TOWN OF TRURO

BOARD OF HEALTH

REGULATIONS

Adopted by the Truro Board of Health
pursuant to its authority granted by
Chapter 111, Section 31 of the
Massachusetts General Laws.

With Revisions through *JULY 21, 2015*
Effective July 22, 2015

OPENING STATEMENT

The Primary objective of the Board of health is to protect the health and safety of the public as well as the environment. The Board of Health may act on the basis of general public concern and has the right to impose fines through non-criminal citations. The Board of Health issues licenses, acts on all permit applications, and has the jurisdiction over matters to including but not limited to:

Septic and Well Permits
Motel/Cottage/Campground Permit
Permit to Operate a Food Service Establishment
Lead Paint
Definitive Subdivision Plans
Offensive & Noisome Trade and Nuisances
Water, Air and Noise Pollution
Body Art and Piercing
Solid Waste Management
Tobacco Control
Animals
Water Quality Testing: Ponds, Rivers, Bathing Beaches

TRURO BOARD OF HEALTH REGULATIONS
TABLE OF CONTENTS

SECTION I – ADMINISTRATION, VARIANCES, AND PENALTIES (6)

Article 1 Administration (6)
Article 2 Variances (6)
Article 3 Penalties (6)

SECTION II – FUEL STORAGE REGULATIONS (8)

Article 1 Purpose and Authority (8)
Article 2 Definitions (8)
Article 3 Applicability (8)
Article 4 Registration of Fuel Storage Tanks (8)
Article 5 Prohibition of Underground Storage Tanks (9)
Article 6 Installation/Maintenance of Fuel Storage Tanks (9)
Article 7 Underground Tank Removals (9)
Article 8 Report of Leaks or Spills (10)
Article 9 Costs (10)
Article 10 Enforcement (10)

SECTION III - LICENSING OF COTTAGE COLONIES, CABIN COLONIES, MOTOR COURTS, MOTELS, HOTELS , CONDOMINIUMS AND CAMPGROUNDS (11)

Article 1 Purpose and Authority (11)
Article 2 Definitions (11)
Article 3 License Required (11)
Article 4 Manager Regulation (11)
Article 5 Kitchen Units (12)
Article 6 Condominium Conversion Compliance (12)
Article 7 Violations and Enforcement (12)

SECTION IV – SOLID WASTE (13)

Article 1 Purpose (13)
Article 2 Division of Responsibility (13)
Article 3 Ownership (13)
Article 4 Monies (13)
Article 5 Regulations (13)
Article 6 Recycling (13)
Article 7 Composting (14)
Article 8 Swap Shop (14)
Article 9 Hazardous and Dangerous Wastes (14)
Article 10 Illegal Dumping (14)
Article 11 Enforcement (14)

Article 12 Effective Date (14)
Article 13 Repeal of Conflicting Bylaws (14)

SECTION V – TRANSFER STATION RULES & REGULATIONS (15)

Article 1 General Provisions (15)
Article 2 Eligible Access and Purchase of Stickers (16)
Article 3 Recycle/Swap Shop Only Sticker (16)
Article 4 Replacement Stickers (17)
Article 5 Use and Operation of the Transfer Station (17)
Article 6 Items Not Accepted at the Transfer Station (18)
Article 7 Accident Prevention and Safety (18)
Article 8 Refuse Haulers Permit (18)
Article 9 Fee Schedule (19)
Article 10 Enforcement and Penalties (20)
Article 11 Appeals (20)

SECTION VI - LOCAL SEPTIC REGULATIONS TO SUPPLEMENT TITLE 5, STATE ENVIRONMENTAL CODE (21)

Article 1 General Provisions (21)
Article 2 Variances (23)
Article 3 Upgrading Septic Systems (23)
Article 4 Subdivision Plans (24)
Article 5 Bedroom Count (25)
Article 6 Regulation of Separate Site Systems (25)
Article 7 Innovative/Alternative Technology (26)
Article 8 Required Setbacks for System Components (28)
Article 9 Existing Systems Serving New Construction (28)
Article 10 Buildable Upland Calculations for Nitrogen Loading Limitations (28)
Article 11 Deed Restrictions (28)
Article 12 Nitrogen Loading Limitations (29)
Article 13 Septage Haulers License (29)
Article 14 Miscellaneous Provisions (30)

SECTION VII – WATER PROTECTION REGULATIONS (31)

Article 1 Pamet River Protection District (31)
Article 2 Hydrogeological Studies (31)

SECTION VIII – WATER WELLS (32)

Article 1 Purpose and Authority (32)
Article 2 Definitions (32)
Article 3 Registered Well Drillers (32)

Article 4 Well Construction Permit (32)
Article 5 Well Completion Report (33)
Article 6 Test of Water Quality Upon Transfer of Real Estate (33)
Article 7 Decommissioning of Wells (34)
Article 8 Enforcement and Penalties (34)

SECTION IX - REGULATIONS FOR THE OPERATION OF A SWIMMING POOL (35)

SECTION X - FOOD SERVICE REGULATIONS (36)

Article 1 Purpose and Authority (36)
Article 2 Definitions (36)
Article 3 Additional Food Service (36)
Article 4 Outdoor Dining Areas (36)
Article 5 Other Requirements (36)
Article 6 Transfer of License (74)
Article 7 Bottled Water Regulations (37)
Article 8 Enforcement and Penalties (38)

SECTION XI TOBACCO CONTROL REGULATIONS (39)

Article 1 Purpose and Authority (39)
Article 2 Definitions (39)
Article 3 Prohibition of Smoking in Public Places (39)
Article 4 Posting (39)
Article 5 Sale and Distribution of Tobacco Products (40)
Article 6 Tobacco Sales Permit (40)
Article 7 Other Tobacco Sales Restrictions (40)
Article 8 Violations and Penalties (41)
Article 9 Other Applicable Laws (41)

SECTION XII- STATUTORY AND REGULATORY INSPECTIONS (43)

Article 1 Statutory Inspections (43)
Article 2 Regulatory Inspections (43)
Article 3 Emergency Inspections (43)

SECTION XIII- BODY ART REGULATIONS (45)

Article 1 Purpose (45)
Article 2 Definitons (45)
Article 3 Exemptions (48)
Article 4 Restrictions (48)
Article 5 Operation of a Body Art Establishment (48)
Article 6 Standards of Practice (52)
Article 7 Injury Reports (54)
Article 8 Complaints (54)

Article 9 Application for Body Art Establishment Permit (54)
Article 10 Application for Body Art Practitioner Permit (55)
Article 11 Grounds for Denial of Permit, Revocation of Permit or Refusal to Renew Permit (55)
Article 12 Grounds for Suspension of Permit (56)
Article 13 Procedures for Hearing (56)
Article 14 Unauthorized Practice of Body Art (57)
Article 15 Enforcement (57)

SECTION XIV- NUISANCES (58)
Article 1 Purpose and Authority (58)
Article 2 Definitions (58)
Article 3 Examination of Nuisances (58)
Article 4 Abatement of Nuisances (59)
Article 5 Enforcement (60)
Article 6 Appeal (60)
Article 7 Severability (60)

SECTION XVI- SEVERABILITY (60)

SECTION XVII- FEE SCHEDULE (61)

*Note: Section XIV, Rules Governing of Establishments for Giving Massage, Vapor, Pool, Shower or other Baths has been deleted. Massage Therapy and Massage Facility (Establishment) Licensure is now regulated by the Massachusetts Division of Professional Licensure, Board of Registration in Massage Therapy.

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SECTION I ADMINISTRATION, VARIANCES AND ENFORCEMENT

Article 1 Administration

The Board of Health, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and enforcement of these regulations, and may make or cause to be made such examinations, surveys, or samples as the Board of Health or its agents deem necessary.

Article 2 Variances

The Board of Health may, in its discretion, and only after public hearing with notice to all abutters via certified mail at least ten (10) days prior to the hearing, vary the application of any provision of these regulations, when, in its opinion, the enforcement thereof would do manifest injustice; provided that the decision of the Board does not conflict with the spirit of the minimum standards set forth in these regulations, nor with the protection of human health and environmental quality.

1. Every request for a variance shall be made in writing and shall state the specific variance/waiver sought and the reasons thereof. The writing shall contain all the information needed, including plans and studies prepared by qualified professionals, in order to assure the Board that, despite the issuance of a variance/waiver, the public health and environment will be protected.

2. Any grant or denial of a variance issued by the Board shall be in writing and shall contain a brief statement of reasons for approving or denying the variance.

3. Any variance may be subject to such qualifications, revocation, suspension, condition or expiration as is provided in these regulations or as the Board expresses in its grant of the variance. A variance or waiver authorized to be made by these regulations may otherwise be revoked, modified or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard in conformity with the requirements of 310 CMR 11.00 for orders and hearings.

4. As a condition of granting a variance, the Board of Health may require a deed restriction to be recorded at the Registry of Deeds.

5. The Board of Health may also consider the grant of a variance from any regulations in any situation wherein a denial would substantially deprive the property of its economic value to the extent that an unconstitutional regulatory taking would result.

Article 3 Enforcement

1. The Board or its agents shall have the authority to enforce these regulations and permits/licenses issued hereunder by violation notices, administrative orders, and civil and criminal court actions.

2. In addition to any specific statutory enforcement penalties or specific penalties described in the Sections of these Regulations which follow, and as an alternative to criminal prosecution, in accordance with Section 1-1-6 of the Truro General Bylaws, the Board of Health, its agent, officers and employees, may penalize anyone who violates these regulations via the non-criminal disposition procedure provided in M.G.L. Ch. 40, § 21D.

For purposes of this section, if no specific penalty amount is provided elsewhere, the amount of the

penalty to be applied in each situation shall be, as follows:

An amount not less than $50 and not to exceed $100.00 for first offense
An amount not less than $100 and not to exceed $200.00 for second offense
An amount not to exceed $300.00 for third and subsequent offenses

Each day that such violation continues shall be considered a separate offense.

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SECTION II -- FUEL STORAGE REGULATIONS

Adopted February 7, 1989, Amended December 5, 1994, Amended June 17, 1999

Article 1 Purpose and Authority

Whereas leaking fuel storage tanks pose an immediate and serious threat to Cape Cod's sole source aquifer and,

Whereas the Town of Truro does not have records to locate all such tanks installed within the Town,

Therefore, under Chapter 111, Section 31, of the Massachusetts General Laws, the Truro Board of Health hereby adopts the following regulation to protect the ground and surface waters from contamination with liquid toxic or hazardous materials.

Article 2 Definitions

Toxic or hazardous materials shall be defined as (a) all liquid hydrocarbon products, including but not limited to, gasoline, fuel oil and diesel fuel, and (b) any other toxic or corrosive chemicals, radioactive materials or other substances controlled as being toxic or hazardous by the division of hazardous waste of the Commonwealth of Massachusetts, under the provisions of Massachusetts General Laws, Chapter 21C, §1, et seq.

Above ground tank (AGT) shall be defined as any tank located above the ground used to store fuel oil for the purpose of heating.

Article 3 Applicability

The following regulations shall apply to all fuel storage tanks containing toxic or hazardous materials as defined above, which are not currently regulated under 527 CMR 9.26 - tank and containers.

Article 4 Registration of Fuel Storage Tanks

1. Owners of UNDERGROUND STORAGE TANKS shall file with the Board of Health and the Fire Department the size, composition, age and location of each underground storage tank, and the type of fuel or chemical stored in them. Evidence of dates of purchases and installation, including Fire Department permit, if any, shall be included along with a sketch (map) showing the exact location of such tank(s) on the property. Upon registering the tank with the Board of Health, the tank owner will receive a permanent metal or plastic tag embossed with the registration number for that tank. This registration tag must be affixed to the fill pipe in such a location as to be visible to any distributor when filling the tank and to any inspector authorized by the Town.

   If the installation date is unknown, it shall be assumed that the installation date is prior to January 1, 1980, and the tank in question MUST be removed as soon as possible.

2. Every petroleum and chemical distributor, when filling an underground storage tank within the Town of Truro, MUST notify the Board of Health and the Truro Fire Department within five (5) working days after the distributor discovers an unregistered and untagged underground storage tank.

3. All replacement AGTs and new construction AGTs are required to be registered and tagged at the time of installation.

4. At time of property transfer, all AGTs shall be required to provide 110% containment capacity, and must be registered and tagged. The fuel oil storage tank or containment device must be approved by the Fire Department before installation occurs.

Article 5 Prohibition of Underground Storage Tanks

Following the effective date of this regulation the installation of all underground fuel oil storage tanks shall be prohibited in the Town of Truro.

