is restricted to employees and to those 21 years or older. The establishment shall not allow anyone under the age of 21 to work at the establishment.

Blunt Wrap: Any product made wholly or in part from a tobacco product, manufactured or packaged with loose and removable leaves or section of a leaf, or as a hollow tube, that may be used by the consumer to wrap or contain loose tobacco or other fillers.

¹⁶ Siahpush M. et al., *Association of availability of tobacco products with socio-economic and racial/ethnic characteristics of neighbourhoods*, 124(9) *Pub. Health* 525 (2010) (doi: 10.1016/j. puhe.2010.04.010); Lee JG, et al., *Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPiRE Study*, 71(5) *J. Epidemiol Cmty Health* 487 (2017) (doi: 10.1136/jech-2016-208475); D.O. Fakunle et al., *Black, White, or Green? The Effects of Racial Composition and Socioeconomic Status on Neighborhood-Level Tobacco Outlet Density*, *Ethn Health*. 1 (2019) (doi: 10.1080/13557858.2019.1620178).

¹⁷ Ribisl KM, et al., *Reducing Disparities in Tobacco Retailer Density by Banning Tobacco Product Sales Near Schools*, 19(2) *Nicotine Tobacco Res.* 239 (2017) (doi: 10.1093/ntr/ntw185); HG, Henry et al., *Tobacco Retail Licensing and Density 3 Years After License Regulations in Philadelphia, Pennsylvania (2012-2019)*, 110 (4) *Am J. Pub. Health* 547 (2020) (doi: 10.2105/AJPH.2019.305512); A.E. Myers et al., *A comparison of three policy approaches for tobacco retailer reduction*, 74 *Prev. Med.* 67(2015) (doi: 10.1016/j.ypmed.2015.01.025).

¹⁸ *Druzik et al v. Board of Health of Haverhill*, 324 Mass. 129 (1949).

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.

Characterizing Flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Child-Resistant Package: Packaging intended to reduce the risk of a child ingesting nicotine and that meets the minimum standards of 16 C.F.R. 1700 *et seq.*, pursuant to 15 U.S.C. 1471 through 1476.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package and is not otherwise defined as a cigarette under G.L. c. 64C, §1, Paragraph 1. Tobacco leaf in kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

Component Part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product.

Coupon: Any card, paper, note, form, statement, ticket or other communication distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

Distinguishable: Perceivable by either the sense of smell or taste.

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

Electronic Nicotine Delivery System: An electronic device, whether for one-time use or reusable, that can be used to deliver nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and other similar devices that rely on vaporization or aerosolization; provided, however, that “electronic nicotine delivery system” shall also include any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device; provided further, that “electronic nicotine delivery system” shall also include any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately; provided further, that “electronic nicotine delivery system” shall not include a product that has been approved by the United States Food and Drug

Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for that approved purpose.

Employee: Any individual who performs services for an employer.

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

Flavored Tobacco Product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a Flavored Tobacco Product.

Health Care Institution: An individual, partnership, association, corporation or trust or a person or group of persons who provides health care services and employs health care providers subject to licensing under this chapter; or a retail establishment that sells pharmaceutical goods and services and is subject to regulation by the board of registration in pharmacy. Health care institutions include but are not limited to hospitals, clinics, health centers, pharmacies, drug stores, doctors' offices, and dental offices. A retail establishment that provides optician, optometric, hearing aid or audiology services but is not subject to regulation by the board of registration in pharmacy shall not be considered a health care institution.

Liquid Nicotine Container: A package from which nicotine or other substance in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold a soluble nicotine or other substance in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine or other substance in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

Listed or Non-Discounted Price: The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the stated price, and before the application of any discounts or coupons.

Manufacturer Documentation: A written document from a manufacturer that certifies which of each of its products are not flavored, as defined under Massachusetts law and these regulations. Manufacturer Documentation shall also mean a written document from a manufacturer that certifies the nicotine content expressed as milligrams per milliliter for each of its Electronic Nicotine Delivery System products.

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

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

Person: Any retailer, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

Retailer: A person that operates a retail establishment.

Retail Establishment: A physical place of business or a section of a physical place of business in which a tobacco product is offered for sale to consumers.

Rolling Papers: Sheets, rolls, tubes, cones, wraps, or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine. [NOTES: This relates to flavor enhancers, see last sentence of Tobacco Product Flavor Enhancer definition. Adding this definition will permit banning flavored non-tobacco, non-nicotine wraps such as hemp wraps.]

Self-Service Display: Any display including an unlocked humidor regardless of size from which customers may select a tobacco product, as defined herein, without assistance from an employee or store personnel.

Schools: Public or private elementary or secondary schools.

Smoking (or Smoke): The inhaling, exhaling, burning or carrying of a lighted or heated cigar, cigarette, pipe or other tobacco product intended for inhalation in any manner or form, including the use of electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization.

Smoking Bar: An establishment that: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit for the retail sale of a tobacco product as required to be issued by the Town of Northbridge; and (v) maintains a valid license issued by the department of revenue to operate as a smoking bar. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars", "hookah bars" and "vape bars."

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product. A rolling paper with a characterizing flavor shall be considered a Tobacco Product Flavor Enhancer.

Tobacco Product: A product containing or made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on

vaporization or aerosolization regardless of nicotine content in the product; provided, however, that “tobacco product” shall also include any component, part or accessory of a tobacco product; and provided further, that “tobacco product” shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for the approved purpose.

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

D. No Tobacco Sales to Persons Under Twenty-One (21) Years Old:

1. No person shall sell or provide a tobacco product to a person under twenty-one (21) years old.
2. Required Signage:
 - a. All retail establishments, **[including adult-only retail tobacco stores]** shall conspicuously post signage, in the form developed and made available by the Massachusetts Department of Public Health (DPH) and made available from the Northbridge Board of Health. Such signage shall include: (i) a copy of M.G.L. c. 270, §§ 6 and 6A; (ii) referral information for smoking cessation resources; (iii) a statement that sale of tobacco products, including e-cigarettes, to someone younger than 21 years of age is prohibited; (iv) health warnings associated with using electronic nicotine delivery systems; and (v) except in the case of smoking bars, notice to consumers that the sale of flavored tobacco products are prohibited at all times. Such signage shall be posted conspicuously 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 feet or greater than nine feet from the floor.
 - b. Adult-only retail tobacco stores shall post signage, in the form developed and made available by DPH, on the exterior of the door providing entrance to the tobacco retail store or smoking bar and such sign shall not be obstructed from view or placed at a height of less than four feet or greater than nine from the bottom of the door. Such signage shall state that "No person younger than 21 years old is permitted on the premises at any time."
3. Identification:
 - a. Each person selling or distributing tobacco products shall first verify the age of **every** purchaser of tobacco products by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 or older.
 - b. Each person admitting entrance into a adult-only retail tobacco store shall first verify the age of **every** person entering by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 or older.

E. Tobacco Product Sales Permit:

1. No person shall sell or otherwise distribute or offer for sale tobacco products, as defined herein, within the Town of Northbridge without first obtaining a Tobacco Product Sales Permit issued annually by the Northbridge Board of Health. Only owners of establishments with a permanent, indoor, non-mobile location in Northbridge are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Northbridge.
2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Northbridge regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco product sales regarding federal, state and local laws about the sale of tobacco and this regulation.
3. Each applicant who sells tobacco products is required to provide proof of current Tobacco Retailer Licenses issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued. Applicant may be asked to provide evidence that a legitimate business transfer or business purchase has taken place.
4. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein. The fee shall be determined by the Northbridge Board of Health annually. All required Massachusetts Department of Revenue licenses related to the sale of tobacco products, as defined herein, must also be displayed conspicuously at the retail establishment.
5. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation. Neither the permit holder nor their employees shall interfere with or obstruct an inspection.
6. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.
7. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person under the age of 21 three times within the previous permit year and the time period to appeal has expired. The violator may request a hearing in accordance with subsection 6 of the Violations section.
8. Maximum Number of Tobacco Product Sales Permits.
 - a. At any given time, there shall be no more than **18** Tobacco Product Sales Permits issued in Northbridge. Any permit holder who has failed to renew their permit within thirty (30) days of expiration will be treated as a first-time permit applicant.
 - b. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-served" basis.
 - c. Applicants on the waiting list shall be responsible for ensuring up to date contact information has been provided to the Northbridge Board of Health.

9. Sale of Business.

- a. Notwithstanding a cap on the total number of permits holders, the seller of a business holding a valid tobacco sales permit may transfer said permit to a bona fide purchaser for value of the business, subject to approval by the Board of Health, as required herein.
- b. The purchaser shall apply for the transfer of the permit no later than (30) calendar days after said purchase. The purchaser shall not sell tobacco product until the transfer of the permit is approved by the Board of Health; and
- c. All fines and suspensions of the previous owner must be satisfied prior to the sale.

10. Retail Density.

- a. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within **five hundred (500) feet** of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises.
- b. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within **five hundred (500) feet** of an existing retailer with a valid Tobacco Product Sales Permit as measured by a straight line from the nearest point of the property line of the retailer with a valid Tobacco Product Sales Permit to the nearest point of the property line of the site of the applicant's business premises.
- c. If the purchaser of a business with a valid tobacco sales permit pursuant to Section E. 9 changes the location of the business, the new location shall be subject to the retail density requirements of Section E.10a and 10b.

F. Prohibition of Smoking Bars:

Smoking Bars are prohibited in the **Town of Northbridge**.

G. Cigar Sales Regulated:

1. No person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at two dollars and fifty cents (\$2.50) or more.
2. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at five dollars and zero cents (\$5.00) or more.
3. This Section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Northbridge.

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

H. Sale of Flavored Tobacco Products Prohibited:

No person, as defined herein, shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any flavored tobacco product, as defined herein, or any flavored tobacco product enhancer, as defined herein.

Retailers must obtain manufacturer documentation certifying that all products possessed, held, kept, sold or distributed by the retailer do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer (105 CMR 665.010(E)).

I. Nicotine Content in Electronic Nicotine Delivery Systems:

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores or smoking bars.

Retailers must obtain manufacturer documentation verifying that all electronic nicotine delivery products possessed, held, kept, sold or distributed by the retailer indicating the nicotine content expressed as milligrams per milliliter for each electronic nicotine delivery system to be sold in the retail establishment (105 CMR 665.010(C)).

J. Prohibition of the Sale of Blunt Wraps:

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

K. Free Distribution and Coupon Redemption: No person shall:

1. Distribute or cause to be distributed, any free samples of tobacco products, as defined herein;
2. Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price; or
3. Sell a tobacco product, as defined herein, through any multi-pack discount (e.g., "buy-two-get-one-free") if the sale reduces the price of each back to less than the listed or non-discounted price.

L. Out-of-Package Sales:

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

2. Permit holders who sell Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, Massachusetts Hazardous Waste Regulations.
3. All permit holders must comply with 940 CMR 21.05 which reads: “It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S.C.§§1471 through 1476 and 16 CFR §1700 *et seq.*”
4. No permit holder shall refill a cartridge that is prefilled with nicotine in a liquid or gel substance and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

M. Self-Service Displays:

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

Adult-Only Retail Tobacco Stores are exempt from this section.

N. Vending Machines:

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

O. Non-Residential Roll-Your-Own Machines:

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

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

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

Q. Prohibition of the Sale of Tobacco Products by Educational Institutions:

No educational institution located in Northbridge shall sell or cause to be sold tobacco products, as defined herein, including by any person or retailer on the property of an educational institution.

R. Incorporation of State Laws and State Regulations:

1. The sale or distribution of tobacco products, as defined herein, must comply with state statutes including but not limited to those provisions found at G.L. c. 270, §§6, 6A, 7, 28, 29 and G.L. c. 112, §61A.
2. The sale or distribution of tobacco products, as defined herein, must comply with state regulations including but not limited to those provisions found at 940 CMR 21.00, Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in

Massachusetts, 940 CMR 22.00 Sale and Distribution of Cigars in Massachusetts; and 105 CMR 665.00, Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems.

S. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. For violations of the sections of this regulation that incorporate G.L. c. 270, §§6, 28, 29 and 105 CMR 665, the following penalties apply:
 - a. In the case of a first violation, a fine of one thousand dollars (\$1,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for three (3) consecutive business days.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - c. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
 - d. State Law Fines

Policies Subject to State Law Fines

(G.L. c. 270, §§6, 28, 29 (Section S. 1))

- Tobacco and Vape Sales to persons under the age of 21 (G.L. Ch. 270, §6)
 - Flavored Tobacco Product Sales Restrictions (G.L. Ch. 270, §28)
 - Penalties for sales to a person under the age of 21 of Tobacco/Vape products (105 CMR 665.045)
 - Mandated Local Tobacco Sales Permit suspension for a first violation for sales to a person under the age of 21 of Tobacco/Vape products (105 CMR 665.040(d))
 - Ban on Free Distribution (105 CMR 665.025)
 - Ban on Out-Of-Package Sales (105 CMR 665.030)
 - Sales Without a Local Tobacco Product Sales Permit for Smoking Bars and Retail Tobacco Stores only (105 CMR 665.013(A))
 - Nicotine Content in Electronic Nicotine Delivery Systems (G.L. Ch. 270, §29)
 - Coupon Redemption (105 CMR 665.025)
 - Child-Proofed Liquid Nicotine Containers Required (105 CMR 665.035)
 - Failure to obtain manufacturer's non-flavored certification (105 CMR 665.010(E))
 - Failure to obtain manufacturer's nicotine content certification (105 CMR 665.010(C))
 - Admitting a person under the age of 21 into an Adult-Only Retail Tobacco Store (105 CMR 665.020(B))
 - Other state policies
2. For violations of all other sections specific to the Town of Northbridge, the violator shall receive:
 - a. In the case of a first violation, a fine of Three Hundred dollars (\$300.00).

