

RULES AND REGULATIONS
ADOPTED BY THE
MATTAPOISETT BOARD OF HEALTH
AND
FILED WITH THE MATTAPOISETT TOWN CLERK

VOLUME 12
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10:00 WETLANDS

10:01 Board of Health Ruling Regarding Setback Requirements of Wetlands

The regulation will apply to any house lot with wetlands as defined by M.G.L. Chapter 131, Section 40.

Septic systems located within individual lots will be a minimum of 100 feet from all associated wetlands or any other wetlands.

Nitrogen removal technologies may request relief to wetland setback regulation by a variance to the Board of Health.

10:02 Repair/alteration Existing Septic System

Anyone proposing to repair or alter an existing septic system within one hundred feet of any wetlands resource area protected under General Laws chapter 131, section 40, and/or within 100 feet of a known source of water supply, shall submit an application for a disposal works construction permit accompanied by a plan meeting all the requirements of section 15.02 (5) of Title 5 of the State Environmental code (310 C.M.R.) No work shall commence until the Board has issued a permit pursuant thereto.

11:00 REGULATIONS PERTAINING TO PERCOLATION TESTS AND RATES

11:01 Location of Percolation Tests

Percolation tests shall be performed so as to document the permeability of the soil between the proposed bottom of the leaching facility and a depth four feet below.

11:02 Minimum Acceptable Perc Rate

1)Systems serving new construction shall not be sited in areas with percolation rates slower than 40 minutes per inch.

2)Approval of a soil absorption system in soils with a recorded percolation rate of between 40 and 60 minutes per inch may be granted only for upgrades of existing systems with no increase in design flow.

12:00 REGULATIONS RELATING TO DISPOSAL OF SANITARY SEWAGE AND SEWAGE DISPOSAL WORKS PERMITS

12:01 Order Pursuant to Massachusetts General Laws Chapter 83, Section 11

- 1.That human waste is entering Mattapoissett Harbor through a discharge system and through various streams and brooks passing through the center of the Town of Mattapoissett.
- 2.That as to the streams and brooks mentioned in Paragraph 1, human waste is leaching into said streams and brooks from on-site septic systems.
- 3.That this discharge of human waste is both potentially and in fact a health hazard.
- 4.That the proposed common sewer system which is being constructed in the Town of Mattapoissett will significantly relieve this health hazard, if not eliminate it.

5. That the design of said common sewer system requires a minimum flowage in order to properly function.

6. That based on the testimony of the Civil Engineer who participated in the design of said system, we find that the public necessity and convenience would require all abutters to said systems connect thereto in order to insure minimum design flowage.

Therefore, the BOARD OF HEALTH OF THE TOWN OF MATTAPOISETT hereby order that upon notice by the Sewer Commissioners of the Town of Mattapoisett, all abutters to said common sewers shall connect to said system in the manner approved by said Sewer Commissioners. Said order is adopted pursuant to Massachusetts General Laws Chapter 83, Section 11.

12:02 Perc Tests & Water Table - 100 Foot Minimum Offset

The design of all new subsurface sewage disposal systems shall be based on the naturally occurring seasonal high groundwater elevation including any "perched" water condition. No drainage system intended to lower the groundwater elevation will be allowed. In reviewing the repair of an existing system, the board may decide in certain cases that an intercept drainage system up-gradient of an existing septic system is justified to improve the performance of the septic system.

The design of the lowest construction points for all new construction, (example: basement) shall be constructed above the ground water level.

The 100 (one hundred) foot minimum offset for the proposed septic leaching system from a protected resource, as defined in the Mattapoisett board of Health regulations shall be measured from the edge of such a resource prior to any construction and from any proposed resource replication area. The 100 foot offset will not be measured from the limit of any proposed areas of fill in resource areas.

12:03 Pumping & Transport Sewage Disposal

No person shall engage in the business of pumping or transporting the contents of any sewage disposal system in the Town of Mattapoisett without first securing a Septage Handlers permit from the Mattapoisett Board of Health in accordance with the provisions of Mass. General Laws Chapter III, Section 31A and 310 C.M.R. 15.02 (3). All such businesses shall comply with the procedures specified in these regulations.

All such businesses shall keep records of each sewage disposal system pumped in Mattapoisett. Records shall be kept in the following manner: name of owner, address, date pumped, amount pumped, final destination and date. Said businesses shall give the owner a receipt showing the name of the owner, address of sewage disposal system pumped, amount pumped, final destination and date. At the end of each month said businesses shall submit to the Board of Health a tally sheet of all systems pumped in Mattapoisett by them and submit copies of the receipts given to the owners. A copy of the receipt shall also be submitted to the operator at the Fairhaven Treatment Plant. All septage pumped in Mattapoisett shall be delivered to the Fairhaven Treatment Plant unless other arrangements have been made with the Mattapoisett Board of Health.

Each person who causes more than six (6) thousand gallons of septage waste to be disposed of from any single property in the Town in any one calendar year shall be subject to a surcharge of five (5) cents per gallon of waste in excess of six (6) thousand gallons. Surcharge will be charged to and paid by the septic system owner to the Town of Mattapoisett monthly.

The Board of Health may require inspections of equipment used by the permit holder to insure that the equipment is in good working order and will not leak any septage onto the ground.

Any violation of the above regulations may result in suspension or revocation of the businesses permit to haul septage in Mattapoisett.

12:04 Disposal Works Construction Permit

In accordance with the provisions of 310 C.M.R. 15.02, a disposal works construction permit shall expire two years after its issuance unless construction has commenced within such two year period. Construction of all systems must be completed, and the system inspected by the Board of Health in accordance with 310 C.M.R. 15.02 (8) within six months after the end of such two year period, or the rights granted by such permit shall lapse, unless the Board shall extend such permit upon application received by the Board made before such six month period.

This regulation shall apply to disposal works permits issued by the Board prior to the effective date of regulation, provided that, for construction works permits issued more than two years prior to the effective date hereof, such permits shall expire six months after the effective date of this regulation unless extended as above provided.

12:05 Separate Building - Separate Septic System

Each separate building constructed after the effective date of this regulation shall be served by its own individual sewage disposal system, if municipal sewer service is not available. As used herein the term "building" shall include either a single or multi-family residential structure or a building used for commercial purposes. Permits to repair existing sewage disposal systems serving more than one building may be issued, in the discretion of the Board of Health, to improve pre-existing conditions, provided that no new structure may thereafter connect to such system. (existing)

Shared Systems

Shared system as defined in Title V, Section 15.002 is a system sited, designed and constructed, (in accordance with 310 CMR 15.100 through 15.293) and for more than one (1) dwelling or condominium unit on a single on-site septic system.

A single shared septic system shall not be allowed for new construction without the use of secondary treatment. Shared systems shall be designed in accordance with 15.290 through 15.293. (new Regs).

