

**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.

ARTICLE V - DOGS AND KENNELS

- 5.1** No person firm or corporation shall keep within the limits of NAS South Weymouth, in any building or on any housing unit on which he may be the owner, lessee, tenant or occupant, shall keep or house any more than three (3) dogs without an appropriate kennel license issued by the Clerk of the Corporation or the Town Clerk of the applicable Town, subject to prior written approval of the Applicable Board, except when such firm, person or corporation shall be licensed by the applicable licensing board of the Corporation or the Towns as a retail business establishment dealing in the keeping/sale of dogs.
- 5.2** For the purpose of this regulation, the term “dog” shall refer to the dog member of the canine family over the age of three (3) months.
- 5.3** The Applicable Board shall not approve any kennel license or license for a retail business establishment dealing in the keeping/sale of dogs unless the distance from any portion of the area considered a part of the kennel facility shall not be less than:
- (a) Fifty (50) feet from any adjoining property lot line, the line of any street, court, passageway, swamp, marsh, stream or pond.
 - (b) Twenty-five (25) feet from any dwelling used for human habitation.
 - (c) Two hundred (200) feet from the high water mark of any source of drinking water supply or any tributary thereof, and one hundred (100) feet from the high water mark of any open waters flowing directly or ultimately into any source of water supply.
- 5.4** All feces shall be disposed of a minimum of once daily in a manner that does not create a public nuisance, create a source of filth, cause sickness or, in any manner, endanger the public health of the occupant or the general public.
- 5.5** Any kennel license granted by the Clerk of the Corporation or the Town Clerk in the Towns, upon prior written approval of the Applicable Board, may be revoked whenever, in the opinion of said Applicable Board, revocation is deemed necessary due to a public nuisance.
- 5.6** 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.

ARTICLE VI - RESIDENTIAL SWIMMING POOLS

6.1 Authority

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

6.2 Definitions

In this Article, the following words shall be defined as follows:

Residential Pool means a Swimming Pool established or maintained by an individual for his or her own or family's use, or for use of personal guests of his or her household.

Swimming Pool means and includes every artificial pool of water having a capacity greater than 2,540 gallons and used for swimming or bathing, located indoors or outdoors, together with the bathhouses, equipment and appurtenances used in connection with the pool.

6.3 Approval

No person shall construct or install or remodel or otherwise make any structural or operational change in an existing Residential Pool until the Applicable Board has approved, in writing, such construction, installation, remodeling or change as not in reasonable likelihood endangering the public health. Adequate plans and specifications for such construction, installation, remodeling or change shall be submitted to the Applicable Board at the time of request for its approval thereof. The Applicable Board shall be notified of completion of the construction, installation, or remodeling of, or structural or operational change in a Residential Pool, approved by it under the immediately preceding section, and no use shall be made of such Residential Pool until such construction, installation, remodeling or change has been inspected by it and found to have been done in accordance with the proposal therefor approved by it.

6.4 Filtration Systems

All Residential Pools shall be equipped with and operated with a system for recirculation and purification of the pool water, approved by the Applicable Board as not in reasonable likelihood endangering the public health.

6.5 Water Source

Water to be used in any Residential Pool shall be obtained from a source approved by the Applicable Board.

6.6 Cross Connections

No piping arrangement shall exist which under any circumstance will permit water from any Residential Pool or recirculation system to enter any domestic water supply, or will permit sewage, wastewater, or any water of unknown or questionable quality to enter the Residential Pool or Residential Pool piping system.

6.7 Location

Every Residential Pool shall be located at least twenty (20) feet from a cesspool, septic tank, or subsurface leaching field.

6.8 Waste Water Disposal

Waste water resulting from the draining and cleaning of a Residential Pool or back-wash water resulting from the cleaning of the filter apparatus may be discharged to a stream or a storm drain, under such conditions as may be imposed by the applicable Director of Public Works or his authorized agent.

6.9 Other Applicable Laws and Regulations

Residential Pools are subject to applicable local buildings, plumbing and electrical code requirements.

6.10 Penalties

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.

ARTICLE VII - SAND ADDITIVES

Except in emergency situations (as determined by the Director of the applicable Department of Public Works or his or her designated agent), no person, firm, corporation or developer engaged in sanding of private ways, private roadways, private parking lots and any other private areas whereupon vehicular or pedestrian traffic is permitted, where such locations are within the NAS South Weymouth Water Resources Protection Overlay District, as such term is defined in the By-Laws, or any portion of Shea Drive located between Route 18 and the intersection of Shea Drive and Memorial Grove Avenue that is privately owned, may use any additive to sand or gravel for the purpose of accelerating the melting process of ice and/or snow in said areas.