- b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
- c. In the case of three or more violations within a thirty-six (36)-month period, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
- d. Local Regulation Fines:

Policies Subject to Local Regulation

Fines (Section S.2)

- Prohibition of the Sale of Blunt Wraps
 - Ban on Smoking Bars
 - Cigar Sales Regulated, including minimum sales price regulations
 - Tobacco Product Sales in Health Care Institutions
 - Tobacco Product Sales in Educational Institutions
 - Non-Residential Roll-Your-Own Machines Ban
 - Display of Mass. Department of Revenue license(s)
 - No Local Tobacco Sales Permit
 - Retailer Density Minimums Required
 - Retailer Signage (also 105 CMR 665.015)
 - Ban on Self-Service Displays (also 105 CMR 665.010(B))
 - Coupon Redemption (also 105 CMR 665.025)
 - Transfer of Permit in Sale of Business
 - Other local policies
3. In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health within a thirty-six (36)-month period, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing may permanently revoke a Tobacco Product Sales Permit.
 4. Failure to cooperate or interference with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.
 5. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while their permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days. Multiple suspensions of a Tobacco Product Sales Permit shall not be served concurrently.

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

T. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in G.L. c. 40, §21D where the penalty calls for a monetary fine not exceeding three hundred (\$300.00) dollars.

U. Separate Violations:

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

V. Enforcement:

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

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

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

W. Severability:

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

X. Effective Date:

This regulation shall take effect on **November 1, 2023**.

Lani Criasia, Chair

Chris Cella, RPh, Vice-Chair

Steve Garabedian

Linda Lermond, RN

Erin Meagher, NP

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§ 201-8. Human habitation. *[Amended 10-24-2011; Effective 12-1-2011]*

- A. 105 CMR 410.000, Chapter II of the State Sanitary Code, Minimum Standards of Fitness for Human Habitation, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. Effective January 1, 1989, rental property owners shall be charged an inspection fee [See § 201-23 Fee Schedule.] for each inspection exceeding the reinspection specified in 105 CMR 410.830(B) of the State Sanitary Code. This housing inspection fee shall only apply to the inspections performed after the thirty-day compliance period set forth in 105 CMR 410.830(B) and does not apply to initial inspections performed within the thirty-day compliance period.
- C. All tenants who live in units built before 1978 must be given two copies of the Tenant Lead Law Notification and Tenant Certification Form. If any of the following documents exist for the unit, tenant must also be given a copy of them: Lead Inspection or Risk Assessment Report, Letter of Compliance or Interim Control. In any residence in which a child under the age of six resides, documentation must be provided to the Board of Health that shows the property is in compliance with the provisions of the Massachusetts General Laws that govern the use of lead paint.

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§ 201-9 Ban on Sale of Drug Paraphernalia and Synthetic Cannabinoids
(Added 12-11-12, effective 1-1-2013; Amended 4-29-14, effective 5-9-2014)

- A. **Purpose.** Whereas, it has been reported by various agencies that synthetic cannabinoids, synthetic cathinones, and synthetic hallucinogens have been linked to serious physical effects resulting in hospitalization and death when ingested, inhaled or otherwise introduced into the human body; and whereas these synthetic cannabinoids, synthetic cathinones, and synthetic hallucinogens pose health, safety, and welfare issues; now therefore the Board of Health of the Town of Northbridge adopts these regulations banning the sale of drug paraphernalia and synthetic cannabinoids as part of our mission to protect the health, safety and welfare of the public.
- B. **Authority.** These regulations are promulgated under the authority granted to the Board of Health under MGL Ch. 111, § 31.
- C. **Definitions.** The following terms shall have the meaning ascribed to them below:

Cannabimimetic Agents: Unless specifically exempted by law, any material, compound, mixture or preparation which contains any quantity of cannabimimetic agents, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. As used in this regulation, cannabimimetic agents mean:

1. Any substance that is a cannabinoid receptor type 1 (CB 1 receptor) as demonstrated by binding studies and functional assays within the following structural classes:
 - a. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
 - b. 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;
 - c. 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;
 - d. 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; or
 - e. 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.
2. Any substance which includes any one (1) or more of the following chemicals:
 - a. CP 47,497; 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

- b. Cannabicyclohexanol;5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
 - c. JWH-015;(2methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;
 - d. JWH-018; 1-pentyl-3-(1-naphthoyl) indole;
 - e. JWH-019; 1-hexyl-3-(1-naphthoyl)indole;
 - f. JWH-073; 1-butyl-3-(1-naphthoyl)indole;
 - g. JWH-081;1-pentyl-3-(1-4-methoxynaphthoyl)indole;
 - h. JWH-122; 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
 - i. JWH-200; 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole;
 - j. JWH-203; 1-pentyl-3-(2-chlorophenylacetyl)indole;
 - k. JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;
 - l. JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
 - m. AM2201; 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;
 - n. AM694; 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
 - o. SR-19 and RCS-4; 1-pentyl-3-(4-methoxy-benzoyl)indole; and
 - p. SR-18 and RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole.
3. Any substance which includes any one (1) or more of the following chemicals:
- a. 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
 - b. 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
 - c. 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
 - d. 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
 - e. 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
 - f. 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
 - g. 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
 - h. 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine(2C-N); and

i. 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)

Illegal Chemical Product: Any substance which includes any one (1) or more of the following chemicals:

1. 3,4 – methylenedioxy-methcathinone, MDMC;
2. Medphradone (4-methylmethcathinone);
3. 4 – methylmethcathinone, 4 – MMC;
4. 4 – methoxymethcathinone, bk – PMMA, PMMC;
5. 3, 4 – fluoromethcathinone, FMC;
6. Napthylpyrovalerone, NRG -1;
7. Beta-keto-N-methylbenzodioxolylpropylamine;
8. 2-(methylamino)-propiofenone; OR alpha-(methylamino) propiofenone;
9. 3-methoxymethcathinone;
10. 2-(methylamino)-1-phenylpropan-1-one;
11. 4-ethylmethcathinone;
12. 3,4-dimethylmethcathinone;
13. Alpha-Pyrrolidinopentiophenone;
14. Beto-Keto-Ethylbenzodioxolybutanamine;
15. 3,4-methylenedioxy-N-ethylcathinone;
16. 4-methyl-alpha-pyrrolidinobutyrophenone;
17. Methylenedioxypropylvalerone or [(MDPV) (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone)]; and
18. MDAI; 5, 6-methylenedioxy-2-aminoindamine.

Drug Paraphernalia: Drug paraphernalia shall be defined pursuant to M.G.L.A c. 94C sec. 1. Drug paraphernalia shall, in addition to the definition under M.G.L.A. c. 94C, sec. 1, include blunt wrappers and rosebud glass tubes or other non-traditional tobacco smoking apparatus.

Person: An individual, corporation, partnership, wholesaler, retailer, or any licensed or unlicensed business.

- D. No person shall sell, offer to sell, gift, or publicly display for sale any drug paraphernalia within the Town of Northbridge. Any loose products, including but not limited to steel wool pads and plastic bags, displayed in a business establishment for sale or distribution, individually, out of the manufacturer's customary packaging, will be considered drug paraphernalia. In determining whether an object is being sold or offered for sale as drug paraphernalia, the enforcing officer, court and/or reviewing authority should consider all other logically relevant factors.

Exception: A Registered Marijuana Dispensary possessing a current registration issued by the Commonwealth of Massachusetts and a License to Operate a Registered Marijuana Dispensary issued by the Northbridge Board of Health in accordance with § 201-22 of the Code of Regulations of the Northbridge Board of Health governing the Sale of Marijuana, and upon approval of the Northbridge Police Department, shall be exempt from § 201-9 (D) of this Board of Health regulation banning the sale of drug paraphernalia provided that all retail sales of paraphernalia are face-to-face between the Dispensary Agent and the Card Holder at the licensed Registered Marijuana Dispensary. (Added 4-29-14, effective 5-9-2014)

- E. No person shall sell, offer to sell, gift, or publicly display for sale any cannabimimetic agent, illegal chemical product, or like products that shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual, or mental processes, that is similar to a controlled substance or imitation controlled substance.
- F. No person shall knowingly possess, inhale, or ingest any cannabimimetic agent or illegal chemical product or like products that shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual, or mental processes, that is similar to a controlled substance or imitation controlled substance.
- G. This regulation shall apply whether the cannabimimetic agents or illegal chemical products, as herein defined, are desired as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked or ingested.
- H. **Violations and Penalties.** This Regulation shall be enforced by the Northbridge Board of Health and/or the Northbridge Police Department through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, by noncriminal disposition pursuant to M.G.L. c. 40, § 21D, and/or through revocation of any or all licenses and permits issued by the Town of Northbridge. The fine for violation of this regulation shall be three hundred dollars (\$300) for each offense. A separate offense shall be deemed committed for each sale, offer to sell, gift, or public display for sale.
- I. **Enforcement.** The enforcement of this regulation shall be by the Northbridge Police Department, the Northbridge Board of Health, or its designated agent.

- J. **Seizure of Controlled Substances.** All substances, found in plain view, being used in violation of this regulation may be seized and held until final adjudication whereupon they will be destroyed by the Northbridge Police Department.

- K. **Effective Date.** These regulations shall become effective on January 1, 2013.

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§ 201-10. Wells. *[Amended 10-3-2001, effective 10-10-2001]*

A. Purpose and authority. The Board of Health of the Town of Northbridge, to protect the public health, and acting under the authority of Chapter 111 of the Massachusetts General Laws, hereby makes the following health regulations. The intent of these regulations is to protect the quality and quantity of drinking water supplies within the Town of Northbridge. These regulations are to be inserted into the Code of Regulations of the Board of Health § 201-10, replacing any and all existing regulations previously adopted by the Board of Health regarding the construction and/or abandonment of wells, except as to those matters currently pending. Any condition that existed prior to the effective date of these regulations shall not be grandfathered or regarded as exempt from these regulations.

B. Definitions.

APPLICANT -- Any person who intends to have a private well constructed.

BEDROOM -- Any room providing privacy, intended primarily for sleeping and consisting of floor space of no less than 70 square feet, electrical service, ventilation and at least one window.

BOARD -- The Board of Health of the Town of Northbridge, Massachusetts or its authorized agent.

CERTIFIED LABORATORY -- Any laboratory currently certified by the Department of Environmental Protection for drinking water. Provisional certification shall also qualify.

CROSS-CONNECTION -- Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other, water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

HYDROFRACTURING -- A process whereby water is pumped under high pressure into a well to fracture the surrounding rock thereby increasing the well yield.

GROUND SOURCE HEAT PUMP (GSHP) WELL -- Well constructed for the purpose of transferring heat to or from the earth for heating and cooling purposes. GSHP wells may be Open-loop, closed-loop, or Direct Exchange. **(Added 10-24-2011; Effective 12-1-2011)**

POTABLE WATER -- Water that is tested by a state certified laboratory and satisfies state drinking water standards for culinary and domestic purposes.

PRIVATE WELL -- A water supply well which will not serve either a number of service connections or a number of individuals sufficient to qualify as a public water system as defined in 310 CMR 22.02.

PUMPING TEST -- A procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.

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.

REQUIRED VOLUME -- The volume of water necessary to support the household's daily needs based on number of bedrooms and storage capacity of the drilled well.

STATIC WATER LEVEL -- The level of water in a well under non-pumping conditions.

C. Well construction.

- (1) Pursuant to 313 CMR 3.00, Water Well Diggers and Drillers Registration Regulations, no person in the business of digging or drilling shall construct a well unless registered with the Department of Environmental Management -- Office of Water Resources.
- (2) No person shall drill, dig, or otherwise develop any new well for water or engage in the destruction of a private well within the Town of Northbridge without first obtaining a permit issued by the Board of Health. Said permit shall be valid for a one-year period. Permits may be extended for one additional six-month period, provided that a written request is received by the Board prior to the one-year expiration date.
- (3) A plan and application form must be submitted to the Board of Health with required fee. The plan must be prepared by a registered sanitarian, professional engineer, or other professional person authorized by the Commonwealth of Massachusetts and/or the Board of Health to prepare such plan, showing, at a minimum, the property owner, the address, the bounds of the lot, the proposed well, proposed water line, the building(s) to be served, any subsurface sewage disposal systems and well, both proposed and existing within 200 feet, and any waste disposal sites within 1,000 feet. The proposed well must be located on the lot which it serves and must meet these minimum distance requirements:

Distance From	Feet
Leaching facility	100
Leaching reserve area/existing cesspool	100

Septic tank	50
Any structure or dwelling	20
Property line	10
Driveway	25
Public/private way	25
Rights-of-way	15
Stable/manure storage	100
Storm drain	25
Underground storage tank (exception: propane tanks) [Amended 3-6-2002]	200
Wetland	50
Waste disposal site/landfill (Amended 10-24-2011; Effective 12-1-2011)	500

- (4) All wells shall be constructed in compliance with the recommendations of the latest edition of the Department of Environmental Protection Private Well Guidelines.
- (5) All lines from a 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.
- (6) Pressure 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 pressure-tested to assure watertightness.
- (7) The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above or to increase the above distances when the Board deems it necessary. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.
- (8) A well from which the water is not intended for human or animal consumption or for the irrigation of foods or food ingredients must meet the same requirements as a drinking water well.
- (9) The Board of Health may refuse to issue a permit if it deems that the location of the proposed well will unreasonably interfere with the probable future installation or repair

of a septic system on a neighboring lot of land, or for any reason which may be contrary to sound public health policy as determined by the Board of Health.