Article 6 Installation/Maintenance of Fuel Storage Tanks

1. Copper fuel lines of all fuel oil storage tanks, both above ground and under ground, shall be encased in 20 gauge POLYVINYLCLORIDE piping.

2. All new construction where above ground fuel oil storage tanks (inside or outside) are installed shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior fuel oil storage tanks must be covered to prevent water accumulation within containment in such a way that it satisfies the Board of Health and the Fire Department. The area beneath the exterior shall be 4 inch thick continuous concrete slab. Double walled fuel oil storage tanks may be substituted for containment devices. The fuel oil storage tank or containment device must be approved by the Health Department before installation occurs.

3. When an AGT reaches fifteen years of age, an inspection by the oil service provider is required.

4. The Fire Chief of the Town of Truro shall oversee the installation, containment and removal of all storage tanks within the Town of Truro.

Article 7 Underground Tank Removals

1. Underground fuel oil tanks must be removed and properly disposed of whenever one or more of the following criteria apply:
   a. Prior to the issuance of any building permit for any construction on a lot where an underground storage tank exists.
   b. Prior to the issuance of any septic system installation permit on a lot where an underground storage tank exists.
   c. Prior to the transfer of title of land where an underground storage tank exists.

   d. All underground storage tanks which reach the age of fifteen (15) years, or whose "age" cannot be documented to be less than fifteen (15) years, shall be considered an imminent danger to public health and safety, shall be termed "FAILED," and shall be removed within six (6) months after notification by the Board of Health that the tank is condemned.

2. No underground storage tank shall be removed without there first being an application made to the Truro Fire Department.

3. The removal application shall include the following:
   a. Location of property (street & number)
   b. Owner of record of property
   c. Name of competent contractor
   d. Date & time of proposed removal .

Article 8 Report of Leaks or Spills from Fuel Storage Tanks

Any person who is aware of a spill, loss of product, or unaccounted increase in consumption which may indicate a leak shall report such spill , loss or increase IMMEDIATELY to the Chief of the Truro Fire Department, to the Board of Health and to the owner of the tank.

Article 9 Costs

In every case, the owner shall assume the responsibility for costs incurred necessary to comply with these regulations.

Article 10 Enforcement

The Board shall have the authority to enforce these regulations and permits issued there under via all procedures outlined in Section I of these Board of Health Regulations. Any owner or operator who violates any provisions of this regulation shall be subject to all statutory penalties set forth in Massachusetts General Laws, Chapter 21C, §1, et seq. Each day during which such violation continues shall constitute a separate offense. Violations may also be sanctioned by the suspension or revocation of fuel storage permits held by the violator.

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SECTION III -- LICENSING OF COTTAGE COLONIES, CABIN COLONIES, MOTOR COURTS, MOTELS, HOTELS, CONDOMINIUMS AND CAMPGROUNDS

Article 1 Purpose and Authority

WHEREAS, the Town of Truro and its Board of Health have had long experience with the density of both resort accommodations and year round accommodations within the Town;

WHEREAS, the proximity of living quarters can, without supervision, endanger public health and safety;

NOW, THEREFORE, the Board of Health of the Town of Truro, acting under the authority conferred upon it by both Massachusetts General Laws, Chapter 111, Section 31, as amended, and Massachusetts General Laws, Chapter 140, Section 32B, as amended, hereby adopts the following regulations.

Article 2 Definitions

Amendment Adopted by the Board of Health on April 21, 2009

Cottage colony, cabin colony, **condominium, co-op,** motor court, motel, or hotel, ***herein after referred to as "Establishments"***, regardless of its form of ownership shall include (a) every establishment so licensed, (b) every establishment so defined by the Zoning by-laws of the Town of Truro, and (c) any other establishment subsequently so defined by the Board of Health in order to effectively implement this regulation.

Campground shall include every establishment so licensed by the Board of Health in accordance with the provisions of the State Sanitary Code.

Manager shall be defined as the on-premise person or persons who manage the day-to-day operations of a commercial or noncommercial arrangement or enterprise and whose supervisory powers include the hiring and firing of employees, the ordering of supplies and materials, the booking of reservations when reservations are accepted, the maintenance of a guest register, the entering of contracts, and the general upkeep and maintenance of the premises.

Article 3 License required

Amendment Adopted by the Board of Health on November 18, 2014

1. Establishments and campgrounds shall be licensed annually by the Board of Health.
2. Unless otherwise stated, licenses expire on December 31 of each year.
3. Applicants are responsible for obtaining an approved license each year, prior to opening.

Article 4 Manager Regulation

Adopted by the Board of Health on January 22, 1988.
Amendment Adopted by the Board of Health on April 21, 2009

Regardless of the form of ownership in which it is held, establishments and campgrounds as previously defined, shall have a manager or managers who shall reside on or be present continuously on the premises throughout the period when persons reside permanently or transiently on the premises. This "on-premises manager" shall be responsible for all the lawful duties and obligations imposed upon him, or them, and this manager shall in every respect conform to the Board of Health's definition of manager set forth in these regulations.

Establishments containing ten or fewer units, regardless of ownership, may employ a management service provided that the management service is in full compliance with the duties of a manager as stipulated in the definition of manager, excepting residency.

The management firm so engaged must have a specified person whose name and telephone number is available to each condominium/cooperative owner and is on file with the Truro Health Department, the Licensing Agent and the Truro Police Department. Said management service must be pre-approved by the Truro Board of Health. Without exception every unit of any Condominium Association or Cooperative that avails itself of this provision shall be used seasonally only. Those organizations that choose to employ an off-site manager shall have a response time of 30 minutes or less to any complaint.

By the phrase "present continuously," the Board does not prohibit short absences, but an "on-premise manager" should usually be present physically on the premises throughout the day, including the nighttime.

If any party wishes to ascertain whether he, she, they, or it, is subject to this regulation and/or is in compliance with it, that party may petition this Board for such a determination.

Article 5 Kitchen Units

Adopted November 29, 1988

1. All units of public accommodations, including, but not limited to, Motel/Hotel rooms and cottages, which include kitchen facilities or provide areas within such units for the preparation of food, shall consist of not less than 400 square feet of gross floor area per unit.

2. Those units having kitchens prior to this date shall not be prohibited from conversion.

Article 6 Condominium Conversion Compliance

Adopted April 29, 1986, Amended March 15, 2000

No Motel/Hotel/Cottage/Cabin license is to be issued to a condominium conversion until applicant certifies compliance of parking plan and the installation of a Title V Septic System.

Article 7 Violations and Enforcement

The Board shall have the authority to enforce these regulations and permits issued thereunder via all procedures outlined in Section I of these Board of Health Regulations. Violations may also be sanctioned by the suspension or revocation of all local licenses and permits allowing operation and/or occupation of the premises.

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SECTION IV -- SOLID WASTE

Under the authority of MGL Chapter 111 Section 31 the Truro Board of Health moves to amend Board of Health Regulation Section III Solid Waste by inserting the language of the Solid Waste Control General By-Law adopted April 12, 1994, as directed by a vote of Town Meeting April 30, 2002.

Article 1 Purpose

The purpose of this bylaw is to safeguard the public health, to preserve and protect the environment, especially the town's water supply, to conserve natural resources, to promote the source-reduction of waste, and to reduce the amounts of solid waste entering the town's landfill or needing to be incinerated, all in an economically responsible fashion.

Article 2 Division of Responsibility

All aspects of the collection and disposal of solid waste in the Town of Truro (hereinafter, "the Town"), shall be under the guidance and control of the Board of Health (hereinafter, "the Board"). Regulation of day to day operations of the transfer station/landfill/composting facility/recycling center (hereinafter "the Transfer Station") shall be implemented, carried out and enforced by the Department of Public Works Site Supervisor sometimes supplemented by volunteers.

Article 3 Ownership

All refuse dropped off or deposited at the Transfer Station is the property of the Town of Truro, and may be disposed of only by the Town, its agents, or its contractors. Reusables may be freely removed from the Swap Shop by any resident of the Town for personal use, but not for resale. Returnables may be removed from the collection site only by Town employees or by volunteers who have the permission of the Board of Selectmen.

Article 4 Monies

All monies collected from operations of the Transfer Station and those realized from sales of recyclables, compost, or reusables shall be deposited with the Town Treasurer.

Article 5 Regulations

The Board shall have the authority to issue regulations defining the various classes or categories of waste, including, but not limited to: recyclables, reusables, returnables, compostables, hazardous wastes, dangerous wastes, non-combustibles and combustibles; governing their collection by commercial haulers and their deposit at appropriate designated locations in the Transfer Station by such haulers, by businesses, or by residents and visitors; and setting terms, conditions, licenses, and fees for such deposit of the several classes of waste. These regulations shall be consistent and in conformity with the regulations of the Massachusetts Department of Environmental Protection and Board of Health. Every new regulation or change in an existing regulation shall be made only after a duly advertised public hearing.

Article 6 Recycling

Amended at the March 19, 2013 Public Hearing

A program of recycling is hereby established in the Town, in which all residents, permanent or temporary, and visitors, and all businesses and commercial firms are requested to participate. All generators of waste are invited to sort their wastes and either to deposit the various types of recyclables at the places designated for them by signs at the recycling center or to arrange for their recycling by a commercial firm. All commercial haulers of waste doing business in the Town are asked to cooperate with this program, offering the service of collecting recyclables and depositing them at the designated places at the Truro or other recycling center or taking them to a Materials Recovery Facility. Refer to

Section V, Article 3.

Article 7 Composting

A program of composting is hereby established in the Town, in which all residents, permanent or temporary, and visitors, and all businesses and commercial firms are encouraged to participate.

All residents, permanent or temporary, are urged to deposit compostables and food wastes of vegetable origin in their own well-tended and animal-proof enclosures or containers. Those who do not have their own composting facilities are encouraged to bring compostables (specified by regulations) to the Transfer Station and deposit them at a place designated by a sign as the Town's composting facility, or to hire others to do so for them.

Article 8 Swap Shop

Amended at the March 19, 2013 Public Hearing

The Swap Shop provided at the Transfer Station for the placement and exchange of reusable goods is available for Truro residents only. Reusable goods must be clean and items in workable (operating) condition. Items are subject to the inspection and acceptance/rejection by the volunteer staff and/or Transfer Station attendant. Refer to Section V, Article 3.

Article 9 Hazardous and Dangerous Wastes

The Board shall designate certain kinds of waste as hazardous, others as dangerous, and shall make regulations governing their safe disposal by residents, visitors, and businesses.

Article 10 Illegal Dumping

No person or organization shall dump, deposit, or otherwise dispose of any refuse (except compostables, and then only in designated composting facilities) at any place within the limits of the Town, except at the Transfer Station in appropriate places as designated by signs.

Article 11 Enforcement

The Board of Health may enforce the provisions of this Section IV via all procedures outlined in Section I of these Board of Health Regulations.

Article 12 Effective Date

This regulation shall be published as soon as possible in a newspaper having circulation in the Town, and shall be immediately posted in the Town Hall and at the Transfer Station. It will become effective as soon as the process described in Massachusetts General Laws, Chapter 40, Section 32, has been completed. Any and all new contracts signed by the Town after its effective date or renewals of existing contracts shall be consistent with the provisions of this regulation.

Article 13 Repeal of Conflicting Bylaws

All bylaws or parts of bylaws, ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this bylaw are hereby repealed to the extent of such inconsistency.

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SECTION V - TRANSFER STATION RULES & REGULATIONS

Amended at the November 20, 2012 Public Hearing
Amended March 19, 2013
Amended April 22, 2015, Amended Article 5 section 6. Expires June 30, 2015
Amended July 21, 2015, Effective July 22, 2015

Article 1 General Provisions

(1) Authority. The following rules and regulations are promulgated under the authority of Chapter III, Sections 31, 31A , 31B 150A of the Massachusetts General Laws and Section IV, Article 5 of the Truro Board of Health Regulations.

(2) Purpose. The transfer station is operated and maintained by the Town of Truro for disposal of acceptable waste generated within the boundaries of the Town of Truro. All refuse and other wastes originating outside the town's boundaries are prohibited.

(3) Definitions.

Acceptable Waste -Any waste currently accepted at the transfer station as posted at the facility.

Brush – Tree trimmings, bushes, shrubs.

Commercial Waste – All types of solid waste from manufacturing operations or commercial establishments, including, but not limited to, restaurants, markets, motels, campgrounds, office buildings and retail stores.

Construction and Demolition Waste – All lumber pipes, bricks, shingles, sheetrock, masonry and other construction materials resulting from the construction and demolition of buildings and other structures. Construction and demolition waste is free of refuse.

Hazardous Materials – Solvents, oils, chemicals, pesticides, herbicides, explosive materials, nuclear or radioactive materials.