13:00 RUBBISH

13:01 Rubbish Town Wharf, Park & Beach

The dumping of household or commercial rubbish in the dumpsters and or barrels at the Town Wharf, Veterans Park or any Town Beach is prohibited. Any violation of this regulation will result in a fine of fifty (\$50.00) dollars per incident.

14:00 MATTAPOISETT TRANSFER STATION

14:01 Mattapoisett Transfer Station Rules and Regulations

HOURS OF OPERATIONS: Tuesday, Thursday and Saturday 8:00am – 2:45pm

HOUSEHOLD STICKERS will be issued for non commercial vehicles only

We do not accept household rubbish from non residents

Vehicle registration, must be valid and current

ANNUAL STICKER	\$35.00 (see next page General Rule #3)
ONE DAY PASS	\$10.00 (Valid only for date issued)
SENIOR STICKER (OVER 65)	No charge for Mattapoisett Residents (see next page)
APPLIANCES/WHITE GOODS	\$20.00 each
TELEVISION/COMPUTERS	\$40.00 each
MATTRESSES & BOX SPRINGS	\$40.00 each
PROPANE TANKS	\$10.00 each

Building Material Disposal Fees:

Cars and Mini Vans	\$15.00-\$30.00
Pickup Trucks or Trailers	\$30.00-\$50.00
Pickups or Trailers	\$50.00-\$75.00

NO LARGER VEHICLES WITHOUT APPROVAL, NO EXCEPTIONS

ROOF SHINGLES- Pickups or trailers \$40.00 per square

NO LARGER VEHICLES WITHOUT PRIOR APPROVAL, NO EXCEPTIONS

RECYCLING- No charge with valid sticker or one day pass

STUMPS

Pickups or single axle trailers	\$30.00
2 or more axle trailers	\$40.00
One ton dump truck	\$100.00
6 Wheel dump truck	\$150.00
10 Wheel dump truck	\$175.00
Tri-axle dump truck	\$200.00
Dump trailer	\$300.00

BRUSH LEAVES & GRASS CLIPPINGS

Cars, pickups and vans \$5.00 small load \$10.00 large load

Larger vehicles will be charged commercial rates. We issue receipts for all transactions, please ask for one and take your receipt. Winter hours of operation are Thursday & Friday 9:00 a.m. - 3:00 p.m. and Saturday 8:00 - 3:00 p.m. If you have an item (s) to dispose of and are not sure if we accept it, please call us at 758-4100 ext. 8 or 758-4355 first.

TRANSFER STATION – NON RESIDENT FEES

STICKERS will be issued for non commercial vehicles only

We do not accept household rubbish from non residents

Vehicle registration, must be valid and current

ANNUAL STICKER \$50.00 (see next page General Rule #3)

ONE DAY PASS \$10.00 (Valid only for date issued)

BUILDING MATERIAL BULKY ITEMS DISPOSAL FEES

Cars and mini vans \$20.00 - \$35.00

Pickup trucks or trailers \$40.00 - \$60.00

Pickups or trailers (large loads) \$60.00 - \$80.00

NO LARGER VEHICLES WITHOUT APPROVAL, NO EXCEPTIONS

ROOF SHINGLES-Pickups or trailers \$40.00 per square

NO LARGER VEHICLES WITHOUT PRIOR APPROVAL, NO EXCEPTIONS

APPLIANCES/WHITE GOODS \$20.00 each

TELEVISION/COMPUTERS \$40.00 each

MATTRESSES & BOX SPRINGS \$40.00 each

PROPANE TANKS \$10.00 each

RECYCLING No charge with valid sticker or one day pass

BRUSH \$10.00

Transfer station personnel have the authority to charge additional fees if necessary.

We issue receipts for all transactions, please ask for one and take your receipt. Winter hours of operation are Thursday & Friday 9:00 a.m. - 3:00 p.m. and Saturday 8:00 - 3:00 p.m. If you have an item (s) to dispose of and are not sure if we accept it, please call us at 758-4100 ext. 8 or 758-4355 first.

SENIOR STICKERS

1. Vehicle registration is required to obtain a sticker, proof of age required for senior sticker.
2. Commercially registered vehicles cannot be issued over 65 senior stickers.
3. Senior stickers are available to Mattapoisett Residents only.
4. Senior must be present in vehicle to use Senior Sticker.

All Vehicles Using the Transfer Station Facility Must Have A Transfer Station Sticker Or One Day Pass. This Includes, but is not limited to, Recycling, Leaf, Brush, Household Trash, Building Material Disposal or Compost Material etc.

COMMERCIAL RATES

COMMERCIAL CONTRACTORS, LANDSCAPERS AND BUIULDERS

COMMERCIAL STICKER \$100.00 PER VEHICLE

ONE DAY COMMERCIAL PASS \$45.00 (Valid only for date issued)

BUILDING MATERIAL DISPOSAL FEES

Pickup trucks or trailer EACH \$40.00 - \$140.00

ROOF SHINGLES-Pickups or trailers \$150.00
NO LARGER VEHICLES WITHOUT PRIOR APPROVAL, NO EXCEPTIONS

APPLIANCES/WHITE GOODS	\$20.00 each
TELEVISION/COMPUTERS	\$40.00 each
MATTRESSES & BOX SPRINGS	\$40.00 each
PROPANE TANKS	\$10.00 each
BRUSH, LEAVES & GRASS CLIPPINGS	\$20.00
STUMPS	
Pickups or Single axle trailers	\$35.00
2 or more axle trailers	\$45.00
One ton dump truck	\$110.00
6 Wheel dump truck	\$160.00
10 Wheel dump truck	\$185.00
Tri-axle dump truck	\$220.00
Dump Trailer	\$320.00

RECYCLING No charge with valid sticker or one day pass

We issue receipts for all transactions, please ask for one and take your receipt.

If you have an item (s) to dispose of and are not sure if we accept it, please call us at 758-4100 ext. 213.

All Vehicles Using the Transfer Station Facility Must Have A Transfer Station Sticker Or One Day Pass. This Includes, but is not limited to, Recycling, Leaf, Brush, Household Trash, Building Material Disposal or Compost Material etc.

GENERAL RULES

1. Stickers are non-transferable.
2. Commercially registered vehicles are required to have a commercial sticker.
3. Commercially registered vehicles cannot be issued over 65 senior stickers.
4. Persons or entities in the following businesses will be required to purchase a commercial sticker: landscapers, gardeners, property managers, trucks for hire, rental trailers or contractor vehicle. Any person or entity that in the opinion of the Board of Health or its Agent, are involved in a commercial enterprise.
5. Replacement stickers are only issued from the Board of Health office.
6. The Board of Health or its Agent may grant waivers to this policy if in their opinion the granting of such waivers does not conflict with the intent of this policy.
7. The Board of Health, Agent and Transfer Station employees retain the right to refuse any materials, items or substances that in their opinion may put the facility in "non compliance" with the D.E.P. permit issued to the

facility or any other permit, or may in their opinion put the facility in a position of having something at the facility that cannot be sent to another facility to be handled.