The Applicable Board or any of its duly authorized representatives, may request on a bi-monthly basis of any person, firm, corporation or developer, a report of pollutants that may be injurious to resources within the Water Resources Protection Overlay District and the portion of Shea Drive referenced above, that may be contained in the run-off from any private roadway, private parking area and/or any other private areas whereupon vehicular and/or pedestrian traffic is allowed. Upon such request, the person, firm, corporation or developer, at his own expense, shall supply the Applicable Board or its duly authorized representative, a copy of the results obtained from the testing of water run-off, such testing to be done by a qualified laboratory.

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 occasion such violation occurs.

ARTICLE VIII - NUISANCES

Under the inspection authority of M.G.L. c. 111, § 122, the Applicable Board by means of a duly appointed officer, acting as its agent, shall make inspections, by complaint or otherwise, into all nuisances, odors, noise, sources of filth, causes of sickness, etc. within the Central Redevelopment Area or Perimeter Areas, especially seeking to mitigate overflowing sewers, septic systems, accumulations of rubbish or garbage or animal feces which are not contained in durable watertight containers or other containers deemed appropriate by the registered sanitarian.

The Applicable Board, by means of a duly appointed officer, acting as its agent, shall make inspections by complaint or otherwise, into releases of chemical substances whether in solid, liquid, or gaseous states, or any combination thereof, which are recognized (by placement on the Massachusetts Substances List, as amended) as toxic, neurotoxic, carcinogenic, mutagenic or teratogenic.

No person, firm, corporation, or other entity owning any parcel of land with or without a structure, and with or without plumbing, shall pump, lead, or allow to flow any rain water, clear water, sump water, or flood water into the municipal sewer system.

The following list shall serve to state those conditions, among others, that will be considered a nuisance:

- A. Overflowing sewage.
- B. Accumulated manure, dung, or feces from any animal.
- C. Accumulated rubbish or garbage.
- D. Release of any harmful chemical substance.
- E. Subject to 310 CMR 7.10, sound levels more than 10 dB(A) over ambient, measured at the property line of the source facility or at the nearest inhabited buildings.
- F. Sickening and/or obnoxious odors.
- G. Existence of accident/injury hazard.
- H. Pumping or leading clear water into a municipal or other sewer system.

In the event of any finding of a nuisance, the agent shall notify the person, firm, or corporation most responsible that such condition is considered a nuisance and shall order abatement on behalf of the Applicable Board within twenty-four (24) hours or within whatever time the agent considers reasonable.

Whoever violates any provision of the foregoing regulation or any order made thereunder shall

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be punished by (i) a fine of not more than One Thousand Dollars (\$1,000.00) for each day such violation occurs, and/or (ii) a criminal complaint as provided by M.G.L. c. 111, § 31.

ARTICLE IX - FOOD SERVICE ESTABLISHMENTS

In addition to the requirements contained in Article X of the State Sanitary Code, food service establishments shall comply with the following regulations regarding certification of food permit holders:

- A. In order to be eligible to hold a food service permit, the proprietor and/or each shift manager must be certified in food handling by a training and/or testing program before the issuance of a food service permit. Such programs need to be approved by the Applicable Board.
- B. The Applicable Board will decide minimum criteria for certification. The Applicable Board may choose to provide such program or may choose to approve existing programs in other communities or by private providers.
- C. Certification must be renewed every two (2) years.
- D. Proof of certification of the appropriate persons will become part of the inspectional process.
- E. Any individual who cannot accomplish the certification requirement may request in writing to participate in an equivalent training program.
- F. 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 occurs.

ARTICLE X - BODY ART ESTABLISHMENTS

For purposes of comparison, these section numbers closely parallel the Model Regulation for Body Art Establishments of the Massachusetts Department of Public Health

Section

- 10.001: Authority
- 10.002: Purpose and Scope
- 10.003: Definitions
- 10.004: Operation of Body Art Establishments
- 10.004A: Prohibited Activities
- 10.005: Exemptions
- 10.006: Public Notification Requirements
- 10.007: Client Records
- 10.008: Injury Reports
- 10.009: Records Retention
- 10.010: Preparation and Care of the Body Art Area
- 10.011: Sanitation and Sterilization Procedures
- 10.012: Requirements for Single Use Items
- 10.013: Permit Requirements
- 10.014: Complaints
- 10.015: Grounds for Denial of Permit
- 10.016: Grounds for Suspension of Permit
- 10.017: Grounds for Revocation of Permit, or Refusal to Renew Permit
- 10.018: Procedure for Hearings
- 10.019: Unauthorized Practice of Body Art
- 10.020 : General Administration

10.001 Authority

This regulation is adopted under the authority of M.G.L. c. 111, § 31.

10.002 Purpose and Scope

The purpose of this regulation is to govern the practice of body art in order to prevent the transmission of disease.

10.003 Definitions

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

Bloodborne Pathogens Standard means OSHA Regulations 29 CFR 1910.1030.