Household Hazardous Waste – Materials used in a home that may contain oils, solvents, degreasers, heavy metals such as mercury, caustic materials such as drain cleaners, pesticides, herbicides, fungicides, rodent poison, disinfectants, oven cleaners, pool cleaners and chemicals, photo and hobby chemicals, acids, paint thinners, auto and marine paint, metal and furniture polish, wood preservatives, bug and tar remover, gasoline, radiator flush, camp fuel.

Household Waste – Any refuse or garbage that is generated within a residential dwelling by an owner and/or tenant of said property. Household waste does not include items such as stoves, refrigerators or other appliances, mattresses, brush, white goods, lawn mowers, hazardous materials or household hazardous waste.

Liquid Waste – Material that drains freely or contains free draining liquids. Contained liquid wastes generated by and produced in the normal operation of a household, excluding septage shall not be considered liquid wastes unless expressly excluded through 310 CMR 10.017 or these regulations.

Metal - Includes but not limited to refrigerators, washing machines, clothes dryers, air conditioners, ranges, stoves, metal furniture, appliances,structural ,members and pipes up to 4 feet long, small wire and metal fencing in bundles up to 4 feet long, small metal scrap, bicycles, lawn mowers, tubs, sinks and single family furnaces.

Picking – Unauthorized removal of products and materials from the Truro Transfer Station.
Recyclable or Recyclable Material – A material or by-product which are reused; used as an ingredient or

a feedstock in an industrial or manufacturing process to make a marketable product; used in a particular function or application as an effective substitute for a commercial product or commodity.

Refuse – Solid waste materials, including garbage and rubbish, exclusive of building demolition debris and body wastes.

(a) Garbage – the animal, vegetable or other organic waste resulting from the handling, preparation, cooking, serving or consumption of food.

(b) Rubbish – solid wastes; such as cardboard, plastic, paper, glass, metal, yard trimmings, packing materials.

Refuse Hauler – Individuals or companies who collect and/or transport refuse from private or commercial sources.

Seasonal Renter (Visitor) – Individuals who rent a dwelling or dwelling unit in Truro for part of the year and are not on the street listing as a resident of the town. All seasonal renters must have proof a current rental agreement.

Solid Waste – Waste Materials including garbage and rubbish, exclusive of building, demolition and body wastes. (see refuse)

Unacceptable Waste – Any waste currently not accepted at the transfer station as listed in Article 4

Yard Waste – Grass clippings, weeds, garden materials, shrub clippings, leaves, pine needles, bark mulch, wood chips and brush less than one inch in diameter.

Article 2 Eligible Access and Purchase of Stickers

Amended on November 5, 2013

1. Eligible for use of the Transfer Station are: Truro residents, non-resident taxpayers, year round residents who are not real estate tax payers, refuse haulers permitted by the Board of Health, and any other person visiting the Town such as seasonal rentors or visitors.

2. Any person wishing to purchase a transfer station sticker must:
   a. appear on the current assessor's list of residential property owners or;
   b. appear on the Town's current census if a year round resident who are not real estate tax payers or;
   c. provide proof of residency such as vehicle registration, driver's license, utility bills, copy of a deed with a Truro address (not PO Box); or
   d. provide proof of current rental agreement.

3. Stickers are limited to 3 per household. Additional stickers beyond three (3) may be granted by the Board of Health. Request for additional stickers must be received in writing to the Board of Health.

Article 3 Recycle/Swap Shop Only Sticker

Added on March 19, 2013

1. Any person wishing to obtain a recycle/swap shop only sticker must:
   a. meet the eligibility criteria provided in Article 2 above;
   b. show proof of a trash hauling service that has a valid Refuse Hauler Permit issued by the Board of Health

2. Recycle/Swap Shop Only stickers are valid only for the vehicle to which it is issued and grants the owner of the vehicle access to all of the residential services at the Transfer Station, at the rates defined in Article 9, with the exception of the disposal of refuse (garbage and rubbish) which is not allowed with a Recycle/Swap Shop only sticker.

3. Stickers are to be permanently affixed to the vehicle's bumper.

4. Recycle/Swap Shop Stickers are limited to 2 per household.

Article 4 Replacement Stickers

Each household is entitled to one free replacement sticker. If a new vehicle is purchased you must remove the old sticker and RETURN THE ORIGINAL STICKER TO RECEIVE A FREE REPLACEMENT.

Article 5 Use and Operation of the Transfer Station

1. Operating days and hours will be established by the Department of Public Works (DPW Director) and approved by the Board of Health and shall be posted at Town Hall, Truro Library and Transfer Station.

2. The DPW Director will take all necessary steps to ensure an effective level of facility operation and service.

3. The DPW Director or his/her designee may, at his/her discretion, close the Transfer Station when there is an equipment problem, or any other problem that makes the transfer of refuse not feasible, or that may result in a health hazard.

4. All materials accepted at the Transfer Station shall be placed in only those areas designated by the DPW Director or his/her designee.

5. All vehicles discharging refuse must stop at the gatehouse prior to unloading materials. Materials being brought into the Transfer Station for disposal are subject to inspection by the DPW Director and/or his/her designee.

6. If the scale is out of service, only front Loading, side loading or rear loading trash compactor trucks with a FULL LOAD are accepted at the Transfer Station, with a six ton average as the summer season compactor load. A fee shall be charged per Article 9, Fee Schedule for Refuse Haulers.

7. Residential/Refuse Hauler Requirements for Use of Transfer Station/Recycling Center
   a. All trash and recyclables must be generated from within the Town of Truro.
   b. All loads must be properly secured and covered.
   c. All recycables shall be separated and placed in designated receptacles.
   d. All users must be:
      - Truro property owner or resident with a valid sticker;
      - Businesses with a valid refuse hauler permit from the Truro Board of Health;
      - Truro vehicles and/or vehicles under contract by the Town;
      - Seasonal rentor/visitor with a valid sticker

   e. Resident and visitor stickers are good for household trash or recyclables only. Stickers are to be permanently affixed to the vehicle's bumper. The sticker holder is entitled to unlimited entry for disposal of reasonable quantities of ordinary household waste during normal business hours of operation.

8. All stickers allow for a maximum of four bags (32 gallon capacity or less) per entry.

Article 6 Items Not Accepted at the Transfer Station

Amended February 13, 2007- Effective March 2, 2007
Amended November 20, 2012

1. No automobiles or parts thereof.
2. No asbestos of any kind, including shingles.
3. No brush or stumps at any time.
4. No wooden furniture (dining room, particle board furniture, etc.)
5. No wooden demolition debris (bathroom vanities, windows, cabinets, etc.)
6. No stuffed furniture
7. No demolition materials, which are those materials left after purposeful reduction or destruction of any structure or building or part thereof, including:
   a. New construction or remodeling waste.
   b. All Construction Debris.
   c. Demolition materials from homeowners.

8. Hazardous Materials

Article 7 Accident Prevention and Safety

1. Only the transfer station operator and users unloading refuse shall be permitted within the transfer station and all users shall leave the solid waste facility immediately after loading refuse.

2. Picking (unauthorized removal of materials and products) is prohibited.

3. All users of the transfer station must wear shoes that cover the entire foot. All workers entering the transfer station are required to wear closed-toe shoes. Sandals, flip-flops, Croc-type clogs or other strappy/open shoes are not acceptable. The Truro Transfer Station accepts a wide range of materials that are recycled or reused, such as scrap metal, electronics, batteries, and used oil and other materials that may pose a hazards to workers and users.

4. Conduct by any/all persons utilizing the Transfer Station shall not be disruptive to the operation of the facility, its staff or other users of the facility.

Article 8 Refuse Haulers Permit

In accordance with MGL Chapter 111, 31 and 31 A, the Truro Board of Health hereby adopts the following regulations pertaining to the permitting for the removal or the transportation of refuse through the streets of Truro, which shall be referred to as "Truro Refuse Haulers Permit."

1. Refuse haulers and owners of vehicles registered to a Truro business or other commercial establishment who wish to dispose of refuse at the Truro Transfer Station must obtain a refuse haulers permit from the Truro Board of Health

2. Refuse Hauler permit applicants shall obtain an application from the Board of Health. The completed application shall include the following:
   (a) Name (corporation and individual) address and phone number(s)
   (b) Listing of owner(s) and vehicle operators.
   (c) Date of application with owner/operator's signature.
   (d) Vehicle description, load capacity and license plate number.
   (e) Copy of the certificate of liability insurance must accompany the application.

3. Collection vehicles shall carry a Refuse Hauler Permit (or copy) issued by the Truro Board of Health at all times.

4. Refuse haulers permitted by the Truro Board of Health are subject to disposal rates as outlined in Article 9 Fee Schedule.

5. All vehicles transporting refuse and/or recyclables shall have an impervious liner on the floor and sides so that no drippage or leaking of draining water or liquid or any debris can occur.

6. Every vehicle used for hauling refuse shall be cleaned as often as may be necessary to prevent persistent odors.

7. Improper disposal of waste is prohibited. "Improper disposal" shall include disposal of recyclable materials mixed with trash. It is the responsibility of the hauler to separate recycables from mixed trash before disposal at the Transfer Station.

8. Failure to comply with Section V of these regulations shall constitute a violation and may result in a show cause hearing before the Board of Health to determine whether the permit should be suspended or revoked and/or the issuance of fines in accordance with Section I of the Board of Health Regulations.

Article 9 Fee Schedule

Amendment Adopted February 15, 2011
Effective July 1, 2011
Amended November 5, 2013
Amended April 22, 2015
Amended July 21, 2015

1. REAL ESTATE OWNERS/YEAR ROUND RESIDENTS
   a. Transfer Station Sticker.....$70.00
      Recycle/Swap Shop Only sticker (limited to 2 per household).....FREE
      Replacement sticker.....FREE
      Second sticker.....$10.00
      Third Sticker.....$10.00

   b. Visitor/Seasonal Renter sticker.....$15.00 per week (variable depending on length of stay)
      $2.00 per bag-(without sticker)
      Per yard fee if cleaning basement, etc..... $10.00

2. REFUSE HAULER USERS
   a. Tradesmen's pick-up truck (per vehicle).....$110.00 Annual Sticker, plus..... $ 15.00 per yd fee for unpacked loads if scale is out of service
   b. Front Loading, side loading or rear loading trash compactor trucks.....$36 per cubic yard if scale is out of service (Full compactor load accepted only)
   c. All Commercial Refuse Haulers.....$100 per ton (if scale is in service)

3. SEASONAL STICKERS
   a. 3 Month Visitor Fee (renter).....$55.00
   b. 1 Month Visitor Fee (renter).....$35.00
   c. Visitor Fee (renter) Per-week depending on length of stay.....$15.00
   d. Per bag (without sticker).....$2.00
   e. Per Yard Fee if cleaning basement, etc.....$10.00

4. COUPON PRICES
   a. Fuel oil tanks (see Fire Chief).....$20.00 per item
   b. "White Goods" and other large metal objects..... $20.00 per item
   c. Gasoline tanks (cleaned only)..... $ 5.00 per item
   d. Automobile batteries..... $2.00 per item
   e. Bulk Metal, automobile parts, motors or engines..... $15.00 per item
   f. 55 gallon drums (cleaned)..... $15.00 per item
   g. television and computer monitors..... $10.00 per item
   i. Water Tanks..... $5.00 per item
   j. Propane Tanks - 1 lb.- $1.00; 20 lbs.- $5.00; 40 lbs - $10.00; 100 lbs.- $20.00
   k. Tires:
      1). Car tires.....$ 2.00
      2). Car tire with rim.....$ 2.50
      3). Truck tire.....$ 10.00
      4). Truck tire with rim .....$ 17.00
      5). Large truck tire.....$30.00
      6). Large tire with rim $32.00
      7). Large machine tire $30.00
      8) Large machine tire with rim.....$32.00

5. There is no charge for disposal of the following items:

   a. All rechargeable batteries
   b. All types of fluorescent lamps/bulbs
   c. All types of computer parts
   d. All types of motor oil & filters

Article 10
Enforcement and Penalties

The Board of Health, it's Agent or designee, Director of Public Works or Transfer Station Attendant shall have the authority to enforce these regulations and permits thereunder via all procedures outlined in Section I of these Board of Health Regulations.

Article 11 Appeals

Any person aggrieved by a determination, interpretation, application or enforcement of any of the preceeding Articles of Section V may request a hearing before the Board of Health. A request must be received in writing in the office of the Board of Health within 30 days of the incident or complaint.