- (10) No person shall allow the connection of any building, or other facility, to the municipal water supply and to a private water supply concurrently. Such constitutes a cross-connection and is prohibited.
- (11) When the Board of Health determines that the supply of potable water from privately operated wells may be jeopardized with respect to drinking water quality and/or supply due to prolonged drought and potentially affect the health of those using such wells, the use of private wells for irrigation purposes may be prohibited until such time as the Board determines.
- (12) The Board of Health may require the connection to a municipal water line, where available, when it determines that the supply of potable water from a private well may be jeopardized with respect to drinking water quality and the potential health effects to those using said well.

D. Water quality.

- (1) Before use or, in the case of new construction, before the issuance of a building permit, the well water must be tested by a laboratory that is certified by the Department of Environmental Protection to test drinking water for the parameters analyzed. All analyses shall be performed in accordance with US EPA methods for drinking water analysis.
- (2) The laboratory performing the testing must collect such samples. Written proof of the individual's certification must be supplied to the Board of Health upon request. The original results of the water quality tests, chain of custody, and verification of the laboratory's certification for the parameters analyzed must be submitted directly to the Board of Health within two weeks of sampling. In no event shall a water treatment device be installed prior to sampling.
- (3) If the initial test did not pass and a filter or other treatment system is necessary, a second representative sample for laboratory analysis must be collected in accordance with Subsection D(2) above after the treatment system is installed. The second sample shall be retested for all failed parameters, plus any other parameters deemed necessary by the Board. A laboratory report indicating all test results meet EPA drinking water standards must be submitted to the Board prior to issuing a certificate of occupancy.
- (4) The following parameters shall be tested:
 - (a) Total bacteria.

(b) Coliform bacteria.

(c) Turbidity.

(d) Inorganic compounds:

[1] Antimony.

[2] Arsenic.

[3] Barium.

[4] Beryllium.

[5] Cadmium.

[6] Chromium.

[7] Copper.

[8] Cyanide.

[9] Flouride.

[10] Lead.

[11] Mercury.

[12] Nitrate.

[13] Nitrite.

[14] Selenium.

[15] Sodium.

[16] Thallium.

(e) Volatile organic compounds (VOC's) (using EPA method 524.2).

(f) Radon. [Amended 3-6-2002]

(g) Secondary standards for drinking water:

[1] Aluminum.

[2] Chloride.

[3] Color.

[4] Copper.

[5] Flouride.

[6] Iron.

[7] Manganese.

[8] Odor.

[9] Ph.

[10] Silver.

[11] Sulfate.

[12] Total dissolved solids.

[13] Zinc.

[14] Ammonia (Added 10-24-2011; Effective 12-1-2011)

(h) Hardness. [Added 3-6-2002]

NOTES:

1.High concentrations of nitrate, chloride, and ammonia could indicate that well is drawing in septic effluent. Further testing of VOC's may be requested by the Board of Health.

2.High concentrations of iron, manganese, total dissolved solids, nitrogen (as ammonia or nitrate) and hardness could indicate that well is drawing in landfill leachate. Further testing of regulated and unregulated VOC's may be requested by the Board of Health.

- (5) The Board of Health may require that any well drilled within 500 feet of a landfill, waste site, or 21E site, may be required to conduct water quality analysis of synthetic organic chemicals (SOC's).
- (6) The US EPA Drinking Water Standards for Primary and Secondary Drinking Water Maximum Contaminant Levels (MCL's) shall be used as the guidelines for private water supplies.
- (7) All costs and laboratory arrangements for collections of water samples and testing are the responsibility of the applicant.

E. Water Supply Certificate.

- (1) The issuance of a Water Supply Certificate by the Board shall certify that the private well may be used as a drinking water supply. A Water Supply Certificate must be issued for the use of a private 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.
- (2) The following shall be submitted to the Board of Health to obtain a Water Supply Certificate:
 - (a) A well construction permit.
 - (b) A copy of the Water Well Completion Report as required by the DEM Office of Water Resources (313 CMR 3.00).
 - (c) A copy of the Pumping Test Report required pursuant to Subsection F of these regulations.
 - (d) A copy of the Water Quality Report required pursuant to Subsection D of these regulations.
- (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 of one of the following actions:

- (a) Issue a Water Supply Certificate.
- (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.

F. Water quantity.

- (1) A completed Department of Environmental Management Well Completion Report shall be submitted to the Board of Health by the driller within 30 days of drilling the well.
- (2) In order to demonstrate the capacity of the well to provide the required volume of water, a pump test shall be conducted.
- (3) Required volume shall be calculated by adding volume of water and storage capacity as defined below:

$\text{Volume of Water} = (\text{Number of bedrooms} + 1) \times (110 \text{ gallons/BR}) \times (\text{safety factor of } 2) = \text{Number of Gallons Needed Daily}$

Storage Capacity of Well = Calculated using the measured static water level and the depth and radius of the drill hole or casing. (See Table 1 below.)

Table 1**Gallons of Water per Foot of Depth
for Various Casing or Hole Diameters**

Diameter of Well Casing in Inches	Gallons of Water		Diameter of Well in Feet	Gallons of Water per Foot of Water Depth
	Per Foot of Water Depth	Per 100 Feet of Water Depth		
1 ½	0.092	9.2	2	23.5
2	0.163	16.3	3	52.9
3	0.367	36.7	4	94.0
4	0.653	65.3	5	146.9
5	1.020	102.0	6	211.5
6	1.469	146.9	7	287.9
8	2.611	261.1	8	376.0
10	4.080	408.0	9	475.9
12	5.876	587.6	10	587.6

Example: For a four-bedroom house with a well that is six inches in diameter and contains 100 feet of standing water:

Volume of Water = (4 bedrooms + 1 bedroom) = (5 bedrooms) x (110 gallons per bedroom) x (2) = 1,100 gallons needed daily

(a) Storage Capacity = Volume of 6-inch well is 1.47 gallons for every foot of length; therefore: (100 feet of standing water) x (1.47 gallons/foot) = 147 gallons.

Required Volume = 1100 gallons + 147 gallons = 1,247 gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity.

(4) All wells shall be tested in the following manner:

(a) The well will be pumped at whatever rate is desired.

- (b) Following the pump test the water level in the well must be shown to recover to within 85% of the prepumped static water level within a twenty-four-hour period.
- (c) If the well fails to yield the required volume within a twenty-four-hour period or if the water level in the well fails to recover to within 85% of the prepumped static water level within the twenty-four-hour period, the well shall be redeveloped, hydrofractured and/or deepened. Another pump test shall be conducted.
- (d) The results of the pump test shall be recorded and certified by the well driller on a form approved by the Board of Health and submitted to the Board of Health within 30 days of the test.
- (5) The results of the pump test and water quality test must be received and reviewed by the Board of Health prior to use of the water supply.
- (6) The well must be capable of producing an amount greater than .5 gpm.

Table 2

**Flow Volumes in Gallons per Minute and
Corresponding Flow Volumes in Gallons per Day**

Flow Volume (gpm)	Flow Volume (gpd)
0.3	432
0.4	576
0.5	720
0.6	864
0.7	1008
0.8	1152
0.9	1296
1.0	1440
1.5	2160
2.0	2880
2.5	3600
3.0	4320
3.5	5040
4.0	5760
4.5	6480
5.0	7200

G. Abandonment of wells.

- (1) All abandoned private water supply wells, test holes, and dry or inadequate borings associated with private well installation and not used for water quality monitoring shall be plugged in a manner that will permanently prevent vertical movement of water within the borehole, the well, and the annular space between the well casing and the wall of the boring.
- (2) No person shall engage in the business of destruction of private wells within the Town unless registered as a well driller/digger with the Department of Environmental Management -- Office of Water Resources, pursuant to 313 CMR 3.00.
- (3) The destruction or abandonment of a well shall be done in compliance with the recommendations of the latest edition of the Department of Environmental Protection Private Well Guidelines.
- (4) No person shall allow a well to be left uncovered or in an unsafe condition.

H. Variances. The Board of Health may vary the application of any provision of these regulations to any particular case when in its opinion the enforcement thereof would manifest an injustice, provided that the decision of the Board of Health shall not conflict with the spirit of these regulations and the applicant has proven that the same degree of public health and environmental protection can be achieved without strict application of a particular provision(s). The applicant for any variance shall pay for any advertising and/or mailings required for processing the variance.

I. Enforcement and penalties.

- (1) Any member of the Board of Health or its agents, or other person designated by the Board of Health, may enforce this section. Any violation of this regulation, of the regulations of the Department of Environmental Protection or of the Laws of the Commonwealth of Massachusetts by the permittee shall be grounds for suspension, modification, or revocation of the permit.
- (2) Criminal complaint. Whoever violates any provision of these rules and regulations may be penalized by complaint brought in the District Court or Housing Court. Each day on which a violation exists shall be deemed to be a separate offense.
- (3) Noncriminal complaint.
 - (a) Under MGL c. 40, § 21D, and the Northbridge Code of Bylaws § 1-109A, any person who violates any provision of these rules and regulations as adopted by the Board of Health pursuant to MGL c. 111, § 31A, shall be subject to a penalty in the amount of:

- [1] First offense: \$25.
- [2] Second offense: \$50.
- [3] Third and subsequent offenses in a calendar year: \$150.

(b) Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter or regulation violated shall constitute a separate offense.

(4) Enforcing persons: Northbridge Board of Health, its agents or its designee.

J. Severability. If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect, and to the end the provisions of this Code are hereby declared separable.

K. Fees. **(Amended 10-24-2011; Effective 12-1-2011)**

- (1) The fee for installing a well shall be set by the Board. [See § 201-23 Fee Schedule]
- (2) The fee for abandoning a well shall be set by the Board. [See § 201-23 Fee Schedule]

L. Effective date. These regulations were adopted by vote of the Northbridge, Massachusetts Board of Health, at their regularly scheduled meeting held on October 3, 2001, and are to be in full force and effect on and after October 10, 2001. Before said date, these regulations shall be published and a copy thereof be placed on file in the Board of Health Offices and filed with the Department of Environmental Protection, Division of Wastewater Management (formerly Division of Water Pollution Control) in Boston. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.

M. Disclaimer. The issuance of a well permit shall not be construed as a guarantee by the Board or its agents that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.

N. GSHP Wells. Open-Loop GSHP Wells must meet DEP Primary Drinking Water Standards and Northbridge Board of Health Water Quality Standards. **(Added 10-24-2011; Effective 12-1-2011)**

O. GSHP Wells UIC Registration. No well permit shall be issued for an Open Loop system without a DEP Underground Injection Control Registration Number. Closed Loop and Direct Exchange wells also require a UIC registration unless a Ground-Water discharge permit is required. **(Added 10-24-2011; Effective 12-1-2011)**

- P. GSHP Wells – Setback Requirements Open-loop, Closed-loop and Direct Exchange (DX)
GSHP Wells shall be set back a minimum of 25-feet from potential sources of contamination including but not limited to, septic tanks/fields, lagoons, livestock pens, and oil or hazardous materials storage tanks and 10-feet from any property line. Closed loop and DX wells shall be sited at least 50-feet from any private potable water supply well and 10-feet from any surface water bodies. If a dual purpose well, then all Primary Potable water setbacks must be met. **(Added 10-24-2011; Effective 12-1-2011)**

§ 201-11. Minimum Standards for the Keeping of Farm Animals and Poultry

[Amended 10-24-2011; Effective 12-1-2011; Amended 3-27-2018; Effective May 1, 2018]

- A. Purpose: The Northbridge Board of Health is responsible for the protection of the public health and welfare in the Town of Northbridge. In an effort to protect the health and safety of the public, farm animals, and poultry in the town, the following regulations are promulgated.
- B. Authority: These regulations are adopted in accordance with the provisions of Massachusetts General Laws, Chapter 111, Sections 31 and 155.

C. DEFINITIONS

Farm Animal: shall include, but not be limited to, any horse, donkey, pony, mule, goat, swine, sheep, cow or any other animal except household pets.

Corral or Paddock: shall mean a fenced area designed to allow for the free roaming of animals.

Household Pets: shall mean animals that are normally kept inside a residential dwelling including but not limited to dogs, cats, ferrets, fish, domestic or exotic birds, or other small rodents.

Lot: a contiguous area of land, under one ownership, with definite boundaries.

Manure Management Plan (MMP): shall mean a plan for the handling of manure and other wastes. MMP shall address cleaning, composting, storage, utilization and removal of manure and other wastes.

Poultry: includes but is not limited to chickens, ducks, guinea fowl, peafowl, pheasants, partridges, quails and turkeys.