8. Transfer station personnel have the authority to charge additional fees if necessary

9. Board of Health has the right to not issue or revoke any sticker

15:00 MOBILE HOME PARKS, CAMPGROUNDS AND TEMPORARY USE OF MOBILE HOME

15:01 Rules and Regulations Pertaining to Mobile Home Parks

1. Any license for Mobile Home Park granted under Chapter 140 of the General Laws, Sections 32A, 32B, 32C, 32D, and 32E as amended, shall be valid and applicable only to specific areas of the applicants land as shown on the final plan and approved by the Board of Health and limited to the number of units as indicated on such plan. Any and all remaining land or unapproved sections of the final plan shall not be used in conjunction with the licensed area unless approval is granted by the Board of Health.

2. The lot size in any Mobile Home Park is to be a minimum of 100' x 100' with a minimum of 100' frontage and contain a minimum of 10,000 square feet.

3. No lots shall be located nearer than 100' of a public street or 100' from the abutters' lot line.

4. All mobile homes in the park are to be set back from the street a minimum of 15'.

5. Each lot shall accommodate only one unit at a time.

6. A parking lot shall be provided for visitors to avoid over crowding on the street.

7. Unregistered vehicles may be stored for a limited time only by permission of the Board of Selectmen.

8. All Sanitary facilities shall be in accordance with the State Sanitary Code.

9. Every park shall have available on the premises, a plan or sketch of the water, sewage and refuse disposal facilities.

10. Each unit shall have tight-covered receptacles for refuse and garbage. These receptacles shall be emptied by the owner of the park at least once a week in a year round park.

11. The owner of any park shall establish rules and regulations to be approved by the Board of Health, for the upkeep of the park and these rules and regulations shall be on display on the premises. These rules are to be submitted at the time of the issuance of the license.

12. Whenever a case of disease dangerous to the public health is discovered, or any amount of illness, the person in charge of the park shall notify the Board of Health at once. All patients shall be isolated and not removed from the area except by an agent of the Board of Health.

13. Each individual mobile home lot shall be provided with a paved off-street parking area not less than 20' in width and 20' in length.

14. All roads within the confines of the park shall be 40' wide with a 28' paved travel way and one 8' side area be graveled and topped with peastone for on-street parking. Suitable drainage shall be provided. Roads and drainage shall conform to Sections 4 and 5 of the Town of Mattapoisett subdivision control law regulations.

15. All plumbing shall be in accordance with the State Plumbing Code.
16. No units shall be used unless properly connected to the needed facilities, water, sewage, electricity, etc.
17. All roads are to be maintained by the owner of the park, including snow removal. All roads are to be kept passable at all times.
18. All units are to be connected to the sewerage system. No water shall be allowed to be discharged onto the ground except for washing of vehicles and ground maintenance.
19. The park owner shall be responsible to provide adequate street lighting.
20. All lots shall be properly prepared and graded to accommodate any mobile unit before it is located.
21. All electrical and telephone lines are to be put underground.
22. Telephone wires and electric wires shall be installed separately so as to prevent electrical shock.
23. Mobile Home Park operators may allow cats and dogs provided they are housed or leashed.
24. Suitable area is to be set aside for recreation. This area is to be designated by the engineer when the plans are drawn up and requires approval by the Board of Health.
25. If town sewerage becomes available, all parks must connect to this sewerage.
26. Public water or other water system under the operation and control of the Mobile Park Operator must be supplied. There is to be no less than 20 pounds water pressure to all units at all times.
27. All trailer units are required to contain a fire extinguisher. Mobile Home Operators shall provide suitable fire fighting equipment strategically located throughout the park.
28. PENALTY: Whoever conducts, controls, manages or operates a Mobile Home Park subject to Sections 32A to 32C inclusive which is not licensed under 32B, shall be punished by a fine of not less than ten nor more than one hundred dollars.

15:02 Rules and Regulations Pertaining to Recreational Campgrounds, Overnight Camps and Cabins

1. Any license for Recreational Park or Camp granted under Chapter 140 of the General Laws, Sections 32A, 32B, 32C, 32D, and 32E as amended, shall be valid and applicable only to specific areas of the applicant's land as shown on the final plan and approved by the Board of Health and limited to the number of units as indicated on such plan. Any and all remaining land or unapproved sections of the final plan shall not be used in conjunction with the licensed area unless approval is granted by the Board of Health.
2. Lot size in any Recreational Park or Camp is to be a minimum of 40' x 60' with a minimum of 40' frontage and a minimum of 2,400 square feet.
3. No lots shall be located nearer than 100' of a public street or 100' from the abutters' lot line.
4. Each lot shall accommodate only one unit at a time.
5. A parking lot shall be provided for visitors to avoid over-crowding on the street.
6. Unregistered vehicles may be stored for a limited time only by permission of the Board of Selectmen.

- 7.All sanitary facilities shall be in accordance with the State Sanitary Code.
- 8.Every camp shall have available on the premises, a plan or sketch of water, sewage and refuse disposal facilities.
- 9.Refuse and garbage containers shall be tight-covered. Suitable containers in quantity as necessary shall be required. Containers shall be emptied by campground operator at least daily.
- 10.The owner of any camp shall establish rules and regulations to be approved by the Board of Health, for the upkeep of the camp and these rules and regulations shall be on display on the premises. These rules are to be submitted at the time of the issuance of the license.
- 11.Whenever a case of disease dangerous to the public health is discovered, or any amount of illness, the person in charge of the camp shall notify the Board of Health at once.
- 12.Each campsite shall have suitable off-street parking area for one vehicle.
- 13.All roads within the confines of a campground shall be a minimum of 12 feet and graded to prevent water accumulation and drained to facilitate water run-off. No parking shall be permitted on these roadways.
- 14.All plumbing shall be in accordance with the State Plumbing Code.
- 15.Sanitary facilities shall be installed in the quantity and in accordance with Sanitary Code for Campgrounds.
- 16.All roads are to be maintained by the owner of the camp, including snow removal. All roads are to be kept passable at all times that campground is in operation.
- 17.Cats and dogs or other pets, if allowed by campground operator/owner shall be leashed or housed at all times.
- 18.No alcoholic beverages shall be permitted within the confines of the campground.
- 19.In a campground, overnight camp, cabin or motel, there shall be set aside 1/16 of the area of the licensed premises, or one acre, whichever is greater, for recreational purposes.
- 20.If town sewerage becomes available all camps must connect to this sewerage.
- 21.Public water or other water system under the operation and control of the Campground Operator must be supplied. There is to be no less than 20 pounds water pressure available to all units at all times.
- 22.Campground Owners shall provide suitable fire fighting equipment strategically located throughout the camp area.
- 23.In a Recreational Campground, Overnight Camp, Cabin or Motel it shall be unlawful to remain or live in a trailer, tent, cabin, motel or similar housing for a period in excess of 90 days in any sixth months period.
- 24.PENALTY: Whoever conducts, controls, manages or operates any Recreational Campground, Overnight Camps, Cabins or Motels subject to Sections 32A to 32C inclusive which is not licensed under 32B, shall be punished by a fine of not less than ten nor more than one hundred dollars.