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SECTION VI - LOCAL SEPTIC REGULATIONS TO SUPPLEMENT TITLE 5, STATE ENVIRONMENTAL CODE

Amended February 2, 2010
Amendment adopted June 5, 2012

Article 1 - General Provisions

(1) Authority. In accordance with Massachusetts General Laws, Chapter 111, Sections 31 and 127A, the Truro Board of Health hereby adopts the following regulations to supplement the provisions of the State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage (hereinafter, "Title 5"). These regulations shall take effect upon passage.

(2) Purpose. The purpose of this article is to provide a greater degree of protection to environmental and public health, to protect groundwater from contamination, prevent the spread of disease, and provide greater clarification of the definitions used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems.

(3) Enforcement. Enforcement of the provisions contained in this Section VI will be carried out in accordance with the provisions of Title 5 of the State Environmental Code set forth at 310 C.M.R. 15.000, et seq. and all enforcement methods outlined in Section I of these Board of Health Regulations.

(4) Definitions. Notwithstanding the general provisions of Section 15.002 of Chapter 310 of the Code of Massachusetts Regulations, the Definitions section of Title 5, terms used by the Board in applying the provisions of Title 5 and the Truro Board of Health Regulations pertaining to on-site sewage treatment and disposal systems, shall be defined as follows:

Bedroom shall be defined as follows for the purpose of sizing a subsurface sewage disposal system (proposed and existing):

(a) Any room that meets the definition of a bedroom under Title 5 or any room or enclosed addition with at least 70 square feet of floor area and a building code conforming egress window, that provides minimum isolation necessary for use as a sleeping area. Rooms such as a finished basement with building code conforming egress may be considered a bedroom if it meets the definition. The definition does not apply to a bathroom, kitchen, hall, unfinished cellar, unfinished basement, unfinished attic, garage, unfinished area above a garage , unheated porch and open deck.

(b) Notwithstanding the foregoing, any dwelling with six (6) rooms shall be construed to have at least three (3) bedrooms. Any dwelling with seven (7) rooms shall be construed to have at least four (4) bedrooms. Any dwelling with eight (8) or nine (9) rooms shall be construed to have at least five (5) bedrooms. Any dwelling with ten (10) or eleven (11) rooms shall be construed to have at least six (6) bedrooms. Each additional room beyond eleven (11) shall be construed as an additional bedroom and the number of bedrooms for the purpose of sizing a subsurface sewage disposal system (proposed and existing) shall be adjusted accordingly.

(d) Dwellings built before the 1978 Building Code will have their bedrooms determined on a case by case basis.

Buildable Upland shall mean the area of contiguous upland on a lot exclusive of Wetland as defined herein.

Failed System shall mean any Septic System which fails to protect the public health, safety and environment as determined by the Truro Board of Health, including but not limited to:
a. any system which must be pumped in excess of two (2) times in a twelve month period;

b. any system which includes a component that the Board of Health determines is structurally unsound;

c. any system which discharges effluent directly or indirectly to the surface of the ground through ponding, surface breakout or damp soils above the disposal area or to a Wetland; or and any system which meets any of the failure criteria itemized on the Title 5 Official Inspection Form, as described in 310 C.M.R. 15.303.

To the extent such a waiver would be consistent with the provisions of Title 5, the Board of Health may waive a finding that any of the foregoing systems have failed if the Board determines, at its sole discretion, that the system will continue to protect the public health, safety and environment.

Innovative/Alternative (I/A) Technology shall mean technology that is certified for enhanced nutrient removal that is described in 310 C.M.R. 15.202 and 15.217, and which is approved by the Massachusetts Department of Environmental Protection pursuant to 310 C.M.R. 15.280 through 15.289.

Remedial Use shall mean use of I/A systems for the upgrade of a Failed or Nonconforming Septic System and there is to be no increase in the design flow served by the proposed I/A systems and no significant increase in habitable space or change use that, in the Board's judgement has the potential to increase sewage flow.

Nonconforming Septic System shall mean any system which, when installed, did not comply with provisions of either the 1978 or 1995 iterations of Title 5, including cesspools and all similar systems in use prior to the adoption of the 1978 Code.

Title 5 shall mean Title 5 of the State Environmental Code: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.

Title 5 Septic System shall mean any system installed in compliance with the 1978 or 1995 iterations of Title 5, but shall not mean cesspools or any similar system in use prior to the adoption of the 1978 Code.

Wetlands shall mean any area that contains swamp, bog, dry bog, fresh or salt marsh, areas of exposed groundwater, embayments, rivers, ponds, lakes, streams, inland banks, coastal banks, and coastal dunes.

Article 2 - Variances

(1) In addition to the variance criteria set forth in Section I of the Board of Health Regulations, an applicant may apply and the Board of Health may grant a variance from this Section VI provided the following minimum criteria for said variance are also met:

a. A satisfactory inspection by a licensed system inspector of all system components if the variance sought pertains to an existing system and if the Board so requires.

b. The proposed or existing leaching facility has a minimum of five (5) feet of clearance between the bottom of the leaching facility and the highest groundwater level as estimated by the Board of Health; and

c. The proposed or existing leaching facility meets the minimum Title 5 requirements regarding setback distances for Soil Absorption Systems (SAS) as set forth in 310 C.M.R. 15.211; and

d. The existing system (if any) is not allowing surface breakout of the waste water; and;

e. The existing system (if any) is not requiring pump-outs in excess of two (2) times in a twelve (12) month period; and

f. The Board of Health determines that the grant of the variance will not pose a risk to the public health, safety or the environment and, further, meets all the variance requirements contained in Section I of the Truro Board of Health Regulations.

(2) Any grant of variance pursuant to this Article VI must be recorded at the Barnstable County Registry of Deeds.

1. All applications for variance must be accompanied by plans prepared by a qualified Professional Engineer or Registered Sanitarian and include all information required under 310 C.M.R. 15.220.

Article 3 - Upgrading Septic Systems

(1) Required Upgrades.

In order to improve the quality of water for the Town of Truro by elimination of old septic systems which do not comply with Title 5 and the more protective regulations adopted by the Truro Board of Health, persons who own property with Nonconforming Septic Systems shall bring those systems into compliance in accordance with the following schedule:

a. Prior to the sale or transfer of ownership of the property, including transfers by inheritance; or

b. Prior to any change of use; or

c. Prior to the subdivision or partitioning of a parcel on which a Nonconforming Septic System is located; Also, if any of the following conditions exist, the system will require immediate upgrade:

d. If the system must be pumped in excess of 2 times in a 12 month period; or

e. If there is a discharge of effluent directly or indirectly to the surface of the ground through ponding, surface breakout or damp soils above the disposal area or to a Wetland; or

f. If the system is determined to be failing to protect the public health, safety or the environment as defined in 310 C.M.R. 15.303; or

g. If components of the system or cesspool are determined to be otherwise structurally unsound by the Board of Health.

(2) Multiple Systems on One Lot.

In the event of the failure of one Septic System on a lot that has more than one Nonconforming Septic System, the failing system shall be immediately upgraded and the remaining Nonconforming Septic Systems shall be inspected by a Department of Environmental Protection System Inspector pursuant to Section 15.340 of Title 5 (hereinafter, "DEP System Inspector"). If any of the remaining Nonconforming Septic Systems shall fail inspection as defined in the Title 5 Official Inspection Form, or if the inspection shall reveal that the system is a "Failed System" as defined in Section (3) set forth above, the Nonconforming Septic System shall be immediately upgraded to a fully conforming Title 5 Septic System.

(3) Further Instances Where Inspections Are Required.

1. Every applicant for the following applications shall also file with the Truro Health Agent an Inspection Report completed by a DEP System Inspector:
application for a building permit that authorizes an increase in living space as said "increase in living space" is determined by the Truro Health Agent; if an applicant or a direct abutter is aggrieved by the determination of "increase of living space" by the Health Agent, the applicant may appeal said determination to the Truro Board of Health for further determination; and

2. application for a special permit that allows uses not otherwise permitted by the Truro Zoning Bylaw; and

3. application for a new license or transfer of an existing license permitting the operation of a motel, cottage colony, cabin, campgrounds, lodging house or restaurant.

4. All Nonconforming Septic Systems, including cesspools, located within one hundred and fifty (150') feet of any Wetland shall, on or before January 1, 2007, file with the Truro Health Agent an Inspection Report completed by a DEP System Inspector and shall continue to be inspected every two (2) years thereafter.

C. If any of the foregoing systems shall fail inspection as defined in the Title 5 Official Inspection Form, or if the inspection shall reveal that the system is a "Failed System" as defined in Section (3) set forth above, the system shall be immediately upgraded to a fully conforming Title 5 Septic System.

Article 4-Subdivision Plans

All new subdivision plans shall have the proposed well location and septic system on each lot. These locations shall meet all sideline and other setback and distance requirements. The Plan shall be on file with the Building Commissioner and Health Agent. Applications for septic and well permits shall adhere to the plan, unless sufficient data is presented to the Board of Health to justify the change.

Article 5 - Bedroom Count

(1) Bedroom Count Determination. Notwithstanding the general provisions of Section 15.002 of Chapter 310 of the Code of Massachusetts Regulations, there shall be no presumption that single family dwellings have at least three bedrooms in the Town of Truro. In each instance, a specific determination relative to bedroom count must be made without reliance upon any presumptions. The Health Agent shall have the authority to make the initial bedroom count determination. If the Health Agent feels the determination in a specific instance should be made by the Board of Health, the Agent may, in his or her sole discretion, refer the matter to the Board of Health for a final determination. The Agent may also, in his or her sole discretion, refer the bedroom count determination to the Board of Health upon request of the applicant.

(2) Deed Restriction. Notwithstanding the provisions of 310 C.M.R. 15.002, an applicant must design and install systems using design flows for the exact number of bedrooms that are defined in this Section V unless the Truro Board of Health makes the specific determination, after public hearing, that a system using design flows for a smaller number of bedrooms than defined in this Section V will not negatively impact the public health, safety, welfare or the environment. In this case the Board of Health requires an appurtenant deed restriction, running with the land and in favor of the Board, limiting the property to the smaller number of bedrooms.

(3) Building Permits. No building permit, foundation permit, plumbing permit, special permit or variance shall be issued until a Disposal Works Construction Permit has been issued for installation of a subsurface sewage disposal system designed to accommodate the bedroom count or the Board of Health has issued a written determination that the existing system is adequate for what is proposed.

(4) Floor Plans and Inspections. In order to determine compliance with any provision of the foregoing regulation, a floor plan must be filed with the Truro Board of Health for the Health Agent to make a determination as to bedroom count. If the Health Agent deems it necessary, he or she may refer the determination of the bedroom count to the Board of Health for a vote. If the Board of Health, by a majority vote of its members, deems that an inspection of an existing residence would be helpful to confirm the bedroom count, the Health Agent, with the applicant's permission, shall inspect the premises and report back to the Board his or her findings.

Article 6 - Regulation of Separate Site Systems

(1) Septic systems must be constructed on the same lot as the facility to be served.

(2) Variances from this Article 6 of Section VI may be granted by the Truro Board

of Health for structures in existence prior to March 31, 1995, provided all of the following conditions are met:

a. The system can be installed on a contiguous property owned by the same person and title to the lots is merged by virtue of a deed recorded at the Barnstable County Registry of Deeds;

b. The system is not being installed for the purpose of increasing the size or use of the existing structure; and

c. The system will replace or repair a pre-existing Nonconforming Septic System and/or its components.

(3) Any grant of variance pursuant to this Article 6 of Section VI must also be made in accordance with Article 2 of this Section VI and Section I of the Truro Board of Health Regulations.

Article 7 - Innovative/Alternative Technology

Preamble

In considering the permitting and use of various alternative septic treatment technologies in the Town of Truro, the Board of Health of the Town of Truro recognizes that there may be specific local circumstances which warrant the Board to require more stringent conditions for the installation and monitoring of these alternative systems than may be required by the Massachusetts Department of Environmental Protection. As allowed under Massachusetts General Laws Chapter 111, Section 31 and as required by the revised 310 CMR Section 15.285 (2d), 15.286 (5) and 15.288 (4), the Board of Health of the Town of Truro hereby reserves the right to impose any additional conditions or monitioring requirements it views as necessary to ensure the safe performance of any alternative onsite septic system which the Board agrees to permit in the Town of Truro.

(1) Definitions. For the purpose of this Article 7, the following terms shall have the following meanings:

Innovative/Alternative (I/A) Technology shall mean technology that is certified for enhanced nutrient removal that is described in 310 C.M.R. 15.202 and 15.217, and which is approved by the Massachusetts Department of Environmental Protection pursuant to 310 C.M.R. 15.280 through 15.289.

Remedial Use shall mean use of I/A systems for the upgrade of a Failed or Nonconforming Septic System and there is to be no increase in the design flow served by the proposed I/A system and no significant increase in habitable space or change use that, in the Board's judgement has the potential to increase sewage flow.