Rooster: an adult male chicken

Stable: shall mean a building or enclosure used to house or confine one or more animals or poultry and to store the food supplies normally associated with the keeping of animals and poultry.

- D. Permit Required: No person shall keep any farm animal or poultry without first obtaining a permit from the Board of Health, nor shall any person, firm or corporation owning or responsible for the custody of a farm animal or poultry within the limits of this town, for the purpose of stabling such animal or poultry, use or occupy any building, shed or other structure which does not conform to the requirements of these regulations.

- E. No permit shall be issued to keep a farm animal on any lot of land containing less than one (1) acre. Additional farm animals 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 animal. More than four farm animals 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, the land area is suitable for the raising of animals such as pastures, fields and wooded uplands not including wetlands or other areas as may be restricted by town state or federal law, regulations or guidelines and provided that the granting of such permit will not adversely affect the public health, safety, and welfare.

No permit shall be issued to keep poultry on any lot of land containing less than 30,000 square feet (SF).

Roosters shall not be permitted in the Town of Northbridge unless they are kept on a parcel of land greater than three (3) acres in size. If determined by the Board of Health that roosters are creating a nuisance the Board may issue an order for their immediate removal.

- F. Applications for all permits required by these regulations shall be made to the Board of Health. Each application shall state the name of the applicant and the location of the premises to be used, and each application shall specify the area and the location of the premises for which a permit is requested and shall specify the number and type of farm animals and poultry which are to be kept therein. Such permits shall cover only one location. Each application shall also contain a certified plot plan noting location of dwelling, stable, corral, dwellings located on abutting property including locations of any on-site sewage disposal systems and private drinking water wells within 200-feet of the proposed stable and corral area. Said plan shall note all distances between each structure, sewage system, and well. The Board may require additional information upon review of the permit application.
- G. All permits shall expire on March 31 of each year but may be renewed annually on application, provided that the applicant is then qualified to receive a permit and the premises for which a renewal is sought are suitable for such purpose.
- H. No person shall erect, occupy or use for a stable any building in the Town of Northbridge unless such use is approved by the Board of Health. Each stall shall contain a minimum of 100 square feet for the first farm animal and at least 60 additional square feet for each additional animal.
- Adequate housing must be provided for poultry to protect them from wind, weather and predators. Housing shall provide plenty of ventilation, ample space to allow birds to move freely and an area that is out of direct light for hens to lay eggs.
- I. Any person who proposes to remodel a building or a portion thereof which is being used as a stable or who proposes to construct a new building which is to be used in whole or in part as

a stable shall, prior to such remodeling, renovation or constructing, submit plans to the Board of Health for approval. Such construction must begin within 90 days of date of approval. Stable shall not be occupied until a certificate of occupancy is issued by the Inspector of Buildings.

- J. All premises used for the keeping or stabling of farm animals or poultry shall be adequately fenced so as to prevent the escape of the animals there from. At no time shall farm animals or poultry be allowed to roam unattended or onto another person's property.
- K. No such permit shall be issued which would involve a violation of the zoning or protective bylaw of the town. See Zoning Chapter 173: Table of Use Regulation.
- L. Sanitary requirements.
 - (1) Each stable shall be furnished with an adequate and safe water supply for feeding, cleaning and fire protection services.
 - (2) Animal and poultry feed shall be stored in sealed, moisture-proof and vermin-proof containers.
 - (3) Each stall in the stable shall be provided with adequate drainage so as to remain dry and clean, in a manner satisfactory to the Board of Health.
 - (4) Bedding shall consist of straw, hay or like substances but shall not contain in whole or in part any wool waste.
 - (5) All manure must be removed from the stalls at least once each day and not allowed to accumulate in corrals or other areas on the property. Manure shall be collected at a single location, carefully chosen to maximize the distance from abutting properties and watercourses.
 - (6) Provisions should be made for the disposal of manure with sufficient frequency and in such a manner as to be satisfactory to the Board of Health and in such a manner as to prevent the creation of objectionable conditions.
 - (7) Location of manure pits must be approved by the Board of Health. In fly-breeding seasons, manure shall be periodically treated with chemicals for fly control. Any chemical approved by the United States Department of Agriculture shall suffice.
 - (8) Manure shall not be stockpiled between April 15 and October 15.
 - (9) Floors shall consist of any material acceptable to the Board of Health, such as a thin layer of sand and clay over a gravel base or crushed stone.

- (10) For ventilation purposes, each stable shall have an effective window area of at least 10% of the total floor area.
- (11) Each stable shall be located on land with good drainage and not susceptible to flooding.
- (12) Each stable and corral or paddock shall be located on a lot not less than:
 - a. 25-feet from an abutting property line
 - b. 100-feet from any swamp, stream, pond or drainage easement
 - c. 100-feet from any abutting dwelling
 - d. 100-feet from any private drinking water well

These requirements may be enlarged or increased in any particular case at the discretion of the Board of Health

- (13) Permit cost shall be set by the Board. [See § 201-23 Fee Schedule]
- M. Any property used to house farm animals or poultry shall be subject to inspection by the Inspector of Animals, the Board, or its Agent, at any reasonable time. Failure to allow an inspection upon request shall be cause for permit revocation. The Board or its agent may revoke a permit for cause without a public hearing if a condition exists which may endanger the health, safety or welfare of the animals or poultry or the general public, or which is a nuisance. The Board maintains the authority to hold a public hearing to consider the revocation of a permit. Any person aggrieved shall have the right to appeal such revocation at a public hearing of the Board if no hearing was held prior to the revocation.
- N. A permit to stable or keep farm animals or poultry on property in the Town of Northbridge is not transferable.
- O. All permits issued for the stabling of farm 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 contained in the original application 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.
- P. Variance Procedure: Any request for a variance from the regulations contained in § 201-11 must be submitted in writing to the Board. The Board shall within 21 days of receipt of the request for variance hold a public meeting, at which time the applicant must demonstrate to the Board, by clear and convincing evidence, that there will be no adverse effect on the public health by the granting of the variance request. All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.

§ 201-12. Swimming pools and hot tubs. *[Amended 10-24-2011; Effective 12-1-2011]*

- A. 105 CMR 435.000, Minimum Standards for Swimming Pools, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. A permit is required to operate any public, semi-public, or special purpose pool or hot tub. A fee shall be required. [See 201-23 Fee Schedule] No permit is required for the use of residential pools or hot tubs maintained by an individual for his own or family's use, or for the use of personal guests of his household.
- C. Hot tubs and pools shall be inspected a minimum of two times per year.
- D. Special purpose pools and hot tub permits shall expire December 31 of each year.
- E. Pool permits shall expire December 31 of each year.

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§ 201-13. Bathing beaches. *[Amended 10-24-2011; Effective 12-01-2011]*

- A. 105 CMR 445.000, Minimum Standards for Bathing Beaches, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. A permit to operate a Bathing Beach is required. [See § 201-23 Fee Schedule]
- C. Bathing Beach Permits shall expire no later than October 1 of the year issued.
- D. Bathing beach water quality analysis shall be conducted within the five days immediately preceding the opening of the bathing beach and at least weekly during the bathing season. The bathing beach operator shall be responsible for all costs associated with water testing and shall be responsible for reporting results of all testing to the Board of Health.
- E. No permit to operate a bathing beach shall be issued without first submitting the bathing beach water quality test to the Board of Health
- F. If water quality analysis deems the bathing beach unsafe for swimming, the beach operator shall immediately notify the Board of Health office and properly post the bathing beach closed and unsafe for swimming. The beach may not re-open until water tests indicate that the beach water is safe to swim and approval is granted by the Board of Health.

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§ 201-14. Tanning facilities. *[Amended 10-24-2011; Effective 12-01-2011]*

- A. 105 CMR 123.000, Tanning Facilities, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. A permit to operate a Tanning Facility is required. [See § 201-23 Fee Schedule]
- C. All tanning facility permits shall expire on December 31.
- D. All tanning facilities shall be inspected twice yearly.
- E. Operator Manuals for each Tanning Bed or Booth shall be made available to the Board of Health inspector at the time of his/her inspection.
- F. Each Tanning Booth or Bed shall be disinfected after each use. Disinfectant shall be EPA approved.
- G. Only replacement bulbs as specified by the manufacturer in the Operators Manual may be used in the Tanning Booth or Bed.

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§ 201-15. Recreational camps for children. *[Added 7-11-2001, effective 7-18-2001; Amended 2-20-2007, effective 3-1-2007; Amended 10-24-2011; Effective 12-1-2011]*

- A. 105 CMR 430.000, Minimum Sanitation and Safety Standards for Recreational Camps for Children, State Sanitary Code, Chapter IV, as most recently amended, is hereby adopted as a local regulation for the Town of Northbridge.
- B. Camp permits shall expire at the close of the camp season for which the applicant has sought a permit.
- C. 105 CMR 430.020 Definitions shall be amended as follows:

Day Camp means a program which:

- 1. operates on a site for more than two hours but less than 24 hours a day;
- 2. operates for at least three days during a two week period; and
- 3. meets the definition of a recreational camp for children.

- D. Enforcement and Penalties. For the purposes of noncriminal disposition under MGL Ch.40 § 21D, and the Northbridge Code of Bylaws § 1-109A, the owner, operator, or camp director of a recreational camp for children that operates a recreational camp in the Town of Northbridge without first obtaining a permit from the Board of Health shall be subject to a penalty in the amount of \$300 and immediate closure of all camp activities until camp obtains full compliance with 105 CMR 430.000. **(Added 10-24-2011; Effective 12-1-2011)**

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§ 201-16 . Funeral directors. *[Amended 10-24-2011; Effective 12-1-2011]*

- A. No person shall be licensed by the Board of Health as a funeral director in the Town of Northbridge unless certified by the Board of Registration in Embalming and Funeral Directing before May 1 of each year.
- B. All funeral director licenses shall expire on April 30 of each year.

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§ 201-17. Permitting and operation of commercial, residential and municipal solid waste and recyclable materials collection. [*Amended 5-16-2001, effective 5-30-2001; Amended 10-24-2011; Effective 12-1-2011*]

A. Authority and purpose. The Town of Northbridge Board of Health under the authority of MGL c. 111, §§ 31A and 31B, hereby makes the following regulations in an effort to protect the public health and to promote increased recycling and responsible refuse disposal. These regulations are to be inserted into the Code of Regulations of the Board of Health, replacing any and all existing regulations previously adopted by the Board of Health regarding the permitting and operation of garbage, rubbish, and refuse collection and disposal, except as to those matters currently pending. Any condition that existed prior to the effective date of these regulations shall not be grandfathered or exempt from these regulations.

B. Definitions.

COMMERCIAL WASTE -- Nonhazardous solid waste generated by businesses, such as office buildings, retail and wholesale establishments, and restaurants.

FACILITY -- A licensed solid waste disposal or handling facility approved or licensed by the Department of Environmental Protection (DEP).

PERMITTEE -- Any person(s) or company, which has applied for and obtained the appropriate permit to collect refuse within the corporate limits of the Town of Northbridge.

RECYCLABLE MATERIALS -- Those items listed in Subsection G of these regulations.

SOLID WASTE -- All rubbish, trash, garbage, or refuse normally generated, excluding explosives, oil, sludges, highly flammable substances, cesspool or other human wastes, human or animal remains, construction materials, demolition debris, and hazardous refuse of any kind such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used as filter media, cleaning fluid and refuse of similar nature. Recyclable materials, as defined in these regulations, are specifically excluded from solid waste.

C. General.

- (1) Any person engaged in the collection of solid waste and/or recyclable materials in the Town of Northbridge shall remove the same to an approved location or facility in accordance with these rules and regulations, as well as all other applicable rules and regulations.

- (2) The permittee shall at no time dispose of recyclable materials by landfilling or incineration without written permission from the Board of Health.
- (3) The permittee shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans and any other item deemed feasible by the Board of Health. Items required to be recycled are set forth in Subsection G below, and are subject to amendment by the Board of Health.
- (4) In servicing establishments generating commercial waste, the permittee may limit recycling service to paper products, as listed in Subsection G.
- (5) Separation of recyclable materials from solid waste will take place at the source (i.e., individual homeowners/tenants/business owners will perform separation).

D. Permitting procedure.

- (1) All persons collecting solid waste and/or recyclable materials in the Town of Northbridge shall obtain a permit from the Board of Health prior to commencing with collection.
- (2) At the time of application or as otherwise specified, the applicant shall submit to the Board of Health the following:
 - (a) A nonrefundable permit fee [See § 201-23 Fee Schedule.] (**Amended 10-24-2011; Effective 12-1-2011**)
 - (b) A schedule of customer fees to be charged for residential, commercial, and industrial pickup of solid waste and recyclable materials.
 - (c) A description of the collection vehicle(s) to be used, including the make, model, year, type and size of compactor, and registration number.
 - (d) Certificates of insurance as defined in Subsection F.
 - (e) Total tonnage of solid waste and recyclable materials collected on a quarterly basis. Statistics for solid waste and recyclable materials must be supported by weight slips and/or vendor receipts. Estimates may be accepted at the discretion of the Board if sufficient justification for subject estimation is presented to the Board and can be verified. Statistics shall be submitted within 30 days of the close of each quarter; quarters shall be defined as January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.
 - (f) Name and location of approved facility at which solid waste and recyclable materials were incinerated, deposited, and/or recycled.