15:03 Camper/mobile Home Rules and Regulations for Residences Destroyed by Fire or Natural
Holocaust

- 1.This permit is good for a twelve (12) month period from the date of issue.
- 2.A Camper/Mobile Home may be attached to an existing septic system only if such existing system is in the opinion of the Board of Health, adequate to service the dwelling to be reconstructed on the lot.
- 3.Under no circumstances, other than item #2, will the Camper/Mobile Home use the existing septic system on the lot for sewage disposal.
- 4.All sewage, gray water or effluent will be contained in the Camper/Mobile Home and disposed of with a licensed septage hauler or at an approved facility and the Board of Health will require the permit holder to submit a copy of a contract with a licensed hauler to dispose of said sewage or approved facility.

16:00 FEE SCHEDULES

16:01 Fee Schedules

Effective: September 9, 2020

Title V Related Fees

New Septic System /Review Fee (per Dwelling unit)	\$300.00
Repair to Septic System/Review Fee	\$200.00 (variance \$50 Per max. \$200)
Replace Septic Component	\$100.00
Septic System Installer's License	\$200.00
Percolation Test (new)	\$400.00
Percolation Test (repair)	\$200.00
Soil Evaluation	\$100.00
Septage Removal (offal) Permit	\$200.00
Unlicensed Septic Removal	\$75.00 FINE
Well Permit per Well	\$100.00
Title V Filing Fee	\$50.00

Food Code Related Fees

Food Service Establishment 200+ seats	\$300.00
Food Service Establishment less than 200 seats	\$200.00
Mobile Food Service Establishment	\$100.00
Seasonal Mobile Food Service Establishment	\$50.00
Bakery	\$50.00
Bed and Breakfast	\$100.00
Residential Kitchen	\$100.00
Temporary Food Event	\$50.00
Catering	\$50.00
Re-Inspection Fee	\$25.00

Site Plan Review Fees

Swimming Pools	\$100.00 in ground \$ 50.00 above ground
Structures up to 150 sf	\$ 25.00
Structures 150 sf and above	\$ 50.00
Tennis Courts	\$100.00

Other Permits

Rubbish Removal	\$200.00
Recreational Camps	\$150.00
Pool Inspection License	\$100.00
Massage/Tanning Beds	\$100.00
Tobacco Establishment License	\$100.00
Body Work License and Each Employee	\$200.00 and \$50.00

17:00 VARIANCES

17:01 Variances

The Board of Health shall have the authority to vary the application of any provision of its Rules and Regulations promulgated under General Laws chapter 111, section 31, as provided for in this regulation. No such variance shall be issued unless the Board finds (1) that enforcement of these regulations cause a substantial hardship, and, in the case of new construction, will deprive the applicant of substantially all the beneficial use of the property; and (2) that the applicant has demonstrated that the proposed variance can be granted and still provide adequate protection to all the interests protected by these regulations, including without limitation, the protection of groundwater quality and wetland resources.

Any application for a variance shall be in writing. The applicant shall comply with the requirements for notice set forth in 310 C.M.R. 15.411(1) (b).

All variances granted by the Board shall be in writing and shall be referred to in any permit issued by the Board in reliance thereon. The Board may impose such conditions on the grant of a variance hereunder as it deems proper.

18:00 TOBACCO CONTROL REGULATIONS

18:01 AUTHORITY AND SCOPE

- a. The Mattapoisett Board of Health (BOH), a legally organized and elected public body, is authorized to take all appropriate actions to protect the health of the general public within the Town of Mattapoisett.
- b. Smoking is the leading preventable cause of death in the United States causing more than 400,000 premature deaths each year.*
- c. These reasonable regulations are established to ensure that tobacco is not available to minors through vending machines or over-the-counter sales and to protect the health of persons in public places and workplaces from the hazards associated with smoke from tobacco products in the Town of Mattapoisett, while imposing no unreasonable restrictions on individual decisions relative to smoking in private.
- d. Smoking in the presence of a child may create respiratory problems which worsen as he/she reaches adulthood. Children exposed to second-hand smoke can develop asthma, bronchitis, headaches, ear infections, and other illnesses. They are also at a greater risk of developing lung cancer and/or heart problems when they are adults. It is documented that children who are around smokers are more likely to become smokers as adults. This regulation is written to safeguard the life and health of the children of Mattapoisett and help them grow up to be nonsmokers.
- e. Whereas environmental tobacco smoke (ETS), which includes both exhaled smoke and the side stream smoke from burning cigarettes, causes the death of 53,000 Americans each year, and whereas the Environmental Protection Agency (1993) has designated environmental tobacco smoke to be a Class A

carcinogen similar to trandon and asbestos with no known safe levels of exposure; now, therefore, the Mattapoisett Board of Health recognized the right of those who wish to breath air and establishes this tobacco Regulation to protect and improve the public health and welfare by prohibiting smoking in public places and workplaces.**

- f. Furthermore, more than 80 percent of all smokers begin smoking before age eighteen, and more than 3,000 young people begin smoking every day in this nation. Nationally, the percentage of 8th graders who smoke increased 30% between 1991 and 1994.***
- g. These regulations are not to be interpreted as to allow smoking where it is otherwise restricted or prohibited by other applicable health, safety or fire codes, regulations or statutes.

18:02 DEFINITIONS

BAR OR LOUNGE- Any area which is primarily dedicated to the sale of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

DESIGNATED SMOKING AREA- A room, in a non-smoking area, in which smoking of tobacco products is permitted. This may be accomplished by physical barriers and a ventilation system that contains smoke in the area. An existing ventilation system may recirculate air into the interior space of the structure, but shall exhaust air from the designated smoking area directly to the exterior of the building. The designated smoking area should not contain any equipment or supplies needed by non-smoking employees. Therefore, a non-smoker should not need to enter the designated smoking area for any employment related duties nor should a non-smoker have to walk through the designated smoking area to reach any other part of the smoke-free workplace.

EMPLOYEE- Any individual who performs services for any employer or is present in the workplace for a substantial part of the workday in return for compensation.

EMPLOYER- Any firm or person engaged in business, including the Town of Mattapoisett, or any agency thereof who has two or more employees.

FIRM- Any company, partnership, corporation, sole proprietorship, trust, association or other entity engaged in commerce.

INDOOR SPORTS ARENA- Any sports pavilion, gymnasium, health spa, boxing arena, public swimming pool, roller or ice rink, bowling alley or similar place where the general public may assemble to engage, participate, or witness physical exercise, athletic competition or sports events.

MINOR- Any person under 21 years of age.