(2) Standards. Innovative/alternative (hereinafter, "I/A") technologies, as defined herein, and all systems where the soil absorption system is designed for pressure distribution of effluent (hereinafter, "pressure-dosed systems") will only be permitted in Remedial Use situations, as defined herein. I/A technology and pressure dosing systems will not be permitted in any other situations.

(3) Applications and Hearings. Any application for a system proposing the use of I/A technology shall be submitted to the Truro Board of Health which shall hold a public hearing to consider its approval. All applications shall include a copy of the Massachusetts Department of Environmental Protection approval letter appropriate to the I/A technology being used and the level of approval (i.e., General Use, Provisional Use, Remedial Use, Piloting Use, or site specific Pilot Approval). All applications for Pilot Approval shall include all performance data from all piloting sites where the I/A technology has been similarly configured and utilized. Notice of the public hearing of the Board of Health for the consideration of applications for I/A approval shall be in accordance with the provisions of the Open Meeting Laws in Massachusetts. Abutter notification will not be required unless mandated by Title 5.

(4) Monitoring and Reporting.

(a) If an I/A or pressure dosed system is approved for a Remedial Use situation, the applicant will be required to submit for approval to the Board of Health a proposed monitoring and reporting plan to evaluate the performance of the system, which plan shall include a description of any long-term operational or maintenance requirements needed to keep the alternative system operational, and any educational, financial assurance or other mechanism proposed to ensure effective long-term operation and maintenance.

(b) Owners and operators of all I/A and pressure-dosed systems shall report the results of all operation, maintenance, and monitoring activities required by the foregoing provision or by the Department of Environmental Protection to the Truro Board of Health and to the Barnstable County Department of Health and Environment. Such reporting must be performed in the manner specified by the Board of Health in imposing the monitoring requirement or in the form approved by the Barnstable County Department of Health and Environment and must occur within 15 days after each maintenance or monitoring event.

(c) The Board of Health hereby further requires that when a system operator performs a system inspection and finds that a sewage treatment technology has malfunctioning components which have compromised the system's ability to treat sewage as designed, the operator shall report on the system's status and any planned corrective action, I including a proposed deadline for said corrective action, to the Truro Board of Health and the Barnstable County Department of Health and Environment within 48 hours of inspection.

(d) If at any time a monitoring or maintenance report indicates that an I/A system or system using pressure dosing is in need of corrective action, the Truro Board of Health may hold a hearing to inquire as to whether corrective action is needed. If at such hearing, the Truro Board of Health determines that such system is in need of corrective action, it may take enforcement action, including but not limited to, an order to cease operation of said system or any other action otherwise necessary to protect public health, safety, welfare and the environment.

(5) Record Notice at Barnstable Registry of Deeds. All applicants gaining Board of Health approval for the installation of any I/A systems shall be required to record at the Barnstable County Registry of Deeds a Notice that the property is served by an I/A

system together with an explanation of the Inspection, Monitoring and Reporting requirements, including the requirement of a service contract for the life of the system.

No Certificate of Compliance for the installation of an I/A system will be issued until such time as proof of said recording in accordance with Article 10 herein is filed with the Board of Health.

Article 8 - Required Setbacks for System Components

Amended April 3, 2007, Effective April 4, 2007

Notwithstanding the provisions of Title 5, 310 C.M.R. 2.11, all systems shall conform to the following minimum setback distances for septic tanks and soil absorption systems (SAS), including reserve areas, as measured in feet and set forth below

	Septic Tank	SAS
Surface Water (excepting Wetlands)	**50**	**100**
Wetlands	**100**	**150**

Article 9 - Existing Systems Serving New Construction

In accordance with the policy established by the Massachusetts Department of Environmental Protection, for systems designed and approved prior to March 31, 1995, the Truro Board of Health shall determine the "approved capacity" of a system, as that term is used in 310 C.M.R. 15.352 and elsewhere in Title 5, by reviewing only the Design Flow figure shown on the face of the Disposal Works Construction Permit issued at the time of original approval of said system. The Design Flow for said systems shall not be determined by reviewing the size of the system actually installed on the property, or by looking at the plans that were approved as part of the original permit. Rather, the only proper determination of "approved capacity" shall be made by reading the Design Flow figure shown on the face of the approved permit.

If the original permit cannot be located, or if it is determined by the Board of Health that there is an error in the Design Flow figure shown on the original permit, the "approved capacity" of said system may be determined by a review of the existing use of the facility (i.e., existing bedroom count; existing restaurant seats; existing retail space, etc.), as determined by the Truro Health Agent. If the applicant is aggrieved by said determination of the Health Agent, the determination may be appealed to the Board of Health for further review and determination.

Article 10 - Buildable Upland Calculations for Nitrogen Loading Limitations

When applying the nitrogen loading limitations set forth in Title 5 and this Section VI of the Truro Board of Health Regulations (see Article 12), only Buildable Uplands shall be included in the lot area calculations.

Article 11 - Deed Restrictions

Any deed restrictions required under this Section V or under Title 5 shall be submitted to the Health Agent for review before they are finalized and executed.
Each deed restriction shall adequately describe the property and all restrictions placed thereon (i.e., bedroom count limitations shall include the number and location of approved bedrooms; monitoring agreements shall describe the specific monitoring and maintenance requirements, etc.).

All deed restrictions shall contain a provision permitting the Truro Health Agent to inspect the premises to ensure compliance with the provisions of the deed restriction at reasonable intervals and upon reasonable prior notice.

All such deed restrictions shall be recorded at the Barnstable County Registry of Deeds and proof of recording, including a copy of the deed for the property reflecting a marginal reference to the restriction, shall be submitted to the Board of Health prior to the issuance of the Certificate of Compliance for the system.

Article 12 - Nitrogen Loading Limitations

With the exception of the portion of the Beach Point District lying between Knowles Crossing and the Provincetown town line, the Truro Board of Health hereby requires that all properties within the Town of Truro contain at least ten thousand (10,000) square feet of Buildable Upland (as defined in Article 1 hereunder) per bedroom and that all systems designed to serve said facilities meet the same restrictions and requirements contained in Title 5 as the "Nitrogen Sensitive Areas" defined in 310 C.M.R. 15.215 irrespective of whether the properties are located within "Nitrogen Sensitive Areas" as so defined.

Article 13 - Septage Haulers License

1. **Application.** The Board of Health will issue Septage Haulers Licenses only upon written application that includes the following information:

   a. Name and address of applicant and business name under which applicant will operate;

   b. A written description of all equipment utilized in the business, including the capacity of any tanks;

   c. An emergency contact name and number of a person available for contact 24 hours a day in cases of emergency.

2. **Inspection.** Prior to the issuance of the License and annually thereafter, all equipment of the business must be inspected by the Health Agent. All equipment must be clearly marked and identified with markings indicating the capacity of the tank. Truck tanks must be cleaned and made free of sand and sludge for every inspection. Gauges must be cleaned and calibrated so that exact volume is easily determined. Grease must be unloaded into the grease pit and separated from the septage.

3. **Septage Coupons.** Septage coupons must be completely and properly filled out. The name, date, location and volume for each system serviced must be provided. The signature of the hauler and the customer must be executed on each coupon in order to validate the origin of the waste in the Town of Truro.

4. **Chemicals and Acids.** Use of chemicals and acids for cleaning cesspools and septic systems is prohibited.

5. **Failing Systems.** As a condition of their License, all Licensees shall accurately report all malfunctioning systems to the Board of Health, including but not limited to, the address of the malfunctioning system, the nature of the problem and the repairs, if any, effectuated. Septage haulers are required to supply accurate information to the Board of Health as a condition of their License.

6. **Licenses.** Licenses go into effect January 1st of each year. The annual fee for Licenses shall be determined by the Board of Health each year.

7. **Violations.** Failure to comply with any of these regulations shall constitute a violation which may result in a show cause hearing before the Board of Health to determine whether the License should be revoked. Violations may also result in the imposition of fines and/or any necessary legal action to be undertaken by the Board.

Article 14 - Miscellaneous Provisions

1. **As-Built Cards.** The measured location of all components of each septic system shall be recorded on a septic "As Built" card and filed with the Health Agent prior to the issuance of a Certificate of Compliance. The installer shall verify on said "As Built" card that the components are installed in accordance with the locations shown on the approved septic plan.
2. **Severability.** If any Article, section, paragraph, sentence, clause or phrase of these regulations should be declared invalid for any reason, such declaration shall not affect the remainder of these regulations which shall remain in full force and effect.

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SECTION VII - WATER PROTECTION REGULATIONS

Article 1- Pamet River Protection District

1. The Pamet River Protection District. The Truro Board of Health hereby recognizes and adopts the "Pamet River Protection District" as depicted on Map 11A as the Pamet River Greenway Management Plan and described on Page 57C of said Plan, a copy of which Plan is on file with the Board of Health.

2. Regulations

a. In the Pamet River Protection District, as defined above, all systems, including all new, replacement and upgraded systems, shall be located and installed at least one hundred and fifty (150') feet from all Wetlands as defined herein, using the setback measurement provisions set forth in 310 C.M.R. 15.211(3).

b. Systems located within the Pamet River Protection District which are pumped twice in one year shall be inspected by a licensed System Inspector (as defined in Title 5) and, if deemed a failed systems, shall be upgraded to meet current Title 5 and Truro Board of Health regulations.

3. Variances. Variances may be granted from the above regulations by the Truro Board of Health only when: 1) the variance provisions of Section I of the Truro Board of Health Regulations have been met; and 2) the applicant demonstrates to the satisfaction of the Board of Health that the proposed system will achieve an equal degree of protection to the public health and environment as would a system with the required setbacks.

Article 2 - Hydrogeological Studies

If the Truro Board of Health, in its sole discretion, determines that it is necessary in order to more fully protect the public's health, safety and welfare, and to protect the groundwater and surface waters located within the Town of Truro, the Board may require an applicant to submit a hydrogeological study, prepared by a qualified professional, showing the locations of the proposed system in relation to the groundwater and all surrounding surface waters and describing he estimated effects on the water quality of those resources.

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SECTION VIII WATER WELLS

Article 1 Purpose and Authority

Under the authority of Massachusetts General Laws, Chapter 111, Section 31 and Chapter 21, Section 16, to better protect the public health of the inhabitants of the Town of Truro by ensuring that private wells are constructed in a manner that will protect the quality of the groundwater, the Truro Board of Health hereby adopts the following regulations.

Article 2 Definitions

Certified Laboratory: any laboratory which has full certification by the Department of Environmental Protection and is included in the most recent edition of "Certification Status of Commercial Environmental Laboratories."

Potable Well: Wells to be used as drinking water source.

Registered Well Driller: an individual authorized by registration with the Department of Environmental Protection to engage in the business and supervise the drilling, altering, or decommissioning of wells in Massachusetts, and who signs and submits the well completion report to the Department and the Truro Board of Health.

Replacement Well: any well which is being constructed to replace or repair a well currently existing and in use.

Well or Water Well: any hole or shaft constructed into the ground for the purpose of injecting or extracting water and other fluids, or to monitor groundwater levels and water quality.

Article 3 Registered Well Drillers

1. Water wells may only be constructed and/or replaced by a Registered Well Driller.

2. Before a water well is drilled within the Town of Truro, the well driller shall furnish to the Board of Health the well driller's name, trade name (if different), and address, shall furnish a copy of the driller's current State Registration Certificate, and shall comply with the regulations listed below.
3. The well driller shall submit to the Board of Health a copy of each driller's report submitted to the State containing the well owner's name, well 's location and depth, drilling log, description of casing and screen, static water level, method used to test well yield, length of time well was pumped, draw down, and well yield.

Article 4 Well Construction Permit

1. No well shall be installed, altered or repaired until a Well Construction Permit has been obtained from the Board of Health.
   a. A fee (subject to change) per well installed shall accompany the application for permit.
   b. An application for a Well Construction permit shall be submitted by the well driller or his agent on forms furnished by the Board. The well driller is responsible for obtaining said permit prior to well construction and for informing the Health Agent at the time of

installation and covering.

c. For new construction, application for a Well Construction Permit shall be made prior to the application for a building permit.

d. For new construction the well shall be drilled prior to the installation of the septic system.

2. Water Quality Testing

a. The well driller shall have a water sample tested by a Certified Laboratory for:

- Coliform
- pH
- Conductivity
- Iron
- Nitrates
- Sodium.
- Volatile Organic Compounds (VOCs)
- Or any other parameters the Board of Health deems necessary.

b. The results of this test shall be provided to the well owner and the Truro Board of Health.

c. No building permit shall be issued until the report of this test has been returned to the Truro Town Hall and the Health Agent has determined the well water is potable.