- (3) The permit shall be valid for a period of not more than one year, renewable annually on the first day of January, subject to review and approval by the Board of Health.
- (4) No permit shall be transferable except with the approval of the Board of Health.

E. Operational procedures.

- (1) The permittee shall provide recycling service to allow compliance with the Commonwealth of Massachusetts Department of Environmental Protection Solid Waste Bans and any other item deemed feasible by the Board of Health, as set forth in Subsection G.
- (2) The permittee shall offer collection of solid waste on a weekly basis.
- (3) The permittee shall offer collection of recyclable materials a minimum of once every other week or on a schedule approved by the Board of Health.
- (4) Permittees shall provide their customers with a list of acceptable waste types and recyclable materials, with a list or description of proper packaging or bundling methods of same.
- (5) The permittee shall collect solid waste and recyclable materials from its customers in Northbridge.
- (6) Recyclable materials shall be placed curbside or at another approved location, on specified days, in their own approved reusable containers.
- (7) The permittee may refuse to collect any commercial, industrial, municipal or residential solid waste and/or recyclable materials if there is an indication that the material is not solid waste as defined in these regulations, or if the recyclable materials are not properly packaged or bundled. The permittee shall notify such customers of the reason(s) for refusal to collect. The permittee may notify the Board of Health of any customer who continues with repeated offenses.
- (8) The permittee shall take all reasonable care in the collection of solid waste. Solid waste shall not be scattered about the streets or onto private property. Solid waste which is spilled shall be immediately picked up by the permittee and removed with other wastes.
- (9) All vehicles and other equipment used by the permittee shall be kept in good repair, appearance, and in a sanitary condition.

- (10) Vehicles shall be appropriately marked to identify the owner's and/or company's name in lettering large enough to be seen from a distance of 100 feet and shall clearly display all local, state, and federal registrations, permits and licenses.
- (11) The Board of Health reserves the right to inspect collection vehicles and loads at reasonable times in order to ensure compliance with applicable state and local laws, by-laws, and regulations.
- (12) The permittee shall provide for the collection of bulk items such as, but not limited to, couches, chairs, mattresses, white goods, etc.
- (13) Any violation of these regulations or any other applicable laws or regulations by the permittee will be grounds for suspension, modification, or revocation of said permit.

F. Insurance.

- (1) The permittee shall provide a certificate of insurance as evidence of having comprehensive general liability insurance naming the Town of Northbridge as an additional insured. The comprehensive general liability policy shall be in an amount not less than \$1,000,000 combined single limit for bodily injury and property damage.
- (2) The insurance policies shall be so written that the Board of Health will be notified of cancellation or restriction amendments at least 30 days prior to the effective date of such cancellations or amendments.

G. Recyclable materials.

- (1) This section is subject to amendment and revision by the Board of Health and the Commonwealth of Massachusetts as additional rules and regulations may be promulgated. The Board of Health may amend this section upon written notice to all permittees following public hearing and after reasonable notice to all permittees.
- (2) Recyclable materials shall be defined as materials that have the potential to be recycled and which are not commingled with solid waste.
- (3) The following items shall be deemed recyclable materials:
 - (a) Paper products (tied in bundles or placed in brown paper bags):
 - [1] Newspaper and glossy inserts.
 - [2] Magazines.
 - [3] Phone books.
 - [4] Junk (and other) mail.
 - [5] Cereal boxes, packaging, toy boxes, etc.
 - [6] White, colored, and computer paper.
 - [7] Corrugated cardboard.

(b) Glass (empty, rinsed, and dry whole bottles and jars. Labels, caps, and neck rings may remain on bottles.):

[1] Clear, brown or green food and beverage containers only.

(c) Metal (empty, rinsed, and dry. Labels may remain and lids may be attached or placed inside the can; webbing must be removed from aluminum furniture; empty aerosol cans will be accepted):

[1] All metal cans, tins, steel, aluminum, etc.

[2] Aluminum foil and food trays.

(d) Plastics (empty, rinsed, and dry. Labels, caps, and neck rings may remain.):

[1] Plastic milk, juice, and water jugs.

[2] Soda bottles.

[3] Detergent bottles.

[4] Plastics #1 through #7.

H. Reserved. (**Amended 10-24-2011; Effective 12-1-2011**)

I. Indemnification.

(1) Permittees shall enter into arrangements for the collection of solid waste and recyclable materials with individual residents, the municipality, commercial, and industrial customers of the Town, in which the permittee will be paid directly by the customer.

(2) The permittee agrees to indemnify the Town from any loss that may arise from the improper treatments, storage, or disposal of hazardous wastes collected within the Town.

J. Suspension, modification or revocation of permits. Any solid waste/recyclable collection permit may be suspended, modified, or revoked by the Board of Health upon receipt of evidence satisfactory to the Board that the permittee has not conformed to the requirements of these regulations or such further regulations as may be adopted or to any applicable state or federal statute, regulations, rule or order regarding transportation or disposal of rubbish. Appeals of such suspensions, modification or revocations may be directed to the Board of Health within 10 business days of said suspension, modification, or revocation.

K. Severability. Each of these regulations shall be construed as separate to the end that if any regulation, clause, or phrase thereof, should be held invalid for any reason, the remainder of the regulations and all other regulations shall continue to be in force.

- L. Variances. Any request for variance from these regulations must be submitted in writing to the Board of Health. The Board shall within 21 days of receipt of the request for variance hold a public hearing, at which time the applicant must demonstrate to the Board, by clear and convincing evidence, that there will be no adverse effect on the environment of the public health and safety by the granting of the variance request. All fees associated with the public hearing shall be paid by the applicant. All decisions rendered by the Board shall be made in writing and shall be kept on file in the office of the Board of Health.
- M. Noncriminal disposition method of enforcement. For the purposes of noncriminal disposition under MGL c. 40, § 21D, and the Northbridge Code of Bylaws § 1-109A, any violation of any section of these regulations shall be subject to a penalty in the amount of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and subsequent offenses in the same calendar year. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.
- N. Effective date. These regulations shall become effective on May 30, 2001.

§ 201-18. Trash collection; contractors; dumpster regulations. *[Added 11-24-1998; amended 9-5-2001, effective 9-12-2001; Amended 10-24-2011, effective 12-1-2011]*

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CONSTRUCTION AND DEMOLITION (C & D) DUMPSTER -- Any container used solely for the collection of construction, demolition and remodeling waste. *[Added 9-5-2001, effective 9-12-2001]*

CONTRACTOR -- The company or firm which is the owner of the dumpster.

DUMPSTER -- Any container used for the collection of garbage, offal or other offensive substances with a minimum capacity of 1.5 cubic yards.

TEMPORARY -- A period of time no greater than 30 days. *[Added 9-5-2001, effective 9-12-2001]*

B. Regulations.

- (1) Any contractor that operates or supplies a dumpster or trash collection service shall be required to obtain a permit from the Board of Health in accordance with § 201-17 of the Regulations of the Town of Northbridge Board of Health and MGL c. 111, § 31A. Exception: Contractors who supply dumpster services solely for the purpose of the collection of construction, demolition and remodeling waste need not comply with § 201-17. *[Amended 9-5-2001, effective 9-12-2001]*
 - (a) C & D dumpster contractors shall be required to obtain a dumpster permit from the Board of Health office. Application for C & D dumpster permit shall include name and address of owner, location of dumpster on property, and name, address, and phone number of the owner of the dumpster.
 - (b) The fee for a temporary C & D dumpster permit shall be set by the Board. Said permit may be renewed for an additional 30 days upon application and payment of an additional fee. *[See § 201-23 Fee Schedule]*
 - (c) An annual C & D dumpster permit may be issued by the Board for large projects that may be ongoing (i.e., subdivision construction) or whose completion will not occur within a six-month period of time.
 - (d) The fee for an annual C & D dumpster permit shall be set by the Board. Said permit may be renewed annually at the close of the calendar year that the permit was issued upon application to the Board and payment of a renewal fee. *[See § 201-23 Fee Schedule]*

- (e) There shall be no commingling of household waste with C & D waste.
- (f) All other regulations outlined in this chapter shall apply to C & D dumpsters.
- (2) The contractor's name and business telephone number shall be conspicuously displayed on the dumpster.
- (3) The property owner or authorized agent of the premises utilizing the collection service shall assure that each dumpster is of sufficient size and capacity to prevent overflowing.
- (4) Each dumpster must be situated so as not to obstruct the view of flowing traffic.
- (5) All dumpsters must be secure, free from tipping, in good working order and shall be capable of being closed. Exception: Dumpsters used for the disposal of demolition, construction or remodeling wastes may have open tops.
- (6) It shall be the responsibility of the property owner or agent being serviced to maintain the dumpster area free of odors, scattered debris, overflowing and all other nuisances.
- (7) The contractor shall have the dumpster deodorized and/or sanitized as necessary or as ordered by the Board of Health.
- (8) A contractor shall not leave an uncontracted dumpster or container at a property. Said container must be removed within 72 hours after termination of service.
- (9) The Board of Health, when deemed necessary, may require that a dumpster site be enclosed or screened by the property owner or authorized agent.
- (10) These regulations apply to all dumpsters in the Town of Northbridge whether for residential, commercial or industrial use.

C. Violations of these rules and regulations.

- (1) Suspension of licenses. Any refuse collection license may be suspended or revised by the Board of Health upon receipt of evidence satisfactory to the Board that the licensee has not conformed with the requirements of these regulations or such further regulations as may be adopted for the collection and disposal of refuse or upon recommendation of the Board of Health.
- (2) Violations. Violations of these regulations shall be punishable by a fine of \$25 per violation. Each day shall constitute a new violation.

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

§ 201-19. Prohibition of Smoking in Workplaces and Public Places [Added 9-24-2013, effective 10-4-2013]

- A. Statement of purpose. The purpose of this regulation is to protect the health of the employees and the general public in the Town of Northbridge.
- B. Authority. This regulation is promulgated pursuant to the authority granted to the Northbridge Board of Health by MGL Ch. 111 § 31 that Boards of Health may make reasonable health regulations. It is also promulgated pursuant to MGL Ch. 270 § 22(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 ordinance or by-law or any fire, health or safety regulation. Nothing in this section shall preempt further limitation of smoking by the Commonwealth or any department, agency, political subdivision of the commonwealth.”
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

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

EMPLOYEE: An individual or person who performs a service for compensation for an employer at the employer’s workplace, including a contract employee, temporary employee, and independent contractor who performs a service in the employer’s workplace.

EMPLOYER: An individual, person, partnership, association, corporation, trust, organization, school, college, university or other educational institution or other legal entity, whether public, quasi-public, private, or non-profit which uses the services of one (1) or more employees at one (1) or more workplaces, at any one (1) time, including the Town of Northbridge.

ENCLOSED: A space bounded by walls, with or without windows, continuous from floor to ceiling and enclosed by one or more doors, including but not limited to an office, function room or hallway.

MARIJUANA: All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

MUNICIPAL BUILDING: Any building or facility owned, operated, leased, or occupied by the Town of Northbridge.

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

SMOKING (SMOKE): The lighting of a cigar, cigarette, pipe, tobacco product, marijuana, or nicotine delivery product or possessing a lighted cigar, cigarette, pipe, tobacco product, marijuana, or nicotine delivery product or any non-tobacco product designed to be combusted and inhaled.

SMOKING BAR: An establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by MGL Ch. 270 §22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars".

TOBACCO/TOBACCO PRODUCTS -- Cigarettes, cigars, chewing tobacco, pipe tobacco, snuff or tobacco in any of its forms

WORKPLACE: An indoor area, structure or facility or a portion thereof, at which one 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.

D. Smoking Prohibited.

- (1) Smoking is hereby prohibited in the Town of Northbridge in accordance with MGL Ch. 270 § 22, commonly known as the "Smoke-Free Workplace Law".
- (2) It shall be the responsibility of the employer to provide a smoke free environment for all employees working in an enclosed workplace.
- (3) Pursuant to MGL Ch. 270 § 22(j), smoking is also hereby prohibited in smoking bars and within twenty (20) feet of an entranceway accessible to the public. Exception: this shall not apply to a smoker transiting through such area nor to a smoker approaching an entranceway with the intention of extinguishing a tobacco product.
- (4) It is prohibited for any person to use tobacco or tobacco products including E-cigarettes, marijuana or any combustible substance or product designed to be burned and inhaled in any municipal building or on any municipal grounds, in parks, or in recreation areas open to the public.

E. Violations and Penalties

- (1) The Board of Health, its agent, or designee, may in accordance with MGL c. 40 § 21D and the Northbridge Code of Bylaws § 1-109A enforce these regulations through the disposition of noncriminal fines as set forth below:
 - (a) An owner, manager, or other person in control of a building, vehicle or vessel who violates these regulations shall be punished by a fine of:
 1. In the case of a first offense: a fine of \$100.
 2. In the case of second offense within 36 months of the first offense: a fine of \$200.
 3. In the case of a third or subsequent offense within 36 months of the second offense: a fine of \$300.
- (2) Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.
- (3) The Board of Health may, at its discretion, file criminal complaints for violations of this regulation. Said complaints shall be filed with the District Court.