NON-SMOKING AREA- Any area that is designated by posting by the owner, operator or person in charge, as a place where smoking by patrons, employees or other is prohibited.

PUBLIC PLACE- Any enclosed indoor area which is generally open to the public or occupied or visited by children, including but not limited to, schools, churches, daycare centers, function rooms and lobbies of inns, hotels, and motels, municipal building, museums, hospitals, stores, sports arenas, restaurants and retail food establishments, office buildings, theaters, auditoriums, elevators, clinics, nursing homes, stairwells, halls entranceways, public restrooms, and any other facilities where the public may congregate. This includes any room or hall, when used for public meetings except when used for a private social function in which the sponsor of the private functions and not the owner or proprietor has control over the seating arrangements.

RESTAURANT- Any establishment which serves food for consumption on or off the premises including cafeterias and workplace cafeterias.

RETAIL FOOD ESTABLISHMENT- Any establishment such as, but not limited to, a super market, grocery store or convenience store in which the primary activity is the sale of food items to the public for off-premises consumption.

RETAIL ESTABLISHMENT- Any establishment engaged in commerce by the selling of goods, articles or services to the public and shall include, but is not limited to: barber shops, beauty salons, laundromats, and tanning salons.

SMOKING- The burning of any lit cigar, cigarette, pipe or other tobacco product.

TOBACCO- Any product which contains tobacco leaf in any form: cigarettes, cigars, snuff, chewing tobacco, or pipe tobacco.

TOBACCO VENDING MACHINES- Any machine or device designated for or used for the vending of cigarettes, cigars, tobacco, or tobacco products upon the insertion of coins, trade check, or slugs.

WORKPLACE- Any enclosed area where two or more employees work including production areas. It includes work area, office, employee lounges, restrooms, conference rooms and hallways not normally open to the public. It does not include areas where agricultural operations take place.

18:03 REGISTRATION AND PERMITTING OF TOBACCO VENDORS

- a. Except as allowed by these regulations no person, firm or other business entity shall enter into or engage in the sale of tobacco products unless such entity has been duly issued a Permit as a Tobacco Vendor.
- b. Effective (60 days after effective date of regulation) only firms which are duly issued a Permit to Vend Tobacco (Permit) issued by the BOH shall be allowed to sell tobacco products.
- c. Procedure for obtaining a Permit. A permit shall be granted to a firm upon.
 - 1.Receipt of a completed application.
 - 2.Approval of the permit application by the BOH.
- d. The permit shall be renewed annually.
- e. The permit may be suspended or revoked by the BOH upon a find of sufficient cause after the Permit Holder has had a hearing before the Board of Health.

18:04 POSTINGS, VIOLATION, ENFORCEMENT, AND PENALTIES

- a. Posting. Every person having control of an area in premises where smoking is prohibited shall display on the entrance and conspicuously within the area that smoking is prohibited in that area. Such sign(s) must be of sufficient number, size and design so that they may be easily read. Lettering shall be of a contrasting color to the background and of sufficient height to be read from any location within that area. Such sign(s) shall be worded No Smoking or other words of similar meaning or contain the international sign (graphic) for no smoking.
- b. Violations. The following shall be considered violations of this regulation.
 - 1.Smoking in an area where smoking is prohibited by this regulation.

2. For any person who owns or controls an area in which smoking is prohibited by this regulation to knowingly fail to direct a person who is smoking in that area to stop smoking in that area.

3. The failure by a person who owns or controls an area where smoking is prohibited by this regulation to direct a person who is smoking in that area to stop smoking after receiving a complaint by any other person.

c. Enforcement. The regulations shall be enforced by the BOH, its Chairman or any authorized agent of the Board of Health or any police officer.

d. Penalties.

1. Each separate violation of these regulations shall be punishable by a fine of one hundred dollars (\$100.00).

2. It shall be grounds for the suspension, revocation, non-renewal for denial of a Tobacco Permit by the Board of Health if the Permit holder on premises, or applicant for such Permit, or is the owner of, person in control of, or is a place in which three violations of these regulations have occurred within (12) twelve months.

3. The Board of Health shall provide notice to the Permit holder of the intent to suspend or revoke a tobacco Permit, which notice shall contain the reasons therefore and establish a time and date for a hearing, which date shall be not earlier than seven (7) days after the date of said notice. The Permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision, and the reasons therefore, in writing. All tobacco products shall be removed from the premises upon suspension or revocation of the tobacco permit. Failure to remove shall constitute a separate violation of this section. A Permit holder whose permit has been revoked may not apply for a new Permit prior to the expiration of one calendar year following the date of revocation.

18:05 EXEMPTIONS

This regulation does not apply to:

- a. Private residences (except private residences shall not be exempt when the private residence is licensed as a child care facility, health care facility, or place of business employing two or more employees).
- b. Bars (except bar areas of restaurants shall not be exempt unless sufficiently segregated so as to prevent migration of smoke into the food service area. Due to recognized health risks to children from secondhand smoke and current Mattapoissett Board of Health Regulations, children under the age of eighteen should not be allowed into bars which permit smoking).
- c. Private or semi-private rooms of nursing homes and long-term care facilities occupied by one or more patients all of whom are smokers who have requested in writing on the facility admission form to be placed in a room/s where smoking is permitted.
- d. Private functions held in conference and banquet facilities.

18:06 TOBACCO SALES TO MINORS IS PROHIBITED.

- a. Sales to Minors. Whoever sells a cigarette, chewing tobacco, snuff, or any tobacco in any of its forms to any person under the age of twenty one, shall be punished by a fine of not less than:

1. One Thousand (\$1,000.00) for the first offense 2) two thousand (\$2,000.00) for the second offense 3) five thousand (\$5,000.00) for any third or subsequent offense within a twelve-month period.

- b. Suspension or Revocation. Upon the third offense in twelve months, the Tobacco Permit may be suspended or revoked by the BOH upon a finding of sufficient cause after the Permit Holder has had a hearing before the Board of Health.
- c. Posting State Law.

1. In conformance with Massachusetts General Laws, 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 cigarettes at retail. Such notice shall be consistent with the signs that are provided by the Massachusetts Department of Public Health. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor.

2. The Board of Health or its enforcement officer/s shall enforce this regulation.

- d. Self Service Displays (also known as Free Standing Displays). A person or entity may only sell tobacco products in a direct, face-to-face exchange between the retailer and the consumer. Examples of methods of sale which are not permitted include, but are not limited to self service displays, except in facilities where the retail tobacco products permit ensures that no person younger than 18 years of age is present, or permitted to enter, at anytime.
- e. Distribution of Free Tobacco Products. No person in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes, or any agent or employee of such person, shall distribute a cigarette or other tobacco or smoking product free to any person. Furthermore, no person shall distribute a cigarette or other tobacco smoking product free to a minor.
- f. Sale to Persons Under Age 21. In conformance with Massachusetts General Laws, Chapter 270, Section 6, whoever sells a cigarette, chewing tobacco, snuff or any tobacco any of its forms shall be punished according to the fine outlined in Section 6 a.
- g. Sales by Employees.