3. Plans

a. For new construction: Site and Sewage Plans, stamped by a Professional Engineer and/or Registered Land Surveyor and/or a Registered Sanitarian, showing the location of the proposed well and septic system must be submitted to ensure that adequate setbacks between well and septic are being provided.

b. For all other construction: the well driller must submit a plan of the land, accurately depicting the location of all septic system components and the location of the proposed well. The well driller must also sign a statement on the well permit application attesting to the fact that the well as installed will meet the required setbacks to the septic tank and soil absorption system defined in 310 CMR 15.211.

Article 5 Well Completion Report

New wells shall not be placed into use for human consumption until the Health Agent has approved the potability and quantity of the water provided and the well driller has filed a Well Completion Report with the Truro Health Department.

Article 6 Test of Water Quality Upon Transfer of Real Estate

Prior to selling, conveying, or transferring title to real property in the Town of Truro, the owner thereof shall:

1. have tested the water of every private potable well serving that property. A water sample from each well shall be submitted to a certified laboratory for testing for the parameters outlined above in Article 4. This water quality test shall be performed not more than one year prior to transfer of the property. Results of the water test shall be submitted to the Board of Health prior to property transfer on a form provided by the Board of Health on which the owner will certify that the sample was taken from the well serving the property being transferred; and

2. the owner shall give copies of all water test results of which he has knowledge (regardless of age of results) for the private potable well in question to any buyer and/or broker identified with the transfer. In the event that there is no buyer at the time the water is tested, a copy of all water test results must be given by the owner to the buyer before the property is put under agreement. This

3. regulation shall not apply to the conveyance or devise of a property to a surviving spouse or to any of the heirs or devises of the property owner, and further, shall not apply to a sale under power of sale in a bona fide mortgage affecting the property.

Article 7 Decommissioning of Water Wells

1. Abandoned wells, test holes and borings shall be decommissioned so as to prevent the well, including the annular space outside the casing, from being a channel allowing the vertical movement of water. Test holes to be filled and packed prior to completion of a finished well and done during location search do not require a "decommissioning."

2. The property owner shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged. Only registered well drillers may plug abandoned wells, test holes and borings.

3. In the case of new well construction, all test holes and borings shall be plugged before the well driller completes work at the site.

4. The owner of a private well shall decommission the well if the well meets any of the following criteria:
a. construction of the well is terminated prior to completion of the well;
b. the well owner notifies the Board that the use of the well is to be permanently discontinued;
c. the well is a potential hazard to the public health or safety and the situation cannot be corrected;
d. the well is in such a state of disrepair that its continued use is impractical.

5. The Department of Environmental Protection Private Well Guidelines for Decommissioning Abandoned Wells, Test Holes and Dry or Inadequate Borings shall be followed by registered well drillers.

6. A well decommissioning report shall be submitted to the Board of Health by the registered well driller within thirty (30) days of the completion of the decommissioning.

Article 8 Enforcement and Penalties

The Board shall have the authority to enforce these regulations and permits issued thereunder via all procedure set forth in Section I of these regulations.

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SECTION IX – Regulations for the Operation of a Swimming Pool

1. Application for a permit shall be made to the Board of Health at least 15 days before the expiration of an existing permit, or otherwise at least 15 days before the opening of a swimming, wading, or special purpose pool.

2. Prior to the opening of the swimming, wading, or special purpose pool, a water sample must be collected for bacteriological analysis. The results of this analysis shall be given to the Board of Health with application for the permit. No permit will be granted if the water sample does not meet the current standards outlined in 105 CMR 435.000 Minimum Standards for Swimming Pools.

   All samples shall be collected and analyzed in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

3. Upon the receipt of the application and the results of the water test, an on-site inspection will be conducted on the swimming, wading, or special purpose pool. This inspection will be scheduled at the Board of Health's earliest convenience.

4. The swimming, wading, or special purpose pool must be set up for inspection as if it were in operation so all health and safety requirements may be checked in accordance with 105 CMR 435.000 Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V). Copies of these swimming pool regulations are available from:

   The State Bookstore
   State House, Room 116
   Boston, MA 02133 (617) 727-2834

5. The operator of the swimming, wading, or special purpose pool shall receive a permit if the pool has been found to be in satisfactory order upon inspection, and the pool water has been found to meet bacterial standards. No license to operate will be issued until the requirements as set forth in this regulation have been satisfied.

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SECTION X FOOD SERVICE REGULATIONS

Article 1 Purpose and Authority

The following regulations were promulgated by the Town of Truro in accordance with the provisions of Chapter 111, section 31, as amended, of the Massachusetts General Laws and are being adopted to supplement, clarify and augment the provisions of Article X, Minimum Standards for Food Service Establishments of the State Sanitary Code. Applicants shall refer to the State Sanitary Code for basic requirements.

Article 2 Definitions

Food Service Establishment: as used herein, the term "food service establishment" shall mean any establishment licensed by the Town of Truro for Food Service or Retail Food Sales.

Additional Food Service: any type of food service operation that differs from, or is in addition to what the establishment currently undertakes.

Article 3 Additional Food Service

1. No food establishment shall add any form of additional food service without written approval of the Board of Health. Application for the approval of any such additional food service must be done in writing to the Board of Health.
2. Any food service establishment may be required to submit a copy of their menu to the Health Agent to ensure that no additional food service is being undertaken without the approval of the Board of Health.
3. Proposals for new food service establishments shall include in writing the following: number of seats, type of food prepared and served, and floor plans indicating all equipment, shelving and storage areas. The floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed and installed so they are smooth and easily cleanable. Examples of floor tiling commonly used are: rubber, quarry, ceramic, marble, etc. Anti-slip floor coverings or applications may be used for safety reasons.

Article 4 Outdoor Dining Areas

1. Outdoor dining areas must be appurtenant and contiguous to the food service establishment.

2. Outdoor dining areas shall be kept free of waste paper, garbage and other trash. Covered trash receptacles shall be provided in close proximity to the dining area and must be emptied as needed to prevent overflowing.

Article 5 Other Requirements

1. **Food Preparation**

   a. All food preparers shall wear hair restraints such as hats, hair covering or nets, beard restraints, shoes and clean clothes to prevent contamination of food, equipment, utensils, linens, single services and single use articles.

b. Latex gloves are prohibited during food preparation. Acceptable substitutes for latex gloves are vinyl, nitrile, polyvinyl, chloroprene or polyethylene gloves, deli tongs and deli tissues.

2. Trash Receptacles

Any food service establishment, where there exists outside seating or where there is service of packaged or prepared foods meant for immediate consumption, shall provide and maintain adequate waste and recycling receptacles within five feet of all points of entrance or exit. If this is not feasible due to access issues, the location of all receptacles shall be approved by the Board of Health or its agent. The location of all waste and recycling receptacles shall be clearly visible from the service areas.

3. Choke Saving Techniques

Each food service establishment having a seating capacity of 25 persons or more shall have on duty where food is being served one or more persons trained in Choke Saving technique as required by MGL Ch. 94 § 305D, and must file proof of training with the Board of Health with new and renewal applications. Individuals will be retrained annually.

4. Restroom Facilities

Every food service establishment where food or beverages are consumed on the premises shall have public restroom facilities accessible to the customer without passing through the kitchen. The number of toilets and lavatories, including handicapped facilities, shall be the number required under State law.

5. Animals Prohibited

Animals are prohibited on the premises of a food service establishment. In accordance with the Americans with Disabilities Act (ADA), persons with disabilities may be allowed to bring their service animals into all areas of the facility where customers are normally allowed to go if a health or safety hazard will not result from the presence or activities of the service animal.

6. Shirts and Shoes Required

No person having bare feet or no shirt shall be allowed in any food service.

Article 6 Transfer of License

Upon the transfer of the food service license, existing food service establishments must be brought into compliance with local, state and federal codes.

Article 7 Bottled Water Regulations

Adopted December 2, 1998

Bottled water may be used in a food service establishment if a system with its own source of ground or surface water does not serve piped water to the public, does not provide access to bathroom facilities or other access to its water to the general public, does not use the water for preparation of food served to the public or for any other use for human consumption, and does not employ more than 25 people.

The Truro Board of Health requires the following conditions be met when an establishment has its own

source of ground or surface water but does not use the water for the preparation of food served to the public:

1. Only bottled water may be used in the preparation of food.

2. Bottled water may be used for cleaning and sanitizing under the following guidelines:

a. All food contact surfaces must be washed and sanitized:
   i. after each use.
   ii. when you begin working with another type of food
   iii. any time the tools and items you have been working with may have been contaminated.
   iv. at four hour intervals if the items are in constant use.

b. Mild alkaline detergents may be used to remove freshly soiled equipment and utensils.

c. Food contact surfaces must be cleaned and rinsed before they can be effectively sanitized. (Chemical sanitizers are most effective at temperatures of 75-100 degrees F. Solutions at the lower ranges last longer).

3. Manual cleaning and sanitizing procedures:

Set up a three-compartment sink. All sinks should have thermometers. (a) Flush, scrape or soak items before washing. (b) Wash items in a detergent solution at least 110 degrees F. (c) Rinse in a second compartment of clear water at 120 degrees F. (d) Sanitize in the third compartment by submerging items in hot water at 170 degrees F or a chemical sanitizing solution at least 75 degrees F., or follow the manufacturers instructions. (e) Air dry all items.

4. The preceding temperatures and procedures must be used as well for all clean-in-place equipment. The Board will consider for approval any proposed procedure which will have the same results as those specified.

5. Businesses having private wells who are licensed by the Town of Truro and serving food to the public must comply with the following water sampling schedule:

January 1 - March 31	Routine*
April 1- June 30	Routine*
July 1 - September 30	Routine and VOC**
October 1 - December 31	Routine*

*Routine analysis should include Coliform bacteria, PH, Conductance, Nitrate-N/Nitrite-N, Sodium, Iron and Manganese. **Volatile Organic Compounds

6. All water samples must be conducted by a certified water operator, with reports submitted to the Board of Health. Also, a copy of a contract with a bottled water supplier must be submitted to the Truro Board of Health before a license will be issued.

Article 8 Enforcement and Penalties

The Board shall have the authority to enforce these regulations and permits issued thereunder via all procedures forth in Section I of these regulations. Violations may also be sanctioned by the suspension or revocation of local license and permits allowing operation of the food service establishment.

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SECTION XI TOBACCO CONTROL REGULATIONS

Article 1 Purpose and Authority

The 1986 Surgeon General's Report on "The Health Consequences of Involuntary Smoking" clearly documents that nonsmokers may be placed at risk for developing disease as a result of exposure to environmental tobacco smoke or secondhand smoke. In 1993, the Environmental Protection Agency classified environmental tobacco smoke as a known human carcinogen.

At special risk are children, the elderly, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.

Studies have shown that vending machines afford and opportunity for unauthorized sale of cigarettes to minors. Evidence further demonstrates that tobacco is extremely addictive. Approximately 80% of all smokers begin smoking before age eighteen, and more than 3,000 young people begin smoking every day in this nation.
The Town of Truro Board of Health therefore adopts these regulations under the provisions of MGL Chapter 111 Section 31 and M.G.L. Ch. 270, Section 22(2)(j) as reasonable health regulations designed to protect and improve the health of its residents.

Article 2 Definitions

In addition to those terms that are defined under M.G.L. Ch. 270, 22, as used in this section, the following terms shall have the following meanings:

Retail Store: any establishment selling goods or articles or personal services to the public.

Self Service Display: a display from which individual packs or cartons of tobacco products may be selected by a customer.

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

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

Tobacco Vending Machine - A mechanical or electrical device which dispenses tobacco products by self-service, with or without the assistance of a clerk or operator.

Article 3 Prohibition of Smoking in Public Places

Smoking is hereby prohibited in the Town of Truro in accordance with M.G.L. Ch. 270, § 22.

Article 4 Posting

Every person having control of a premises where smoking is prohibited by this regulation shall conspicuously display on the premises, signs reading, "Smoking Prohibited By Law." Posting of the international symbol for "No Smoking" (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be deemed as compliance.

Article 5 Sale and Distribution of Tobacco Products

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

2. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of the Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Truro Board of Health. The notice shall be at least 48 square

3. Identification: Each person selling or distributing tobacco products shall verify that the purchaser is 18 years old or older by means of government-issued photographic identification containing t the bearer's date of birth. Verification is required for any person under the age of 27.

Article 6 Tobacco Sales Permit

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

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

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

4. The fee for a tobacco sales permit shall be determined by the Truro Board of health annually. All permits shall be renewed annually by December 31st.