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

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

H. Effective date. These regulations shall become effective October 4, 2013.

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§ 201-20. Body art establishments. *[Added 3-14-2001, effective 3-21-2001]*

- A. Purpose. Whereas body art is becoming prevalent and popular throughout the Commonwealth; and whereas knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of the practitioner should be demonstrated to prevent the transmission of disease or injury to the client and/or practitioner; now, therefore the Board of Health of the Town of Northbridge passes these rules and regulations for the practice of body art in the Town of Northbridge as part of our mission to protect the health, safety and welfare of the public.
- B. Authority. These regulations are promulgated under the authority granted to the Board of Health under MGL c. 111, § 31.
- C. Definitions.

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

APPLICANT -- Any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

AUTOCLAVE -- An apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

AUTOCLAVING -- A process that results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of 30 minutes at 20 pounds of pressure (PSI) at a temperature of 270° F.

BLOODBORNE PATHOGENS STANDARD -- OSHA guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."

BOARD OF HEALTH or BOARD -- The Board of Health of the Town of Northbridge or its authorized agent.

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

BODY ART ESTABLISHMENT or ESTABLISHMENT -- A location, place, or business that has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

BODY ART PRACTITIONER or PRACTITIONER -- A specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

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

BRAIDING -- The cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

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

CLEANING AREA -- The area in a body art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art.

CLIENT -- A member of the public who requests a body art procedure at a body art establishment.

CONTAMINATED WASTE -- Waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, and/or 29 CFR Part 1910.1030. This includes any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials.

COSMETIC TATTOOING -- Also known as "permanent cosmetics," "micro-pigment implantation" or "dermal pigmentation," means the implantation of permanent pigment around the eyes, lips and cheeks of the face and hair imitation.

DISINFECTANT -- A product registered as a disinfectant by the United States Environmental Protection Agency (EPA).

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

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

EQUIPMENT -- All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

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

HAND SINK -- A lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

HOT WATER -- Water that attains and maintains a temperature 110° to 130° F.

INSTRUMENTS USED FOR BODY ART -- Hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

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

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

LIGHT-COLORED -- A light reflectance value of 70% or greater.

MINOR -- Any person under the age of 18 years.

MOBILE BODY ART ESTABLISHMENT -- Any trailer, truck, car, van, camper or other motorized or nonmotorized vehicle, a shed, tent, moveable structure, bar, home or other facility wherein, or concert, fair, party or other event whereat, one desires to or actually does conduct body art procedures.

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

PARENTERAL CONTACT -- Piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts and abrasions. [Amended 10-17-2001, effective 10-24-2001]

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

PERSON -- An individual, any form of business or social organization or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

PHYSICIAN -- An individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to MGL c. 112, § 2.

PROCEDURE SURFACE -- Any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

SANITARY -- Clean and free of agents of infection or disease.

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

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

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

SHARPS CONTAINER -- A puncture-resistant, leakproof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the international biohazard symbol.

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

STERILIZE -- The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

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

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

TEMPORARY BODY ART ESTABLISHMENT -- The same as "mobile body art establishment."

THREE-DIMENSIONAL "3D" BODY ART or BEADING or IMPLANTATION -- The form of body art consisting of or requiring the placement, injection or insertion of an object, device or other thing made of matters such as steel, titanium, rubber, latex, plastic, glass or other inert materials, beneath the surface of the skin of a person. This term does not include body piercing.

ULTRASONIC CLEANING UNIT -- A unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high-frequency oscillations transmitted through the contained liquid.

UNIVERSAL PRECAUTIONS -- A set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body-fluid-contaminated products.

D. Exemptions.

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

E. Restrictions.

- (1) No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.
 - (2) Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18, provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure. "Properly identified" shall mean a valid photo identification of the adult and a birth certificate of the minor.
 - (3) No body art shall be performed upon an animal.
 - (4) The following body piercings are hereby prohibited: piercing of the uvula; piercing of the tracheal area; piercing of the neck; piercing of the ankle; piercing between the ribs or vertebrae; piercing of the web area of the hand or foot; piercing of the lingual frenulum (tongue web); piercing of the clitoris; any form of chest or deep muscle piercings, excluding the nipple; piercing of the anus; piercing of an eyelid, whether top or bottom; piercing of the gums; piercing or skewering of a testicle; so called "deep" piercing of the penis, meaning piercing through the shaft of the penis, or "trans-penis" piercing in any area from the corona glandis to the pubic bone; so called "deep" piercing of the scrotum, meaning piercing through the scrotum, or "transcrotal" piercing; so called "deep" piercing of the vagina.
 - (5) The following practices are hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: tongue splitting; braiding; three dimensional/beading/implementation, tooth filing/fracturing/removal/tattooing; cartilage modification; amputation; genital modification; introduction of saline or other liquids.
- F. Operation of body art establishments. Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:
- (1) Physical plant.
 - (a) Walls, floors, ceilings, and procedure surfaces shall be smooth, durable, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
 - (b) Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food

- establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- (c) The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
 - (d) Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a partition at a minimum.
 - (e) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 footcandles three feet off the floor, except that at least 100 footcandles shall be provided at the level where the body art procedure is being performed, where instruments and sharps are assembled and all cleaning areas.
 - (f) All electrical outlets in operator areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.
 - (g) A separate, readily accessible hand sink with hot and cold running water under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
 - (h) There shall be a sharps container in each operator area and each cleaning area.
 - (i) There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.
 - (j) The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow preventor installed in accordance with 142 CMR 248, as amended from time to time.
 - (k) At least one covered, foot-operated waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leakproof, rodent-resistant containers and shall be removed from the premises at least weekly.
 - (l) At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of noncontaminated liquid wastes in accordance with all applicable federal, state and local laws. Said sink shall be of

adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.

- (m) All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
 - (n) The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
 - (o) The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
 - (p) No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., Seeing Eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
 - (q) Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of nonalcoholic fluids being offered to a client during or after a body art procedure.
- (2) Requirements for single-use items including inks, dyes and pigments.
- (a) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.
 - (b) All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single-use and disposable.
 - (c) Hollow bore needles or needles with a cannula shall not be reused.
 - (d) All inks, dyes, pigments, solid-core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.
 - (e) Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.
- (3) Sanitation and sterilization measures and procedures.

- (a) All nondisposable instruments used for body art, including all reusable solid-core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water (to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purposes under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions.
- (b) After being cleaned, all nondisposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave sold for medical sterilization purposes under approval of the U.S. Food and Drug Administration. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six months.
- (c) The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves shall be located away from workstations or areas frequented by the public.
- (d) Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three years and made available to the Board upon request.
- (e) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- (f) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- (g) If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- (h) When assembling instruments used for body art procedures, the operator shall wear sterile disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.
- (i) Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment until

used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160° F. or a temperature of 120° F. with the use of chlorine disinfectant.

- (4) Posting requirements. The following shall be prominently displayed:
- (a) A disclosure statement, a model of which shall be available from the Board. A disclosure statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
 - (b) The name, address and phone number of the Northbridge Board of Health.
 - (c) An emergency plan, including:
 - [1] A plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - [2] A telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - [3] A sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
 - (d) An occupancy and use permit as issued by the local building official.
 - (e) A current establishment permit.
 - (f) Each practitioner's permit.
- (5) Establishment recordkeeping. The establishment shall maintain the following records in a secure place for a minimum of three years, and such records shall be made available to the Board upon request:
- (a) Establishment information, which shall include:
 - [1] Establishment name;
 - [2] Hours of operation;
 - [3] Owner's name and address;
 - [4] A complete description of all body art procedures performed;
 - [5] An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
 - [6] A Material Safety Data Sheet, when available, for each ink and dye used by the establishment;
 - [7] Copies of waste hauler manifests;
 - [8] Copies of commercial biological monitoring tests;
 - [9] Exposure Incident Report (kept permanently);

[10] A copy of these regulations.

(b) Employee information, which shall include:

- [1] Full legal names and exact duties;
- [2] Date of birth;
- [3] Home address;
- [4] Home/work phone numbers;
- [5] Identification photograph;
- [6] Dates of employment;
- [7] Hepatitis B vaccination status or declination notification; and
- [8] Training records.

(c) Client information, which shall include:

- [1] Name;
- [2] Age as verified by valid photo identification (note ID utilized for age verification);
- [3] Address of the client;
- [4] Date of the procedure;
- [5] Name of the practitioner who performed the procedure(s);
- [6] Description of procedure(s) performed and the location on the body;
- [7] A signed consent form as specified by Subsection G(4)(b); and
- [8] If the client is a person under the age of 18, proof of parental or guardian identification, presence and consent, including age verification by photographic identification of the parent or guardian (note ID utilized for age verification).

(d) Exposure control plan. Each establishment shall create, update, and comply with an Exposure Control Plan. The plan shall be submitted to the Board for review so as to meet all of the requirements of OSHA regulations, to include, but not be limited to, 29 CFR 1910.1030, OSHA Bloodborne Pathogens Standards, et seq, as amended from time to time. A copy of the plan shall be maintained at the body art establishment at all times and shall be made available to the Board upon request.

(6) No person shall establish or operate a mobile or temporary body art establishment.

G. Standards of practice. Practitioners are required to comply with the following minimum health standards:

- (1) A practitioner shall perform all body art procedures in accordance with universal precautions set forth by the United States Centers for Disease Control and Prevention.
- (2) A practitioner shall refuse service to any person who appears to be under the influence of alcohol or drugs.

- (3) Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use, and to applicable United States Food and Drug Administration requirements. No practitioner shall use an ear-piercing system on any part of the client's body other than the lobe of the ear.
- (4) Health history and client informed consent. Prior to performing a body art procedure on a client, the practitioner shall:
 - (a) Inform the client, verbally and in writing, that the following health conditions may increase health risks associated with receiving a body art procedure:
 - [1] History of diabetes;
 - [2] History of hemophilia (bleeding);
 - [3] History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
 - [4] History of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 - [5] History of epilepsy, seizures, fainting, or narcolepsy;
 - [6] Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 - [7] Any other conditions such as hepatitis or HIV.
 - (b) Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by Subsection G(11).
- (5) A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- (6) In performing body art procedures, a practitioner shall wear sterile single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with Subsection F(5) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of sterile single-use gloves does not preclude or substitute for handwashing procedures as part of a good personal hygiene program.

- (7) The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- (8) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- (9) Preparation and care of a client's skin area must comply with the following:
 - (a) Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - (b) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - (c) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- (10) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- (11) The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
 - (a) On the proper cleansing of the area which received the body art;
 - (b) To consult a health-care provider for:
 - [1] Unexpected redness, tenderness or swelling at the site of the body art procedure;
 - [2] Any rash;
 - [3] Unexpected drainage at or from the site of the body art procedure; or
 - [4] A fever within 24 hours of the body art procedure; and

- (c) Of the address, and phone number of the establishment.

A copy shall be provided to the client. A model set of aftercare instructions shall be made available by the Board.

- (12) Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medial or Biological Waster, State Sanitary Code, Chapter VIII.

H. Exposure incident report.

- (1) An Exposure Incident Report shall be completed by the close of the business day during which an exposure has or might have taken place by the involved or knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity.
- (2) Each Exposure Incident Report shall contain:
 - (a) A copy of the application and consent for body art activity completed by a client or minor client involved in the exposure incident;
 - (b) A full description of the exposure incident, including the portion of the body involved therein;
 - (c) Instrument(s) or other equipment implicated;
 - (d) A copy of the body art practitioner license of the involved body art practitioner;
 - (e) Date and time of exposure;
 - (f) A copy of any medical history released to the body art establishment or body art practitioner; and
 - (g) Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

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

- (1) The name of the affected client;
- (2) The name and location of the body art establishment involved;
- (3) The nature of the injury, infection complication or disease;

- (4) The name and address of the affected client's health-care provider, if any;
- (5) Any other information considered relevant to the situation.

J. Complaints.

- (1) The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.
- (2) If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.
- (3) If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate, and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

K. Application for body art establishment permit.

- (1) No person may operate a body art establishment except with a valid permit from the Board.
- (2) Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- (3) An establishment permit shall be valid from the date of issuance and for no longer than one year unless revoked sooner by the Board.
- (4) The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:
 - (a) Name, address, and telephone number of:
 - [1] The body art establishment;
 - [2] The operator of the establishment; and
 - [3] The body art practitioner(s) working at the establishment;
 - (b) The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;
 - (c) A signed and dated acknowledgment that the applicant has received, read and understood the requirements of the Board's body art regulations;

- (d) A drawing of the floor plan of the proposed establishment, to scale, for a plan review by the Board, as part of the permit application process; and
 - (e) Exposure Report Plan.
 - (f) Such additional information as the Board may reasonably require.
- (5) The annual fee for the body art establishment shall be set by the Board. [See § 201-23 Fee Schedule] (**Amended 10-24-2011; Effective 12-1-2011**)
- (6) A permit for a body art establishment shall not be transferable from one place or person to another.