1. In the event of a prospective purchase of cigarettes or other tobacco products at retail by a person age twenty-six(26) years old or younger, the employee responsible for completion of the sale shall request and examine photographic identification establishing the purchaser's age as twenty one (21) or greater as long as such is not in conflict with federal law.

2. No commercial entity selling tobacco products at retail shall allow any employee to sell cigarettes or other tobacco products until such employee reads the Mattapoisett Board of Health Tobacco Regulation and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she understands the Regulation.

- h. Prohibit Cigarette Vending Machines. No tobacco products may be sold by vending machine within the Town of Mattapoisett.

18:07 Public Places

- a. Pursuant to provisions of applicable state law (including Massachusetts General Laws, Chapter 270, Sections 21 and 22), smoking is prohibited in public elevators and supermarkets. Smoking shall be restricted to specifically designated areas (as defined in section 18:02) - if any - in museums, libraries, hospitals, nursing homes, long-term care facilities, indoor sports arenas, and municipal buildings

provided that physical barriers are used to segregate smoking areas from non-smoking areas. Nothing in this section shall be construed to require the designation of smoking areas.

- b. To the extent that the following are not covered by applicable state laws, no person shall smoke in any room in which the public is permitted including, but not limited to, any health care facility, classroom, lecture hall, motion picture theater, auditorium, school, day care facility, reception area, restroom/lavatory, waiting room, or public area of a bank.

18:08 Workplace

- a. It shall be unlawful for any person to smoke in any workplace except in specifically designated smoking areas (as defined on Page 2). The designated smoking area shall not include more than one half of the enclosed workplace area.
- b. Each employer may specifically designate enclosed areas in which employees may smoke. Hallways, elevators, entranceways, stairwells, restrooms, and waiting areas shall not be included as part of the enclosed area for the purpose of determining the allowable size of the designated smoking areas. Areas designated as smoking and nonsmoking areas must be conspicuously marked.
- c. Each person having control of premises upon which smoking is prohibited by this regulation, or his/her agent/designee shall conspicuously display upon the premises an appropriate number of signs reading "Smoking Prohibited By Law".

18:09 Retail Stores and Retail Food Establishments

Smoking is prohibited in retail stores and retail food establishments.

18:10 Effective Date

This regulation shall be effective as of November 27, 2019.

18:11 Indoor Clean Air Regulation Governing Food Service Establishments

Section I – Purpose

Whereas, conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac disease, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas, the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas, environmental tobacco smoke (hereafter E.T.S.), a known human carcinogen, which includes both exhaled smoke and the side stream smoke from burning tobacco products, causes the death of 53,000 Americans each year. (According to the Journal of the American Medical Association January 1998).

Further, with the ever increasing knowledge of the detrimental effects of tobacco smoke on our youth, the Mattapoiet Board of Health believes it has a duty to protect our children by taking a strong stand on smoking and second-hand smoke. It is our hope that this regulation will serve as an incremental step in helping to safeguard the life and health of our children and those in our community. The Mattapoiet Board of Health recognizes the right of those who wish to breathe smoke-free air and established this regulation to protect and improve the public health and welfare by prohibiting smoking in food service establishments.

Section II - Authority

This regulation is promulgated under the authority granted to the Mattapoiet Board of Health under

Section III – Definitions

For the purposes of this regulation, the following words shall have the meanings respectively ascribed to them by this paragraph.

- A. Adult-only establishment: Establishment in which the owner or designated agent ensures that no person younger than eighteen (18) years of age is present or permitted to enter at anytime.
- B. Board: The Mattapoisett Board of Health.
- C. E.T.S.: Environmental tobacco smoke. A combination of smoke released from the burning end of a lighted tobacco product as well as exhaled smoke.
- D. Food Service Establishment: Any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and other eating establishment which gives or offers food for sale to the public, guest, or employees, including kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.
- E. Minor: Any person under eighteen (18) years of age.
- F. Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including, but not limited to, an owner, operator, manager, proprietor or person in charge of any building, establishment business, restaurant or retail store, or the agents of designees of any of the foregoing.
- G. Private Assembly Room: That area or a food service establishment which is primarily used for rental or use by the public for private functions, parties, banquets or conferences.
- H. Food Service Establishment holding an All Alcoholic/Common Victualler License: An establishment that has been granted an All Alcoholic Beverage License and a Common Victualler License by the Town of Mattapoisett, in which alcoholic beverages and liquors may be served with food.
- I. Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarettes, pipe or other tobacco product.
- J. Smoking Bar: A food service establishment with an All Alcoholic/Common Victualler License whose business is primarily devoted to the selling of tobacco products for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such products. Any establishment which serves full meals cannot be considered a “Smoking Bar” for the purposes of this regulation. An establishment that serves appetizers and snacks may be considered a “Smoking Bar” for the purposes of this regulation.
- K. Town: Town of Mattapoisett

Section IV – Smoking Prohibited

No person shall smoke nor shall any person be permitted to smoke in any Food Service Establishment in the Town, except as provided in Section V of this regulation.

Section V – Exceptions

Notwithstanding the provisions of Section IV of this regulation, smoking may be permitted in the following

places and/or circumstances, but only if such activity is consistent with all state laws, including but not limited to M.G.L. Chapter 270, Section 22, if applicable:

- A. Food Service Establishment holding an All Alcoholic Common Victualler License, where the owner has submitted a signed statement to the Board of Health declaring that it is an “adult-only establishment”, and where the owner also ensures that no person younger than eighteen (18) years of age is present or permitted to enter at anytime. The owner or his or her agent, must post notices approved by the Board of Health conspicuously, in accordance with Section VII, B. of this regulation.
- B. Outdoor, or sidewalk seating, portions of a Food Service Establishment, provided that such outdoor section may be covered but not otherwise enclosed except for the one side which adjoins the Food Service Establishment.
- C. Private Assembly Rooms, while these places are being used for private functions not open to the public, including private assembly rooms which may be located in Food Service Establishments holding an All Alcoholic/Common Victualler License and as defined in Section III – Definitions.
- D. Smoking Bars, where the owner has submitted a signed statement to the Board declaring that it is an “adult-only establishment”, and where the owner also ensures that no person younger than eighteen (18) years of age is present or permitted to enter at any time. The owner or his or her agent, must post notices approved by the Board of Health, conspicuously, in accordance with Section VII, B. of this regulation.

Section VI – Implementation

Any establishment availing themselves of Section V exceptions A, C, or D must declare in writing the status of the establishment as “adult-only”, on a form provided by the Board, no later than the effective date of this regulation or before permitting any smoking therein.