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

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

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

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

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

Article 7 Other Tobacco Sales Restrictions

1. Tobacco Vending Machines: It shall be unlawful to sell or distribute any tobacco product through a tobacco vending machine.

   Out-of-Package Sales: No person or entity may sell or cause to be sold or distribute or cause to

be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

3. Self Service Displays: all self service displays of tobacco products are prohibited. All humidors, including, but not limited to, walk in humidors, must be locked. The only exception is self-service displays that are located in facilities where the retailer ensures that no person younger than eighteen (18) years of age is present or permitted to enter at any time.

4. Free distribution: no person, firm, corporation, establishment, or agency shall distribute tobacco products free of charge or in connection with a commercial or promotional endeavor within the Town of Truro. Such endeavors include, but are not limited to, product "giveaways," or distribution of a tobacco product as an incentive, prize, award, or bonus in a game, contest, or tournament involving skill or chance. Such restrictions shall not apply to use of coupons from magazines, newspapers, periodicals, or attached to packaging.

Article 8 Violations and Penalties

1. Any person who knowingly violates any provision of this regulation, or who smokes in an area subject to regulation, in which a "Smoking Prohibited By Law" sign or its equivalent is conspicuously displayed, shall be punished by a fine of up to $50 for each offense.

2. Any proprietor(s) or other person(s) in charge of a place where smoking is prohibited under this regulation, including municipal entities, who fail(s) to comply with these regulations shall be subject to the following actions for each offense:
   a. In the case of a first violation, a fine of one hundred dollars ($100).
   b. In the case of a first violation within 18 months of the date of the current violation, a fine of two hundred dollars ($200) and the tobacco sales permit shall be suspended for seven (7) consecutive business days.
   c. In the case of three or more violations within a 18 month period, a fine of three hundred dollars ($300) and the tobacco sales permit shall be suspended for thirty (30) consecutive business days.

3. As an alternative to criminal prosecution, the Board of Health may utilize the procedure set forth in Section I of these regulations.

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

5. The Truro Board of Health shall provide notice of intent to suspend a tobacco sales permit, which notice shall contain reasons there for and establish a time and date of 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 the opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons in writing. The Truro Board of Health after a hearing, may suspend the tobacco sales permit. All tobacco products shall be removed from the retail establishment upon suspension of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.

Article 9 Other Applicable Laws

1. The Board of health or its enforcement officer(s) shall enforce this regulation. Any violation of

these regulations may be enforced and punished by the provisions of the Regulation as Adopted by the Board of Health, Town of Truro.

2. Any citizen who desires to register a complaint of non-compliance under this regulation may do so by contacting the Health Department.

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SECTION XII STATUTORY AND REGULATORY INSPECTIONS

Adopted April 7, 1999

Article 1 Statutory Inspections

Inspections mandated by MGL, Chapter 140, Section 32C shall be made by the Board of Health in accordance with that statute. On the occasion of such an inspection, the Licensee shall be assessed a fee as set by the Board of Health, payable to the Town of Truro.

Article 2 Regulatory Inspections

In addition to those inspections described in article 1 above, the Board of Health shall similarly inspect all businesses licensed by the Town of Truro provided that said businesses provide services or facilities to the general public which services or facilities may impact upon the health and safety of the users of such services or facilities. On the occasion of such an inspection, the Licensee shall be assessed a fee as set by the Board of Health, payable to the Town of Truro.

Article 3 Emergency Inspections

1. Emergency inspections shall be necessary in the following circumstances:

a. When the Board of Health and/or Licensing Agent becomes aware of a failure of equipment or of a system which threatens to make necessary the shutdown, temporarily or permanently of an ongoing business; or,

b. Where alleged conduct of an ongoing business, if true, poses a threat to the health and safety of the general public or environment that the shutdown, temporarily or permanently, of the Licensee may as a matter of prudence be required; or,

c. Where the frequency and volume of complaints concerning health, safety and/or license violations in the conduct of an ongoing business may, in the opinion of the Licensing Agent, if such complaints, after hearing, are found to be substantially true, require temporary suspension or revocation of the Licensee's license.

2. The basic cost for an emergency inspection shall be set by the Board of Health and assessed to the Licensee, payable to the Town of Truro.

3. If, in the judgment of the Licensing Agent and the Board of Health, an emergency inspection conducted under this regulation shall require expertise not possessed by the Licensing Agent or the Board of Health, the inspection team may augment its compliment by the addition of personnel possessing the specialized expertise necessary to the efficient conduct of the inspection. Such additional personnel may include, without limitation, builders, plumbers, electricians, public health experts, and the like. Such additional personnel added to the inspection team herein described shall require an additional assessment for each additional inspector assessed to the Licensee and payable to the Town of Truro. Such additional inspectors shall be retained in the smallest number possible, and for the least time necessary, to the efficient completion of the inspection.

4. When the Licensing Agent and/or the Board of Health has reason to believe that an emergency inspection of a premises may be required, an initial inspection, after notice to the Licensee, shall be conducted within 48 hours. If, after the initial inspection has been conducted, no reason is found by the inspection team to believe any violations exist, the inspection shall terminate and no costs shall be assessed to the Licensee.

5. If, after the inspection conducted pursuant to paragraph 4 above, the inspection team finds substantial evidence of the violations complained of, a full hearing shall be held, after notice, and within 24 hours of the completion of the inspection. The notice shall contain a detailed description of the violation(s) alleged, the names and addresses of the complaining persons or entities, and the time and place of further hearing.

6. Following the further hearing the Board of Health may: a) exonerate the Licensee (in which event no further Acton shall be taken); or b) take such further action as is deemed by the Board of Health necessary and warranted in the correction of the deficiencies found, including, but not limited to, suspension of license, revocation of license or entering into a remediation agreement with the Licensee.

7. A remediation agreement is intended to permit a Licensee to continue to operate, where the same can be done without risk to the public health and safety, while the Licensee takes the necessary steps to bring the business into compliance with all existing public health and safety statues and regulations. The remediation agreement shall contain a timetable for the accomplishment of necessary tasks as agreed by the Licensee and the Board of Health. Violations of the remediation agreement by the Licensee shall permit the Board of Health to invoke the sanctions of suspension or revocation of the Licensee's license.

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SECTION XIII BODY ART REGULATIONS

Adopted May 2, 2001

Article 1 Purpose

Whereas body art is becoming prevalent and popular throughout the Commonwealth; and whereas the 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 Truro adopts these regulations for the practice of body art in the Town of Truro as part of their mission to protect the health, safety, and welfare of the public.

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law Chapter 111, Section 31.

Article 2 Definitions

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

Applicant means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

Autoclave means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

Autoclaving means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of a steam autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

Bloodborne Pathogens Standard means OSHA Guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."

Board of Health or Board means the Board of Health that has jurisdiction in the community in which a body art establishment is located.

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

Body Art Establishment or establishment means a location, place, or business that has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

Body Art Practitioner or practitioner means a specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

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

Braiding means the cutting of skin of a person, which strips are then to be intertwined with one another

and place on such person so as to cause or allow the incised and interwoven strips of skin to heal in such intertwined condition.

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

Client means a member of the public who requests a body art procedure at a body art establishment.

Contaminated Waste means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

Department means the Department of Public Health or its authorized representatives.

Disinfectant means a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).

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

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

Equipment means all machinery, including fixtures, 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.

Hand Sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

Hot water means water that attains and maintains a temperature 110°-130°F.

Instruments Used for Body Art means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.

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

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

Minor means any person under the age of eighteen (18) years.

Mobile Body Art Establishment means any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, home or other similar facility.

Operator means any person who individually, or jointly or severally with others, owns, or controls an establishment, but is not a body art practitioner.

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

Person means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

Physician means an individual licensed as a qualified physician by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2.

Procedure surface means any surface of an inanimate object that 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 means clean and free of agents of infection or disease.

Sanitize means the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

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

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

Sharps Container means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

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

Sterilize means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

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

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

Temporary Body Art Establishment means the same as Mobil Body Art Establishment

Three Dimensional "3D" Body Art or Beading or Implantation means the form of body are 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 means a unit approved by the Board, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

Universal Precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report) (MMWR), June 23, 1989, Vo1.38 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, Vo1.40, 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.

Article 3 Exemptions

1. Physicians licensed in accordance with M.G.L. c. 112 § 2 and any person registered as a qualified nurse under M.G.L. c. 112 , Section 74, 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.

Article 4 Restriction

1. No person shall establish or operate a Mobile Body Art Establishment or

2. No tattooing, piercing of genitalia, branding or scarification shall be performed on a person under the age of 18.

3. Body piercing, other than piercing the genitalia, may be performed on a person under the age of 18 provided that the youth provides photographic identification and is accompanied by a properly identified parent who also provides photographic identification (or legal guardian with photographic identification) who has signed a form consenting to such procedure.

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 glands 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; genital modification; introduction of saline or other liquids.

Article 5 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:

A. Physical Plant

(1) Walls, floors, ceilings, and procedure surfaces shall be smooth, non-porous, free of open hole or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition.

All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.

(2) Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.

(3) The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.

(4) Each body art station shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by a dividers or partition at a minimum.

(5) The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

(6) Light bulbs shall be shielded, coated, or otherwise shatter-resistant in each body art station.

(7) 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.

(8) There shall be a minimum of one toilet room containing a toilet and sink with running water. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser.

(9) 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, leak proof, rodent-resistant containers and shall be removed from the premises at least weekly.

(10) At least one janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable Federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and permit the cleaning of the establishment and any equipment used for cleaning.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of fluids being offered to a client during or after a body art procedure.

B. Requirements for Single Use Items Including Inks, Dyes and Pigments

(1) Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.000.

(2) All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.

(3) Hollow bore needles or needles with a cannula shall not be reused.(4) All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

(5) Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

C. Sanitation and Sterilization Measures and Procedures

(1) Only sterilized disposable single use type needles shall be used for body art.

(2) All other non-disposable instruments used for body art 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 operated in accordance with manufacturer's instructions.

(3) After being cleaned, non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.

(4) 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.

(5) Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory.
The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Board upon request.

(6) 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 locked cabinet or other tightly covered container reserved for the storage of such instruments.

(7) Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.

(8) When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the

instruments and gloves are not contaminated.

(9) Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

D. Posting Requirements
The following shall be prominently displayed:

(1) A Disclosure Statement, which shall be available from the Public Health Division Office. A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.

(2) The name, address and phone number of the local Board of Health that has jurisdiction and the procedure for filing a complaint.

(3) An Emergency Plan, including:
(a) a plan for contacting police, fire or emergency medical services in the event of an emergency;
(b) a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
(c) a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.

(4) An occupancy and use permit as issued by the local building official.

(5) A current establishment permits.

(6) Each practitioner's permit.

E. Establishment Record keeping

The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:

(1) Establishment information, which shall include:
(a) establishment name;
(b) hours of operation;
(c) owner's name and address;
(d) a complete description of all body art procedures performed;
(e) an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
(f) A Material Safety Data Sheet, when available, for each ink and dye used by the establishment; and
(g) a copy of these regulations.

(2) Employee information, which shall include:
(a) full names and exact duties;
(b) date of birth;
(c) home address;
(d)home /work phone numbers; and

(3) Client Information, which shall include:
(a) name;
(b) date of birth;

(c) address of the client;
(d) date of the procedure;
(e) name of the practitioner who performed the procedure(s);
(f) description of procedure(s) performed and the location on the body;
(g) a signed consent form as specified by 6(D)(2); and,
(h) if the client is a person under the age of 18, proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian and a copy of the photographic identification of the client.

(4) Client information shall be kept confidential at all times.

(F) The establishment shall require and ensure that all body art practitioners obtain hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the Board upon request.

Article 6 Standards of Practice

Practitioners are required to comply with the following minimum health standards:

(A) A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.

(B) A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.

(C) Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.

(D) Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:

(1) Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:
(a) history of diabetes;
(b) history of hemophilia (bleeding);
(c) history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants etc.;
(d) history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
(e) history of epilepsy, seizures, fainting, or narcolepsy;
(f) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and (g) any other conditions such as hepatitis or HIV.

(2) Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents them from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 6(K).

(E) A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures.

Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

(F) In performing body art procedures, a practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean

surfaces or objects or by contact with a third person.

The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section (E) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

(G) 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.

(H) 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.

(I) Preparation and care of a client's skin area must comply with the following:

(1) Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

(2) Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

(3) In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.

(J) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.

(K) The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:

(1) on the proper cleansing of the area which received the body art;
(2) to consult a health care provider for:
(a) unexpected redness, tenderness or swelling at the site of the body art procedure;
(b) any rash;
(c)unexpected drainage at or from the site of the body art procedure;
(d) or a fever within 24 hours of the body art procedure; and

(3) 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 Department.