L. Application for body art practitioner permit.

- (1) No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board.
- (2) The annual fee for the body art practitioner permit shall be set by the Board. [See § 201-23 Fee Schedule] (**Amended 10-24-2011; Effective 12-1-2011**)
- (3) A practitioner shall be a minimum of 18 years of age.
- (4) A practitioner permit shall be valid from the date of issuance and shall expire no later than one year from the date of issuance, unless revoked sooner by the Board.
- (5) Application for a practitioner permit shall include:
 - (a) Legal name;
 - (b) Date of birth;
 - (c) Residence address;
 - (d) Mailing address;
 - (e) Phone number;
 - (f) Place(s) of employment as a practitioner; and
 - (g) Training and/or experience as set out in Subsection L(6) below.
- (6) Practitioner training and experience.
 - (a) In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
 - (b) Training.
 - [1] Training for all practitioners shall be approved by the Board and, at a minimum, shall include the following:

- i. Bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques; and
- ii. Current certification in first aid and cardiopulmonary resuscitation (CPR).

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

- (c) The applicant for a body piercing practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course must include instruction on the system of the integumentary system (skin).
- (d) The applicant for a tattoo, branding or scarification practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course on anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course must include instruction on the system of the integumentary system (skin). Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the anatomy course.
- (e) The applicant for all practitioners shall submit evidence satisfactory to the Board of at least two years' actual experience in the practice of performing body art activities of the kind for which the applicant seeks a body art practitioner permit to perform, whether such experience was obtained within or outside of the Commonwealth.

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

M. Grounds for suspension, denial, revocation, or refusal to renew permit.

- (1) The Board may suspend a permit, deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation or refusal to renew:

- (a) Any actions which would indicate that the health or safety of the public would be at risk;
 - (b) Fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 - (c) Criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
 - (d) Any present or past violation of the Board's regulations governing the practice of body art;
 - (e) Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
 - (f) Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
 - (g) Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
 - (h) Continuing to practice while his/her permit is lapsed, suspended, or revoked; and
 - (i) Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations.
 - (j) Other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.
- (2) The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven days subject to the procedures outlined in Subsection O.
- (3) Applicants denied a permit may reapply at any time after denial.
- N. Grounds for suspension of permit. The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or a practitioner is an immediate and

serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

O. Procedure for hearings.

- (1) The owner of the establishment or practitioner shall be given written notice of the Board's intent to hold a hearing for the purpose of suspension, revocation, denial or refusal to renew a permit. This written notice shall be served through a certified letter sent return receipt requested or by constable. The notice shall include the date, time and place of the hearing and the owner of the establishment or practitioner's right to be heard. The Board shall hold the hearing no later than 21 days from the date the written notice is received.
- (2) In the case of a suspension of a permit as noted in Subsection M, a hearing shall be scheduled no later than 21 days from the date of the suspension.

P. Severability. If any provision contained in these rules and regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

Q. Punitive measures for noncompliance.

- (1) Criminal complaints shall be filed at the discretion of the Board or its agent immediately upon verification of violation of these regulations. Said complaint shall be filed with the District Court.
- (2) Noncriminal complaints.
 - (a) Noncriminal complaints shall be filed at the discretion of the Board or its agent in accordance with MGL c. 40, § 21D, and the Northbridge Code of Bylaws § 1-109A in the following manner:
 - [1] First offense: \$100.
 - [2] Second offense: \$200.
 - [3] Third and subsequent offenses in a calendar year: \$300.
 - (b) Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense.

R. Effective date. These rules and regulations shall be effective as of March 21, 2001

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§ 201-21. Mercury disposal regulations. *[Added 5-29-2002, effective 7-1-2002; Amended 10-24-2011; Effective 12-1-2011]*

A. Purpose. Whereas mercury is an element that can be toxic to humans and wildlife; and whereas exposure to mercury can damage the nervous system, brain, kidneys, liver, and immune system; and whereas mercury can enter the body either through skin absorption or through inhalation of mercury vapors; now therefore, the Board of Health of the Town of Northbridge passes these rules and regulations for the disposal of mercury containing products in the Town of Northbridge as part of our mission to protect the health, safety and welfare of the public.

B. Authority. These regulations are promulgated under the authority granted to the Board of Health under MGL, c. 111, § 31.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

INDIVIDUALS -- Any person, or persons that may be responsible for the removal or replacement of mercury containing products. The individual may be the property owner, contractor, plumber, electrician, or any other person responsible for the ultimate disposal of mercury containing products, including employees and owners of retail, hardware, and electronic stores as well as administrators and employees of health care facilities or any other establishment where mercury containing products may be found.

MERCURY CONTAINING PRODUCTS -- Any product that contains the element mercury. These common products include but are not limited to thermometers (i.e., fever, candy, oven, indoor and outdoor), thermostats, fluorescent bulbs and switches, barometers, sphygmomanometers (blood pressure cuffs), and button cell batteries.

D. Regulations.

- (1) Mercury containing products shall not be disposed of through any waste stream that results in their incineration, landfilling, discharge into the environment or any other method of disposal not approved by the Department of Environmental Protection and the Northbridge Board of Health.
- (2) It shall be the responsibility of the individual(s) removing or replacing such mercury containing products to properly dispose of this product in accordance with these regulations and any state regulation regarding proper mercury disposal.
- (3) Mercury containing products must be disposed of through an approved Board of Health recycling program. Approved programs shall at a minimum document how they will accept, store, recycle and transfer each product.

E. Enforcement and penalties.

- (1) Any member of the Board of Health or its agents, the Northbridge Building Department, including the Building Inspector, Electrical Inspector, and Plumbing Inspector, or any other person designated by the Board of Health that may oversee the removal, replacement, or disposal of mercury containing products shall enforce the provisions of this regulation.
- (2) For the purposes of noncriminal disposition under MGL c. 40, § 21D, and the Northbridge Code of Bylaws § 1-109A, any violation of any section of these regulations shall be subject to a penalty in the amount of \$50 for the first offense, \$150 for the second offense, and \$300 for the third and subsequent offenses in the same calendar year. Each day or portion thereof during which a violation continues shall constitute a separate offense.

F. Severability. Each provision of this regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

G. Effective date. These rules and regulations shall be effective as of July 1, 2002.

§201-22 Regulation Restricting the Sale of Marijuana
(Added 4-29-2014; Effective May 9, 2014)

A. Statement of Purpose:

Whereas the citizens of Massachusetts voted in November of 2012 to declare there should be no punishment under state law for Qualifying Patients and health care professionals, Personal Caregivers for patients, or Registered Marijuana Dispensary Agents for the medical use of marijuana.

Whereas the Town of Northbridge aims to abide by the aim of this law and ensure that Registered Marijuana Dispensaries abide by further regulations to ensure the public health and public safety of our residents.

Now, therefore it is the intention of the Town of Northbridge to regulate the sale of marijuana.

B. Authority:

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

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings. Terms not herein defined shall be used as defined in 105 CMR 725.

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

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

Card Holder: A registered Qualifying Patient, a Personal Caregiver, or a Dispensary Agent of a Registered Marijuana Dispensary who has been issued and possesses a valid Registration Card.

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

Dispensary Agent: A board member, director, employee, executive, manager, or volunteer of a Registered Marijuana Dispensary, who is at least 21 years of age and who has received approval from the state under 105 CMR 725.030. Employee includes a consultant or contractor who provides on-site services to a Registered Marijuana Dispensary related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

E-Cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid

nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Employee: Any individual who performs services for an employer.

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

Hardship Cultivation Registration: A registration issued to a registered Qualifying Patient under the requirements of 105 CMR 725.035.

License To Operate a Registered Marijuana Dispensary (hereafter referred to as “License”): A license issued by the Town of Northbridge, to be renewed annually, that permits a Registered Marijuana Dispensary to operate.

License Holder: Any person engaged in the sale marijuana who applies for and receives a License or any person who is required to apply for a License pursuant to these regulations, or his or her business agent.

Marijuana: All parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products (MIPs) except where the context clearly indicates otherwise.

Marijuana-Infused Product (MIP): A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Registered Marijuana Dispensary, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 1.

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

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

Paraphernalia: “Drug paraphernalia” as defined in M.G.L. Ch. 94C, §1.

Personal Caregiver: A person, registered by the Massachusetts Department of Public Health, who is at least 21 years old, who has agreed to assist with a registered qualifying patient’s medical use of marijuana, and is not the registered Qualifying Patient’s certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a Qualifying Patient may serve as a Personal Caregiver, including to patients under 18 years of age as a second caregiver.

Qualifying Patient: A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

Registered Marijuana Dispensary: A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered Qualifying Patients or their Personal Caregivers. Unless otherwise specified, Registered Marijuana Dispensaries refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Registration Card: An identification card issued by the Department, valid for one year from the date of issue, to a registered Qualifying Patient, Personal Caregiver, or Dispensary Agent. The Registration Card verifies either that a certifying physician has provided a written certification to the Qualifying Patient and the patient has been registered with the Department; that a patient has designated the individual as a Personal Caregiver; that a patient has been granted a hardship cultivation registration; or that a Dispensary Agent has been registered with the Department and is authorized to work at a Registered Marijuana Dispensary. The Registration Card allows access into appropriate elements of a Department-supported, interoperable database in which detailed information regarding certifications and possession criteria are stored. The Registration Card identifies for the Department and law enforcement authorities, those individuals who are exempt from Massachusetts criminal and civil penalties for the medical use of marijuana in compliance with 105 CMR 725.000 and MGL Ch. 369.

Self-Service Display: Any display from which customers may select a marijuana product without assistance from a Dispensary Agent or store personnel.

Sixty-Day Supply: That amount of marijuana, or equivalent amount of marijuana in MIPs, that a registered Qualifying Patient would reasonably be expected to need over a period of 60 calendar days for his or her personal medical use, which is ten ounces, subject to 105 CMR 725.010(I).

Smoking: The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.

Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff, blunt wraps 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 or makes marijuana products.

Written Certification: A form submitted to the Department by a Massachusetts licensed certifying physician, describing the Qualifying Patient's pertinent symptoms, specifying the patient's debilitating medical condition, and stating that in the physician's professional opinion the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient.

D. License to Operate a Registered Marijuana Dispensary:

1. Anyone applying for a License to operate a Registered Marijuana Dispensary must be at least 21 years of age, a U.S. Citizen, and a resident of Massachusetts.
2. No person shall sell or otherwise distribute marijuana or marijuana products within the Town of Northbridge without first obtaining a **License to Operate a Registered Marijuana Dispensary** (License) issued annually by the Northbridge Board of Health. Only Registered Marijuana Dispensaries with a permanent, non-mobile location in Northbridge, meeting zoning restrictions, are eligible to apply for a License to maintain a supply of marijuana or marijuana products at the specified location in the Town of Northbridge.
3. As part of the License application process, the applicant will submit the detailed summary of operating policies and procedures for the Registered Marijuana Dispensary as submitted with their Phase II application per 105 CMR 725.100, including, but not limited to, provisions for security, prevention of diversion, storage of marijuana, transportation of marijuana, inventory procedures, procedures for quality control and testing of product for potential contaminants, procedures for maintaining confidentiality as required by law, personnel policies, dispensing procedures, record-keeping procedures, plans for patient education, and any plans for patient or Personal Caregiver home-delivery.
4. As part of the License application process, the applicant will be provided with this 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 Dispensary Agents who will be responsible for sales. **This shall be required at time of initial application and annually thereafter when applying for renewal of License to Operate a Registered Marijuana Dispensary in the Town of Northbridge.**
5. Each applicant is required to provide proof of a current Registered Marijuana Dispensary registration, issued by the Commonwealth of Massachusetts, before a License can be issued.
6. As a condition of License issuance, the Registered Marijuana Dispensary agrees to provide to the Town of Northbridge a copy of their Certificate of Registration, annual renewals thereafter, any changes to the business as described in 105 CMR 725.100(F) and current written operating procedures required in 105 CMR 725.105.
7. No applicant is permitted to sell alcohol, tobacco products and/or Nicotine Delivery Products and must not be in possession of either a tobacco sales permit or a liquor license issued by the Town of Northbridge.
8. No applicant is permitted to hold a Food Service Permit issued by the town for on-premises food consumption.
9. No applicant is permitted to be a Massachusetts lottery dealer.
10. The fee for a License shall be determined by the Northbridge Board of Health annually. **The initial fee for this License is set at five-hundred dollars (\$500.00) annually.**
11. A separate License is required for each retail establishment selling marijuana and/or marijuana products and for each location, not being the same address as the retail establishment, where the Registered Marijuana Dispensary is approved by the state to cultivate marijuana or prepare MIPs.

12. Each License shall be displayed at the retail establishment in a conspicuous place.
13. Issuance and maintaining a License shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.
14. Issuance and maintaining a License shall be conditioned on an applicant's ongoing compliance with current Commonwealth of Massachusetts requirements and policies regarding marijuana sales.
15. Applicant agrees to maintain a closed-circuit camera system that records all sales transactions and any recording from the previous 24-hour period must be provided to any law enforcement official or municipal agent who requests such recording.
16. License Holders agree that a Registered Marijuana Dispensary will not open for business before **9:00 a.m. and shall close no later than 9:00 p.m. Monday through Saturday**; and will not be open for business before **12:00 p.m. and shall close no later than 5:00 p.m. on Sunday**.
17. No License Holder shall allow any Dispensary Agent to sell marijuana or marijuana products until such Dispensary Agent reads this regulation regarding the sale of marijuana and signs a statement, a copy of which will be placed on file in the office of the License Holder, that he or she has read the regulation.
18. Dispensary Agents must present their Registration Card to any law enforcement official or municipal agent who questions the agent concerning their marijuana-related activities.
19. A License is non-transferable. A new owner of a Registered Marijuana Dispensary must apply for a new License. No new License will be issued unless and until all outstanding penalties incurred by the previous License Holder are satisfied in full.
20. A License will not be renewed if the License Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding License suspensions.
21. At any given time, there shall be no more than **ONE (1)** License issued in town.