Section VII – Posting of Notices

A. Prohibition of Smoking – Smoke-Free Establishment

The owner, or his or her agent having control of premises upon which smoking is prohibited by and under the authority of this regulation, shall post notices, conspicuously, at all points of entry and upon the premises which state “No Smoking” or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) or state that this is a “Smoke-Free Establishment”. Signage is available through the Mattapoisett Board of Health or the Massachusetts Department of Public Health.

B. Smoking Permitted – E.T.S. Health Risk Present

The owner or his or her agent, having control of premises upon which smoking is permitted by and under the authority of this regulation, shall post notices issued by the Board, conspicuously, at all points of entry and upon the premises stating that persons under the age of eighteen (18) are prohibited and stating further that E.T.S. is hazardous to your health.

Section VIII – Conflict With Other Laws or Regulations

Notwithstanding the provisions of the foregoing Section IV of this regulation, nothing in this regulation shall be deemed to amend or repeal applicable fire, health or other laws or regulations so as to permit smoking in areas where it is prohibited by such fire, health or other laws or regulations.

Section IX - Penalties

The owner of any Food Service Establishment governed by this regulation, who violates any provision of this regulation, shall be subject to a written warning for the first offense, a fine in an amount of one hundred dollars (\$100) for the second offense, two hundred dollars (\$200) and for the third offense three hundred dollars

(\$300) for the fourth or subsequent offense within a twelve month period.

Section X – Non-Criminal Civil Disposition

In accordance with the town by-law authorizing non-criminal civil disposition of this regulation, whoever violates any provision of this regulation the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate jurisdiction and venue.

Failure to pay the fine within 21 days may result in initiation of criminal proceedings.

Section XI – Enforcement

- A. Enforcement of this regulation shall be implemented by the Mattapoisett Board of Health or its designated agents.
- B. Any person who desires to register a complaint under this regulation may do so by contacting the Mattapoisett Board of Health.

Section XII - Severability

If any provision, clause, sentence or paragraph of this regulation or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are declared to be severable.

19:00 HOTEL AND MOTEL REGULATIONS

At its regular Board of Health meeting held on January 13th, 2021, the Mattapoisett Board of Health voted, pursuant to Chapter 111, Section 31 of the Massachusetts General Laws, to create a Hotel and Motel Regulation to read as follows:

19:01 Purpose and Intent

Hotels and Motels are issued annual license by the Mattapoisett Board of Health in conformity with Chapter 140, Sections 32A, 32B, 32C, 32D, and 32E as amended, to provide temporary housing to persons. Said annual licenses are subject to the provisions of the Laws of the Commonwealth of Massachusetts relating thereto, any applicable terms and conditions, and to the rules and regulations of the Mattapoisett Board of Health.

Minimum sanitation standards are outlined in Chapter II of the State Sanitary Code, 105 CMR 410.000, and are imperative to protect the health, safety, well-being, and consumer interests of occupants of housing and the general public.

The Massachusetts Supreme Judicial Court has held that "...[t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means"¹.

Now, therefore it is the intention of the Mattapoisett Board of Health to regulate Hotels and Motels to protect the health, safety, and consumer interest of all residents and visitors of such establishments in the Town of Mattapoisett.

19:02 Applicability

These regulations pertain to the licensing and operation of hotels and motels within the Town of Mattapoisett. Every owner and operator of such an establishment shall comply with these regulations. The provisions of these regulations are in addition to and not in lieu of any other bylaw, rule, or regulation of the Town of Mattapoisett and official orders of any board, commission, or officer. These regulations must be posted on site for persons to view.

19:03 Definitions

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

- A) Common area: means any hallway, lobby, stairway, walkway, entry door, or room which is accessible to the general public, visitors, and occupants of any hotel or motel.
- B) Compliance: means meeting all the requirements of 105 CMR 410.000, MGL c.111, Section 122, MGL c. 140, Sections 32 A-E, MGL c, 270, Section 22, and other applicable building, fire, and health laws, rules, and regulations. It shall also mean correcting any violations in a work-person like fashion and restoring all parts of the facility to the condition they were before occurrence of any such violations. Compliance shall also mean in those cases where licenses or permits are required to perform work necessary to correct the violations, such as, but not limited to building, plumbing and wiring that the appropriate official certifies that the work has been completed in accordance with the applicable laws and regulations.
- C) Dwelling: means every building or shelter used or intended for human habitation and every other structure or condition located within the same lot line whose existence causes or is likely to affect noncompliance with the provision of 105 CMR 410.000 and these regulations.
- D) Efficiency Units: means any unit, room, or suite of rooms within a hotel or motel providing both cooking and sleeping accommodations, is self-sufficient in living requirements for a limited period of time and meets the current minimum standard of fitness human habitation, as defined in 105 CMR 410.000.
- E) Guest Unit: means any unit, room, or suite of rooms within a hotel or motel providing sleeping, but not cooking facilities, for transient motorists.
- F) Hotel: means any building or group of buildings providing sleeping accommodations and suitable food service for transient motorists. A hotel may also be referred to as a "facility" or "establishment".
- G) Motel: means any building or group of buildings providing sleeping accommodations providing for transient motorists and which is not licensed as an Inn. A motel may also be referred to as a "facility" or "establishment".
- H) Occupant: means every person living or sleeping in a dwelling, guest unit, or efficiency unit.
- I) Owner/Operator: means every person who alone or severally with others:
 - a. Has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
 - b. Has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 - c. Is a mortgagee in possession of any such property; or
 - d. Is a agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
 - e. Is a manager or person who operates a facility licensed according to Section 4. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner and may reside on premise.
- J) Person: means every individual, partnership, corporation, firm, association, or group, including a city, town, country, or other governmental unit, owning property, or carrying on an activity regulated by 105 CMR 410.000 and these regulations.

- K) Pets: mean any domestic animal other than a service, comfort, or support animal which accompanies a person with disabilities.
- L) Smoking: means inhaling, exhaling, burning, or carrying any lighted tobacco or nicotine containing product, or marijuana-infused product in any form which emits smoke or vapor.
- M) Stairway: means any group of stairs consisting of three or more risers.
- N) Violation: means any condition in a motel, hotel, guest unit, efficiency unit, dwelling, rooming house, or upon a parcel of land which fails to meet any requirements of 105 CMR 410.000c, applicable laws of the Commonwealth of Massachusetts, and these regulations.

19:04 Licenses

No person shall conduct, control, manage or operate, directly or indirectly, any hotel or motel (“facility”) within the Town of Mattapoisett unless holding a current license granted by the Board of Health. Such licenses shall expire of the 31st day of December in each year and is not transferrable. License fees are pursuant to the current schedule of fees.

19:05 Guest Registration

Every person who owns, manages, or operates a hotel or motel shall maintain an up-to-date guest register containing each guest’s name, permanent residence address, date of registration, date of check in & check out, and telephone number. Said information should be verified by viewing a photo ID of each guests. The date of check out shall be logged at the time of registration. Verifiable business travel may be exempt from the occupancy time frames in Section 6 &7. Such register shall be made available for inspection to the Board of Health, its agent, or a police officer immediately upon request.