(L) 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.

Article 7 Injury Reports

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

(A) the name of the affected client;
(B) the name and location of the body art establishment involved;
(C) the nature of the injury, infection complication or disease;
(D) the name and address of the affected client's health care provider, if any;
(E) any other information considered relevant to the situation.

Article 8 Complaints

(A) The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.

(B) If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.

(C) If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate and if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

Article 9 Application for Body Art Establishment Permit

(A) No person may operate a body art establishment except with a valid permit from the Board.

(B) Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.

(C) An establishment permit shall be valid from the date of issuance and shall automatically expire on the last day of February each year, unless revoked sooner by the Board.

(D) The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:

(1) Name, address, and telephone number of:
- (a) the body art establishment;
- (b) the operator of the establishment; and
- (c) the body art practitioner(s) working at the establishment;

(2) The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment;

(3) A signed and dated acknowledgment that the applicant has received, read and understood the requirements of the Board's body art regulations;

(4) A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board, as part of the permit application process; and,

(5) Such additional information as the Board may reasonably require.

(E) The Board shall set a reasonable fee for such permit.

(F) A permit for a body art establishment shall not be transferable from one place or person to another.

Article 10 Application for Body Art Practitioner Permit

(A) No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board. The Board shall set a reasonable fee for such permits.

(B) A practitioner shall be a minimum of 18 years of age.

(C) A practitioner permit shall be valid from the date of issuance and shall automatically expire on the last day of February each year, unless revoked sooner by the Board.

(D) Application for a practitioner permit shall include:
(1) name;
(2) date of birth;
(3) residence address;
(4) mailing address;
(5) phone number;
(6) place(s) of employment as a practitioner; and
(7) training and/or experience as set out in (E) below.

(E) Practitioner Training and Experience

(1) Training for all practitioners shall be approved by the Board and, at a minimum, shall include the following:

(a) blood borne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; hand washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques. (Examples of courses approved by the Board include "Preventing Disease Transmission" [American Red Cross] and "Blood borne Pathogen Training" [U.S. OSHA]. Training/courses provided by professional body art organizations or associations or by equipment manufacturers may also be submitted to the Board for approval.
(b) First Aid and cardiopulmonary resuscitation (CPR).

(c) The applicant for a body art 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 of the integumentary system (skin).

(2) Practitioner Experience - The applicant for a practitioner permit 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 to perform, whether such experience was obtained within or outside the Commonwealth.

Article 11 Grounds for Denial of Permit, Revocation of Permit, or Refusal to Renew Permit

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

(1) any actions which would indicate that the health or safety of the public would be at risk;
(2) fraud, deceit or misrepresentation in obtaining a permit, or its renewal;

(3) criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;

(4) any present or past violation of the Board's regulations governing the practice of body art;

(5) practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;

(6) being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;

(7) knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;

(8) continuing to practice while his/her permit is lapsed, suspended, or revoked;

(9) having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations.

(10) other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art;

(B) The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days.
(C) Applicants denied a permit may reapply at any time after denial.

Article 12 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.

Article 13 Procedure for Hearings

(A) Suspension of a Permit

(1) After a Board suspension of a permit, a hearing shall be initiated pursuant to 801 CMR 1.00 et seq. (Standard Adjudicatory Rules of Practice and Procedure), no later than twenty-one (21) calendar days after the effective date of the suspension.

(2) Upon written request to the Board of Health, the establishment or practitioner shall be afforded an opportunity to be heard concerning the suspension of the permit by the Board.

(3) In cases of suspension of a permit, the Board of Health shall determine, by a preponderance

of the evidence, that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The Board of Health shall issue a written decision, which contains a summary of the testimony and evidence considered and the reasons for the decision.

(B) Denial, Revocation, or Refusal to Renew a Permit

(1) If the Board determines that a permit shall be denied, revoked, or not renewed pursuant to the Board's regulations, the Board shall initiate a hearing in accordance with 801 CMR 1.00 et seq.

(2) Following the hearing, the Board of Health shall issue a written decision that contains a summary of the testimony and evidence considered and the reasons for the decision.

Article 14 Unauthorized Practice of Body Art

The Board shall refer to the appropriate District Attorney, Attorney General, or other law enforcement official any incidents of unauthorized practice of body art.

Article 15 Enforcement

The Board of Health may utilize all procedures set forth in Section I of these regulations to enforce this section.

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SECTION XIV. NUISANCES

Adopted September 15, 2009

Article 1 Purpose and Authority

(1) **Purpose.** This section of this regulation is intended to prevent all nuisances, sources of filth and causes of sickness which may be injurious to the public health, safety, or welfare of the inhabitants of the Town of Truro.

(2) **Authority.** In accordance with Massachusetts General Laws, Chapter 111, Sections 31 and 127A, the Truro Board of Health hereby adopts the following regulations. This regulation is also adopted under M.G.L. Chapter 111, Section 122, which directs the Board of Health to examine into all nuisances, sources of filth, and causes of sickness within its town, which may, in its opinion, be injurious to the public health and to destroy, remove, or prevent the same. These regulations shall take effect upon passage.

Article 2 Definitions

For purposes of this section of this regulation, the following words and phrases shall have the following meanings:

(1)**ABATE**: shall mean to repair, replace, remove, destroy or otherwise remedy a condition

(2)**DUMPSTER or DISPOSAL CONTAINER**: shall mean any container, receptacle, compactor unit, trailer, roll-off, or other similar unit with or without wheels that is used for the temporary storage, containment, or transport of refuse, garbage, demolition debris, or other discarded materials. It shall not apply to the ordinary household trash can of a volume less than 50 gallons, to plastic bags storing these materials in compliance with the regulations of the Town of Truro, or to trash compactor trucks operated by a company duly licensed by the local Board of Health.

(3) **NUISANCE**: An act or failure to perform a legal duty which causes or permits a condition to exist which injures or endangers the public health, safety or welfare of the inhabitants of the Town of Truro.

(4)**RUBBISH** – means combustible and noncombustible waste materials, except garbage and approved compost containers, and includes but not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, glass, crockery, plastics, mineral matter, dust and the residue from the burning of wood, coal, coke or other combustibles.

(5)**VERMIN** – means any invertebrate or vertebrae animals which may act as carriers or agents of infection and disease transmission.

Article 3 Examination of Nuisances

The Board of Health of the Town of Truro shall examine into all nuisances, sources of filth and causes of sickness within the Town of Truro which may, in its opinion, be injurious to the public health and

shall destroy, remove or prevent the same as the case may require. Below are examples of nuisances but not limited to:

(1) The odor from normal maintenance of livestock or the spreading of manure upon agricultural, horticultural, or farming lands, or noise from livestock or farm equipment used in normal, generally acceptable farming procedures or from plowing or cultivation operations upon agricultural, horticultural, or farming lands shall not be deemed to constitute a nuisance.

(2) Supply of Water: Upon a determination by the Board of Health of the Town of Truro that the available supply of water for drinking, culinary and or other domestic purposes in any place of habitation, or in any place where food or drink is prepared, handled or served to the public, is so unsafe or inadequate as to constitute a nuisance, the Board of Health may issue a written order to the owner of such place requiring that said owner discontinue the use of the water supply or that said owner supply an alternate water supply safe and adequate for such purposes.

(3) A dumpster or disposal container to be left open or to overflow as to attract vermin.

(4) The accumulation of material on a property including, but not limited to, animal feces, offal, brine, bones, decayed fruit and vegetables or other rubbish that are liable to produce offensive odors or attract vermin, excluding properly contained compost piles.

(5) A swamp, swimming pool, pond (man-made or natural) ditch, gutter, watercourse, sanitary convenience, or other accumulation of water on land or a street or a receptacle holding water, in such a state as to be a breeding-ground for mosquitoes, not being a reservoir or other storage of water used in connection with manufacturing purposes; irrigation purposes.

(6)The accumulation of rubbish, disused furniture, mattresses, appliances, machinery on a lot, yard or other property which may become a harborage to mice, rats, snakes, vermin or which may become conductive to fire.

(7) Dogs, cats, fowl, hogs, goats, cows, chickens, horses or other animals that are kept in a manner which creates a nuisance.

Article 4 Abatement of Nuisance

The Board of Health of the Town of Truro shall order the owner or occupant of any private premises, at his own expense, to remove any nuisance, sources of filth or cause of sickness found thereon within twenty-four hours or such other time it considers reasonable.

(1) If the owner or operator of a farm files a petition for review in district court of such order for abatement within ten days, the operation of said order shall be suspended pending order of the court.

(2) If the owner or occupant fails to comply with such order the Board of Health of the Town of Truro may cause the nuisances, sources of filth and cause of sickness to be removed, and all expenses incurred thereby shall constitute a debt due the Town of Truro.

Article 5 Enforcement

(1) The Board of Health, its agents, officers, and employees, shall have the authority to enter upon privately owned land for the purpose of performing their duties for the administration and review of this regulation, and may make or cause to be made such examinations, surveys, or samples as the Board of Health deems necessary.

(2) The Board shall have the authority to enforce these regulations thereunder by violation notices, administrative orders, and civil and criminal court actions.

(3) As an alternative to criminal prosecution, the Board of Health may utilize the procedure set forth in Section I of these regulations.

Article 6 Appeal

(1) Unless otherwise provided, any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Massachusetts.

Article 7 Severability

(1) If any portion, or sentence, clause or phrase of this regulation shall be held invalid for any reason, the remainder of this regulation shall continue in full force and effect.

Section XVI SEVERABILITY

If any section, article, paragraph or phrase of these regulations is found to be invalid for any reason whatsoever, such decision shall not affect the remaining portion(s) of these regulations, which shall remain and full force and effect; to this end, should any provisions of these regulations be deemed invalid, such provisions are hereby declared severable. The powers and authorities conferred hereunder are not intended to limit the authority of the Board of Health to act under any other ordinance or bylaw of the Town of Truro or the Massachusetts General Laws.

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SECTION XVII FEE SCHEDULE

Amended November 20, 2012
Amended December 17, 2013
Amended November 18, 2014
Amended April 22, 2015

Fuel Storage Tank Registration Fee..... $25.00

Solid Waste
See attached Section IV, Article 2, Fee Schedule
Septic Related Permits
Percolation Test Witness Fee Upgrade 50.00
Percolation Test Witness Fee New Construction.....100.00
Disposal Works New Construction Permits:
Commercial New Construction & Upgrade 150.00
Commercial Varianced.....175.00
Simple Repair (Commercial & Residential).....50.00
Residential New Construction & Upgrade.....125.00
Residential Varianced.....150.00
Septic Reinspection 25.00
Filing for a Title 5 Variance.....75.00
Septic System Installer's 100.00
Septage Hauler's.....100.00
Well Construction/Replacement Permits.....50.00
Well Decommission Permits.....25.00

Food Service Permits *(revised December 17, 2013)*:
Restaurant with seating or Take-Out Service.....75.00
Mobile Food Vending Truck with potentially hazardous food preparation.....75.00
Mobile Food Pushcart limited to non-potentially hazardous foods.....50.00
Retail Food Establishment:
Pre-packaged manufactured foods only.....50.00
Other Retail (incidental to primary business that sells prepackaged manufactured non-potentially hazardous foods).....15.00
Residential Kitchen 25.00
Catering.....50.00
Temporary Food Service Permit 50.00
Farmer's Market Retail Food Permit 10.00

New Food Service Permit Fee for Non-Profit Organizations 501(c)(3).....25.00* (2/15/2011)
Camps, Cabins & Motels License.....50.00

Lodging.....50.00

Gas Station.....10.00
Additional Charges:..... ...1.00/1,000 gallon storage
Body Art Licenses
Practitioner.....100.00
Establishment.....150.00
Inspections
Mandated by MGL Ch. 140, Sec. 32C.....45.00
Regulatory Inspection.....45.00
Emergency Inspection.....45.00

Additional Inspection Personnel.....15.00/inspector

Annual Refuse Hauler Permit.....$50.00

Semi-Public Swimming Pool/Special Purpose Pool Permit
Swimming Pool.....50.00
Special Purpose.....50.00
Tobacco Permit..... ..50.00

Other Fees
Operating an establishment without a valid license or permit.....Double the cost of fees
Fees for activities commenced without a permit.....Double the cost of fees

We, the undersigned, hereby certify the Board of Health Regulations, as adopted through July 21, 2015 to be a true copy.

Board of Health, Town of Truro
July 21, 2015

Tracey Rose, Chairman

Jason Silva, Vice-Chairman

Mark Peters, Clerk

Ansel Chaplin

Timothy Rose

Attest: A true copy:

Cynthia A. Slade
Town Clerk, Town of Truro
July 24, 2015