

**HEALTH REGULATIONS
FOR NAS SOUTH WEYMOUTH**

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ARTICLE I - OVERVIEW OF REGULATIONS

1.1 Authority

These Health Regulations for NAS South Weymouth (the “Regulations”) are adopted in accordance with Section 13(d) of Chapter 301 of the Massachusetts Acts and Resolves of 1998 (the “Enabling Legislation”), which vests South Shore Tri-Town Development Corporation (the “Corporation”) with the broad regulatory authority to develop and adopt “[r]egulations for the effective implementation and enforcement of the Reuse Plan and zoning by-laws and revisions thereof.” In addition, these Regulations are adopted in accordance with Section 2.8 of the Zoning and Land Use By-Laws of Naval Air Station (NAS) South Weymouth (the “By-Laws”). These Regulations shall be implemented and interpreted keeping in mind the purpose of the Enabling Legislation to “promote the expeditious and orderly conversion and redevelopment of NAS South Weymouth.” The Applicable Board (as hereinafter defined) shall have all the powers of a Board of Health under Massachusetts General Laws and all regulations promulgated thereunder.

1.2 Scope; Interrelationship with Zoning and Reuse Plan

The scope of the Regulations and the intended interrelationship of the Regulations with the By-Laws and the Reuse Plan for NAS South Weymouth (the “Reuse Plan”) is set forth in Section 1.4.C of the By-Laws which provides as follows:

“The Regulations shall be consistent with [the] By-Laws and the Reuse Plan and shall provide additional substantive and procedural controls over the reuse of NAS South Weymouth; in the event of any inconsistency, the Reuse Plan and [the] By-Laws shall control.”

1.3 Adoption/Amendments

The procedure for adoption of the Regulations is set forth in Section 13(d) of the Enabling Legislation, which provides that “[n]o regulation shall be adopted by said Corporation without first publishing notice of same in a newspaper of general circulation within the NAS South Weymouth Region, holding at least one public hearing in the NAS South Weymouth Redevelopment Area or in any one of the Towns of Abington, Rockland and Weymouth (the “Towns”), and affording the opportunity for public comment.” No separate approval by the Towns of any Regulations adopted by the Corporation in accordance with Section 13(d) is required. Amendments to these Regulations shall require the same procedure.

1.4 Administration

The provisions of the Regulations shall apply in both the Central Redevelopment Area and the Perimeter Areas. Pursuant to Section 2.4(C)(10) of the By-Laws, the Corporation has the “powers provided to a local board of health to make and enforce reasonable public health regulations, as provided in M.G.L. c. 111, including, but not limited to, the issuance of permits and the assessment of fines related to the violation of the By-Laws and Regulations.” Pursuant to Section 2.5(C)(6) of the By-Laws, “[t]he Board of Health

in each of the Towns shall be the Applicable Town Board with respect to the powers provided to a local board of health by M.G.L. c. 111 in the Perimeter Area.” Therefore, for purposes of these Regulations, the term “Applicable Board” shall mean the Corporation with respect to the Central Redevelopment Area (unless such administration or enforcement power has been delegated pursuant to Section 2.8 of the By-Laws), and the Board of Health of each Town with respect to the portion of the Perimeter Area located within such Town. The term Health Department shall mean the Corporation’s Health Department with respect to the Central Redevelopment Area and the Towns’ Health Department with respect to the portion of the Perimeter Area located within such Town.

1.5 Capitalized Terms

Capitalized terms used but not defined in these Regulations shall have the meanings ascribed to such terms in the By-Laws or Reuse Plan.

1.6 Severability

If any paragraph, sentence, clause, phrase or word of any portion 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 that end, the provisions of these Regulations are hereby declared severable.

ARTICLE II - CERTIFICATION OF RENTAL PROPERTY

The Corporation adopts this regulation under the authority granted by M.G.L. c. 111, § 31 and the provisions of the Sanitary Code, Article 1.

Whenever a rented dwelling unit, apartment or tenement other than a hotel, motel, or rooming house is permanently vacated by the occupant or occupants thereof, or within ten (10) days before the expiration date of the anticipated vacancy, it must be certified by the Applicable Board or its agents, prior to being re-occupied by a new occupant, as meeting the standards set forth in "The Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation" as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts under the authority of M.G.L. c. 111, § 127A. However, regardless of the number of occupancy changes during any 12-month period, one such certification shall be sufficient for such 12-month period.

It is the responsibility of the unit owner, managing agent or person in possession to notify the Applicable Board of such vacancy. The unit owner shall pay an administrative fee of Fifty Dollars (\$50.00) to the Applicable Board for each inspection required under this regulation. If within seventy-two (72) hours, excluding Saturdays, Sundays and Holidays, after receipt of written notification of a vacancy from the owner, managing agent or person in possession, the Applicable Board or its agents fail to make an inspection, then the rented dwelling unit, apartment or tenement may be reoccupied without such certification.

This regulation shall not apply to new construction which is in compliance with the General Laws of the Commonwealth of Massachusetts and local by-laws pertaining thereto; nor shall it apply to new construction which was completed less than five (5) years prior to the date of which the rented dwelling unit, apartment or tenement becomes vacant.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each and every day he allows any person or persons to live, occupy or inhabit the said premises without having received an occupancy permit from the Applicable Board.

ARTICLE III - EXTERMINATION PRIOR TO DEMOLITION

Pursuant to M.G.L. c. 111, § 31 and in the interest of and for the preservation of public health, the Corporation hereby adopts this regulation governing extermination for rodents and other pests of all types of structures prior to the issuance of a permit for demolition.

At the discretion of the Applicable Board or their designated agent, whenever any type of structure is to be demolished, extermination for rodents and other pests of said structure must be performed by a licensed fumigator prior to the issuance of a permit for demolition of said structure. Proof of extermination is to be provided to the Applicable Board in the form of a written receipt signed by said licensed fumigator containing a description of the extermination performed.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00).

ARTICLE IV - CATS

The Corporation adopts this regulation under the authority granted by M.G.L. c. 111, § 31 and M.G.L. c. 111, § 122, in the interest of and for the preservation of public health.

No person, firm or corporation shall keep or house within the Central Redevelopment Area or Perimeter Areas, in any housing unit, or on any premises on which he may be the owner, lessee, tenant or occupant, any more than three (3) cats/kittens for a period of time exceeding six (6) weeks except when such person, firm or corporation shall be licensed by the Applicable Board as a retail business establishment dealing in the keeping/sale of cats/kittens.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall be punished by a fine of not more than Fifty Dollars (\$50.00) for each day such violation continues.