E. Marijuana Sales by Registered Marijuana Dispensaries:

1. No person shall sell marijuana from any location other than at a Registered Marijuana Dispensary that possesses a valid License to Operate a Registered Marijuana Dispensary issued by the town.
2. Registered Marijuana Dispensaries shall only permit Dispensary Agents to transport marijuana or MIPs on their behalf, whether between dispensaries, dispensary sites, or to registered Qualifying Patients or Personal Caregivers and follow Massachusetts Department of Public Health guidelines found in 725.110(E) which shall be made available to the Northbridge Police Department upon request.
3. Registered Marijuana Dispensaries shall permit entry to the Registered Marijuana Dispensary, to specifically engage in activity expressly or by necessary implication permitted by the MGL Ch. 369 and 105 CMR 725.000, to only registered Qualifying Patients, Personal Caregivers, Dispensary Agents, persons authorized by 105 CMR 725.105(P) and, subject to the requirements of 105 CMR 725.110(C)(4), outside vendors, contractors and visitors.

4. Registered Marijuana Dispensaries shall limit entry to their “Limited Access Areas” to Dispensary Agents and outside vendors, contractors and visitors meeting the requirements found at 105 CMR 725.110(C).
5. Dispensary Agents shall verify the Registration Card of the Card Holder by means of a valid government-issued photographic identification. No separate identification is required for valid Registration Cards bearing a photograph of the Holder.
6. All retail sales of marijuana must be face-to-face between the Dispensary Agent and the Card Holder and occur at the licensed location. *Exception: Retail sales of marijuana through a Home Delivery method, which has been reviewed and approved by the Northbridge Police Department, must be face-to-face between the Dispensary Agent and the Card Holder at the Card Holder’s residence.*
7. No person shall distribute, or cause to be distributed, any free samples of marijuana or marijuana products. No means, instruments or devices that allow for the redemption of marijuana or marijuana products are prohibited.
8. Registered Marijuana Dispensaries are prohibited from using self-service displays, vending machines or Non-Residential Roll-Your-Own machines.
9. The owner or other person in charge of a Registered Marijuana Dispensary shall conspicuously post signage at all entrances indicating that the entry to persons not possessing a valid Registration Card is prohibited. The signage shall be provided by the Town of Northbridge. The notice shall be no smaller than 8.5” by 11” and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person approaching the Registered Marijuana Dispensary.

F. Dispensary Agent Permit:

1. No Dispensary Agent shall sell or otherwise distribute marijuana or marijuana products within the Town of Northbridge without first obtaining a **Dispensary Agent Permit** (Permit) issued annually by the Northbridge Board of Health.
2. As part of the Permit application process, the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation. **This shall be required at time of initial application and annually thereafter when applying for renewal of the Dispensary Agent Permit in the Town of Northbridge.**
3. Each applicant is required to provide proof by means of a valid government-issued photographic identification containing the bearer’s date of birth that the applicant is 21 years old or older.
4. Each applicant is required to provide proof of a current Dispensary Agent registration, issued by the Commonwealth of Massachusetts, before a Permit can be issued.
5. The fee for a Permit shall be determined by the Northbridge Board of Health annually. **The initial fee for this Permit is set at One-Hundred Dollars (\$100.00) annually.**
6. Issuance and maintaining a Permit shall be conditioned on an applicant’s on-going compliance with current Commonwealth of Massachusetts requirements and policies regarding marijuana sales.

7. A Permit will not be renewed if the Permit Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding Permit suspensions.
8. Dispensary Agents must present their state Registration Card and Dispensary Agent Permit to any law enforcement official or municipal agent who questions the agent concerning their marijuana-related activities.
9. Dispensary Agents shall verify the Registration Card of the Card Holder by means of a valid government-issued photographic identification. No separate identification is required for valid Registration Cards bearing a photograph of the Holder.
10. All retail sales of marijuana must be face-to-face between the Dispensary Agent and the Card Holder and occur at the licensed location. ***Exception: Retail sales of marijuana through a Home Delivery method, which has been reviewed and approved by the Northbridge Police Department, must be face-to-face between the Dispensary Agent and the Card Holder at the Card Holder's residence.***
11. No Dispensary Agent shall distribute, or cause to be distributed, any free samples of marijuana or marijuana products. No means, instruments or devices that allow for the redemption of marijuana or marijuana products are prohibited.

G. Registration Card Holders

1. A Qualifying Patient, Personal Caregiver or a Dispensary Agent must notify the Northbridge Police Department within 72-Hours after he or she discovers that his or her Registration Card has been lost or stolen.
2. A Qualifying Patient, Personal Caregiver or a Dispensary Agent must carry his or her Registration Card at all times while in possession of marijuana.
3. A registered Qualifying Patient with a hardship cultivation registration, or his or her Personal Caregiver(s), must abide by the provisions of 105 CMR 725.035.

H. Marijuana Sales by Individuals:

1. The sale of marijuana by any person outside of a Registered Marijuana Dispensary, including Card Holders and Dispensary Agent Permit holders, is prohibited and shall be punishable in accordance with applicable state and local laws.
2. The use of marijuana by persons who are not Card Holders, including Personal Caregivers who are Card Holders, shall be punishable in accordance with applicable state and local laws.

I. Marijuana Possession:

1. A Card Holder must present his or her Registration Card to any law enforcement official who questions the patient or caregiver regarding use of marijuana.

2. A Card Holder must not possess an amount of marijuana that exceeds his/her sixty-day supply.
3. Growing marijuana is prohibited except for those possessing a valid Hardship Cultivation Registration issued by the Commonwealth of Massachusetts.

J. Marijuana Use:

1. The smoking of any marijuana is prohibited in locations governed by the Massachusetts Smoke-Free Workplace Law (MGL Ch. 270 §22) and by any local laws or regulations that further ban smoking.
2. In accordance with § 201-19(D)(4) of the Northbridge Board of Health Code of Regulations, the smoking of marijuana is prohibited in any municipal building or on any municipal grounds, in parks, or in recreation areas open to the public.
3. The use of marijuana by all persons, including Card Holders, is prohibited in public schools, on public school grounds and on public school buses.

K. Violations:

1. It shall be the responsibility of the License Holder, his or her business agent and/or Permit Holder to ensure compliance with all sections of this regulation pertaining to his or her distribution of marijuana and/or marijuana products. The violator shall receive:
 - a. In the case of a first violation, a fine of three hundred dollars (\$300.00).
 - b. In the case of a second violation within **24** months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the License or Permit shall be suspended for seven (7) consecutive business days.
 - c. In the case of three or more violations within a **24** month period, a fine of three hundred dollars (\$300.00) and the License or Permit shall be suspended for thirty (30) consecutive business days.
2. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the License or Permit for thirty (30) consecutive business days.
3. In addition to the monetary fines set above, any License Holder or Permit Holder who engages in the sale or distribution of marijuana or marijuana products while his or her License or Permit is suspended shall be subject to the suspension of all town-issued permits and licenses for thirty (30) consecutive business days.
4. The Northbridge Board of Health shall provide notice of the intent to suspend a License or 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 License Holder or its business agent or Permit Holder shall have an opportunity to be heard at such hearing and shall be notified of the town's decision and the reasons therefore in writing. After a hearing, the town shall suspend the License or Permit if the town finds that a violation of this regulation occurred. For purposes of such suspensions, the town shall make the determination notwithstanding any separate criminal or non-criminal

proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All marijuana and marijuana products shall be removed from the retail establishment upon suspension of the License. Failure to remove all marijuana and marijuana products shall constitute a separate violation of this regulation.

5. An individual or person who violates Sections I and J of this regulation shall be subject to a penalty of one hundred dollars (\$100.00) for each violation.

L. Non-Criminal Disposition:

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

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

M. Enforcement:

Enforcement of this regulation shall be by the Northbridge Board of Health, Northbridge Police Department and/or an authorized agent of the Northbridge Board of Health.

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

N. Severability:

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

O. Effective Date:

This regulation shall take effect on May 9, 2014.

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§ 201-23 . Fee schedule. [Amended 10-24-2011; Effective 12-1-2011; Amended 8-2-2016, Effective 9-1-2016; Amended 4-9-2019, Effective May 1, 2019; Amended August 23, 2022, Effective September 2, 2022; Amended October 3, 2023, Effective January 1, 2024]

The following shall be the fee schedule for permits, applications and services for the Board of Health:

Board of Health Fee Schedule

Type	Fee
Food-service establishments:	
0 to 149 seats	\$250
Over 150 + seats	\$350
(For nursing home facilities, seats shall equal beds.)	
Residential Kitchen	\$150
Retail Food Only	\$200
Retail (>5 Registers) Add:	\$300
Food Service w/ Retail Food	\$250
Retail Food w/ Food Service	\$250
Retail Food Limited (prepackaged food not requiring refrigeration, excluding soft drinks, occupying less than 50 sq. ft. of retail space)	\$100
Caterer	\$150
Caterer (w/ Food Service Establishment) Add:	\$ 50
Mobile food/seasonal	\$150
One day	\$50
Temporary (up to 6 events May thru October)	\$100
Temporary (over 7 events May thru October)	\$150
One day/temporary (nonprofit)	N/C
One day/temporary late charge	\$25
Frozen dessert machines	\$75/per plant
Food service/retail food reinspection	
Fees for noncompliance:	
1st reinspection	\$--
2nd reinspection	\$ 200
3rd reinspection	\$ 300
4th reinspection	Revocation of permit; establishment must reapply for permit
Monthly Inspection Order	Equal to (2x) Annual Permit Fee

Quarterly Inspection Order:	Equal to Annual Permit Fee
Replacement/Addition of food equipment without prior Board of Health approval	\$200
Food Establishment Plan Review	
0-2,000 Square Feet	\$200
2,001 – 5,000 Sq. Ft.	\$300
5,001 – 10,000 Sq. Ft.	\$400
Over 10,000 Sq. Ft.	\$600
Funeral directors	\$100
Hot tub permit	\$100
Housing:	
Inspection for certification	\$100
Reinspection after compliance period	\$50/per inspection
Public pool permit	\$100
Bathing Beach permit	\$ 30
Stable permit private	\$ 50
Stable permit public	\$100
Tanning facility	\$150
Tobacco permit	\$200
Trash hauler permit	\$200
Construction & Demolition Dumpster	\$150 Annual \$25 Temporary
Well construction permit	\$100
Well destruction permit	\$50
Septage hauler permit	\$200
Body Art Establishment	\$200
Body Art Practitioner	\$100
Recreational Camps for Children	\$100 1 st week + \$30 each add'l wk.

Northbridge Board of Health Code of Regulations	201-23
Disposal Works Installer	
Annual License Fee	\$150
Minimum Renewal Fee	\$ 25
Percolation/deep-hole soils evaluation	\$400 New Construction \$300 Repair
Percolation test only	\$250
Deep-hole soils evaluation only	\$250
Plan review (first 2)	\$250
Plan review (third and subsequent reviews)	\$125 each review
Septic inspections	\$400
Retaining wall/clay barrier inspection	\$100
Percolation/plan review extension review	\$150
Subdivision review	Hourly rate + 20% Minimum Fee = \$300
Commercial testing, per site	\$125 / Hour
Title 5 Inspection Report Filing*	\$140
<i>*Only when "Needs Further Evaluation by Local Approving Authority"</i>	

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§ 201-24 . Noncriminal disposition. *[Amended 10-24-2011; Effective 12-1-2011]*

- A. For purposes of noncriminal disposition under MGL C. 40, § 21D, and the Northbridge Code of Bylaws § 1-109A, any person who violates any regulation adopted by the Board of Health pursuant to MGL C. 111, § 31A, if not otherwise specified, shall be subject to a penalty in the amount of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and all subsequent offenses in the same calendar year. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the chapter, regulations or permit violated shall constitute a separate offense. *[Added 6-15-1999, effective 7-1-1999]*

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§ 201-25 . Severability. *[Amended 10-24-2011; Effective 12-1-2011]*

- A. If any section, paragraph, sentence, clause or phrase of these rules and regulations is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision, and such decision shall not affect the validity of the remaining portions of these regulations which shall remain in full force and effect, and to this end the provisions of these rules and regulations are hereby declared severable.

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§ 201-26 Commercial non-windrow composting system
[Adopted February 2, 2016; Effective February 15, 2016]

- A. Purpose: The Northbridge Board of Health is responsible for the protection of the public health and welfare in the Town of Northbridge. In an effort to protect the public health in the town, the following regulations are promulgated.
- B. Authority: These regulations are promulgated pursuant to the authority granted to the Northbridge Board of Health by MGL C. 111 that Boards of Health may make reasonable health regulations.
- C. Definitions:
Components of the system shall mean any one of the following: a rotating drum, a biofilter, a loading building, a discharge building, a leachate tank.
- D. No person or entity shall install a commercial non-windrow solid waste composting system unless components of the system are installed:
1. At least one-thousand (1,000) feet from a Residential Zone; and
 2. At least one-hundred (100) feet from a property line.