19:06 Guest Unit Occupancy

Occupancy of guest units shall be limited to over-night accommodations for transient motorists and shall not be occupied as a principal place of residence. Occupancy of a motel guest unit by a person at the same license’s premises shall be limited to three weeks. Only guests registered according to Section 5 shall be permitted to overnight accommodations. Should a person wish to extend his/her stay at said motel beyond a three- week time period, they must continue their stay in a designated efficiency unit.

19:07 Efficiency Unit Occupancy

Occupancy of efficiency units by a person at the same licensed premises shall be limited to 90 calendar days. Only guests registered according to Section 5 shall be permitted to overnight accommodations. Any requests for additional 90-day extensions must be submitted to the Board of Health in writing 15 days prior to the expiration of the 90-day period.

19:08 Inspections

The Board of Health shall inspect each hotel or motel annually prior to issuing or renewing a license required by Section 4. Such inspections shall be made in accordance with applicable laws and regulations relative thereto, and the State Sanitary Code Regulations pertaining to sanitation and public safety, as defined in 105 CMR 410.000. Annual inspections are also required by the Building Inspector and Fire Chief.

19:09 Animals

Pets are prohibited from occupying hotels and motels exclusive of:

- A) Pets for service, comfort, or support animals which accompany a person with disabilities.
- B) A pet of an owner/operator who resides on site. If said pet is a dog than it shall be licensed with the Town of Mattapoisett's Clerk's office annually.
- C) Pet is approved from owner/operator to stay because of a serious matter.

19:10 Smoking

Smoking is prohibited inside of any hotel and motel including any connected portion of which that is occupied by the owner/operator. Common areas including but not limited to lobbies, hallways, and stairways shall be always smoke free. Individual guest units will not be designated as smoke rooms.

- A) Owners/ Operators are required to make reasonable efforts to prevent second-hand smoke. Occupants and visitors of hotels and motels shall smoke a minimum of ten feet away from windows, doors, entry ways, and other areas which may attribute to second hand smoke.
- B) Every person having control of premises upon which smoking is prohibited by this regulation shall conspicuously display upon premises "No Smoking" signs. Signs are available from the Mattapoisett Board of Health and should be posted within every common area, guest unit, and any other areas used for human habitation at the licensed facility.
- C) The hotel and motel may designate a specific area on the outside of the premises where smoking can occur. This area must be properly labeled and maintain a distance of 10 feet from all entryways and common areas. Accommodations for disposing of tobacco products must be provided.

19:11 Waste Disposal

Garbage, trash, and mixed-rubbish shall be disposed of according to applicable laws, rules, and regulations. Units shall have garbage, trash, and mixed-rubbish removed daily by staff unless another procedure is approved in writing by the Board of Health.

19:12 Cooking Facilities

Hot plates and other cooking facilities other than microwaves are prohibited from guest units.

19:13 Heating Facilities

The owner shall maintain heating facilities and temperature requirements in accordance with the State Sanitary Code 105 CMR 410.200 & 105 CMR 410.201. Portable space heaters are prohibited from guest units and efficiency units.

19:14 Linens

Protective mattress covers are required for all beds in every facility. Laundering facilities shall be provided to wash bedding, linens, and towels. On site laundry facilities need to be approved by the Board of Health in writing. The use of detergents and sanitizing agents is required for shared linens.

19:15 Grant, Suspension, or Revocation of Licensure

The Board of Health, in each instance after a hearing, notice of which shall be sent to the licensee by first class mail, may grant, suspend or revoke any license issued to a hotel or motel, for violation of these regulations or applicable provisions of the State Sanitary Code. Any license so suspended or revoked may be re-issued by the Board of Health upon satisfactory evidence that the violation (s) is corrected.

19:16 Request for Relief from Regulations

Any owner, operator, or person who is aggravated by these regulations and their amendments may request a hearing before the Board of Health. Said request must be submitted in writing to the office of the Mattapoisett Board of Health seven days prior to the hearing date and describe in explicit detail the nature of the request.

19:17 Penalties

Whoever violated any provision of this regulation may be penalized. Each day any violation exists shall be deemed to be a separate offense.

19:18 Enforcement

Enforcement of this regulation shall be by the Mattapoisett Board of Health or its designated agent. Any person who desires to register a complaint pursuant to the regulation may do so by contacting the Mattapoisett Board of Health or its designated agent and the Board shall investigate.

19:19 Severability

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

19:20 Effective Date

This regulation shall take effect on February 10th, 2021, after approved at the public meeting on January 13th, 2021.

Details of Mattapoisett Board of Health Regulations

#	Short Title	Adopted	Published	Filed Town Clerk	Instrument #	Revised
10:00	Wetlands					
10:01	Setback Requirements	04/27/88 11/21/89	04/27/88 11/22/89	10/27/89 11/22/89	14-89 16-89	02/10/21
10:02	Repair/ Alteration Existing System	10/30/90	11/14/90	11/08/90	19-90	
11:00	Percolation Tests and Rates					
11:01	Locations of Perc Tests	04/04/95		04/10/95	18-90	02/10/21
11:02	Minimum Perc Rate	10/23/90	11/14/90	10/04/78	12-78	02/10/21
12:00	Sanitary Sewage Disposal and Permits					
12:01	Order M.G.L C 83 Section 11	10/03/78	09/20/78	10/04/78	12-78	
12:02	100 ft Offset	12/18/90	01/16/91	12/28/90	26-90	02/10/21
12:03	Pumping & Transporting	06/23/92	07/20/92	07/23/92	8-92	
12:04	Construction Permit	06/30/92	07/20/92	07/22/92	9-92	
12:05	Separate Building & System	06/08/93	07/08/93	06/30/93	5-93	
13:00	Rubbish					
13:01	Town Wharf, Park & Beach	07/17/90	08/01/90	07/25/90	15-90	
14:00	Transfer Station					
14:01	T.S Rules and Regs	08/16/94 07/22/97 08/19/97		09/01/94 08/05/97 09/08/97	7-94 5-97 6-97	
15:00	Mobile Home Parks, Campgrounds, & Temp use of Mobile Home					
15:01	Mobile Home Parks	05/23/72	06/07/72	06/06/72		
15:02	Rec Campgrounds and Overnight Camps	05/23/72	06/07/72	06/06/72		
15:03	Mobile Home	10/15/91	10/09/91	11/12/91	18-91	
16:00	Fee Schedule					
16:01	Fee's	08/16/94		09/01/94	7-94	
17:00	Variances					
17:01	Variances	04/04/95		04/10/95	2-95	
18:00	Tobacco Control	12/15/98	1/7/99	12/17/98	5-98	
18:01	Authority & Scope					
18:11	Indoor Clean Air		9/14 &9/21/2000	10/02/2000		
19:00	Hotel & Motel	01/13/21	02/10/21	02/10/21		