



TOWN OF HULL BOARD OF HEALTH

Rules and Regulations

**Based on the General Laws of the
Commonwealth of Massachusetts
And Rules and Regulations of the
State Department of Public Health**

By the Hull Board of Health

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**HEALTH REGULATIONS
O F T H E
TOWN OF HULL**

The Board of Health of the Town of Hull, Massachusetts, acting under the authority of Massachusetts General Laws, Chapter 111, Section 31, the State Sanitary Code, the State Environmental Code and amendments and additions thereto, and by any power thereto enabling, and acting there under and in accordance therewith, have, in the interest of and for the preservation of the public health, duly made and adopted the following regulations.

**CHAPTER 215-2
GARBAGE AND RUBBISH DEFINITIONS**

- SECTION 1. Garbage is all waste animal, fish, fowl, fruit or vegetable matter produced from or resulting from the use or storage of food for human consumption.**
- SECTION 2. Rubbish is defined as combustible or non combustible solid waste materials including but not limited to such materials as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, mineral matter, glass, crockery, dust, ashes, construction wastes, industrial wastes, commercial wastes, agricultural wastes, abandoned vehicles, street sweepings, bulky wastes, the residue from the burning of wood, coal, coke or other combustible materials and any other unwanted or discarded material.**

**CHAPTER 215-3A
STORAGE AND DISPOSAL OF GARBAGE AND RUBBISH**

- SECTION 1. Plastic bags alone are no longer acceptable for outside storage as a garbage or rubbish container.**
- SECTION 2. All residents/owners/occupants, as required by Chapter II of the State Sanitary Code, must provide watertight, rodent proof cans with tight fitting lids.**
- SECTION 3. The Board of Health may require the placement of a dumpster for a particular business or property, where it is deemed necessary.**
- SECTION 4. Garbage and/or rubbish cannot be placed curbside any earlier than the day of collection.**
- SECTION 5. Containers for garbage and rubbish shall be stored in a regular, easily or found place where collectors may reach them with the least disturbance, undue effort or any hazard. Collectors will not enter dwellings for garbage.**
- SECTION 6. No garbage shall be disposed of within the limits of the Town of Hull except with a written permit from the Board of Health.**

- SECTION 7.** The dumping of rubbish on any land in Hull other than in the town landfill, or the use of rubbish as fill is prohibited.
- SECTION 8.** Demolition wastes consisting of concrete or bituminous materials may be used as fill provided the pieces are no larger than two square feet and the material is covered with gravel within two weeks.

**CHAPTER 215-3B
REMOVAL, DISPOSAL AND TRANSPORTATION OF GARBAGE,
RUBBISH, OFFAL OR OTHER OFFENSIVE SUBSTANCES**

- SECTION 1.** No person, firm or corporation shall take from their premises in the Town of Hull, garbage, offal or other offensive substance, or transport through the streets of the Town of Hull any such substances collected within the Town of Hull, unless he shall first have obtained a permit from the Board of Health. Application for such permit shall contain a brief description of the vehicles, which will be used for such transportation, the residence, and business address of the applicant and other such information as the Board of Health may require. All such permits shall expire at the end of the calendar year in which issued and may be revoked by the Board of Health upon receipt of evidence that the nature of the collection or disposal is not in conformity with the requirements of these rules and regulations or such other rules as may be adopted. No permit hereunder shall be transferred except with the approval of the Board of Health.

Fee for said permit will be One Hundred dollars (\$100.00). Fee for this permit to transport or remove garbage and/or rubbish will include the inspection fee of one truck used in said business.

All trucks used for said business within the town must be registered with and inspected by a representative of the Board of Health. Fee for inspecting additional trucks will be ten dollars (\$10.00). (All fees subject to change.)

- SECTION 2.** No person shall transport through the streets of the Town of Hull garbage, offal or other offensive substances collected outside the Town of Hull unless he shall first have registered with the Board of Health by filing with Board a statement of registration. Such statement or registration shall state the places, which the substance is to be transported, a brief description of the vehicle or vehicles, which will be used for such transportation, the residence and business address of the applicant and such other information as the Board may require. No person who has filed such statement of registration shall transport or continue to transport said substances through the streets of the Town of Hull unless he does so in accordance with these rules and regulations and any other applicable rules and regulations of the Board of Health.

SECTION 3. Vehicles used for transporting garbage, offal or other offensive substances in or through the Town of Hull shall be watertight, and the exterior thereof shall be kept clean at all times. The containers on all such vehicles shall be provided with adequate covers which shall be kept closed and completely covered at all times except when necessarily open to permit the reception of contents.

No open trucks may be used for the purpose of transporting garbage and/or rubbish within the town limits.

SECTION 4. Each person, firm or corporation permitted to collect offal within the Town of Hull shall submit to the Board of Health, a written report monthly, stating the date, location and gallons of each collection.

SECTION 5. All businesses must list on their permit applications a disposal site.

Haulers must agree to provide, if requested, two bulk pick-ups per year; one in the spring and one in the fall.

Haulers agree to encourage recycling at the source of waste creation or at the disposal site.

Haulers agree to have staff exercise care not to damage resident's rubbish cans.

Staff will remove all waste leaving none in the street or at curbside.

SECTION 6. See January 1, 2007 Rules & Regulations Addendum.

NUISANCES

- SECTION 1.** **The owner or occupant of any building or premises shall keep the same in a clean condition and shall, when ordered in writing by the Board of Health, within a reasonable time specified in the order remove from the premises, or abate, any nuisance, source of filth, or cause of sickness or other danger to the public health existing thereon.**
- SECTION 2.** **The owner or occupant of any premises abutting on a private way, and having the right to use such a way, shall, when ordered in writing by the Board of Health, within a reasonable time specified in the order, remove or abate from that part of such way adjoining such premises, any substance or condition which is or may become a nuisance, source of filth, cause of sickness, or otherwise a danger to the public health.**
- SECTION 3.** **No person shall place or cause to be placed in any natural occurring body of water or upon any immediate adjoining land, any refuse or solid matter likely to cause pollution or obstruction to flow. No person shall deposit filth, fish, slops, or offal, upon the surface of the ground. The contents of any private sewage disposal works shall be disposed of at the Hull Water Pollution Control Facility, in accordance with their requirements.**
- SECTION 4.** **No owner, agent or occupant of any building or premises under his control, shall cause or allow the accumulation therein or thereon of any stagnant water, ashes, rubbish, animal, vegetable or other matter which may become a source of filth, cause of disease or other nuisance in and about such premises.**

**CHAPTER 215-5
THE PRACTICE OF MASSAGE AND THE CONDUCT
OF ESTABLISHMENTS FOR THE GIVING OF MASSAGE,
VAPOR, POOLS, SHOWER, OR OTHER BATHS**

******Effective January 1, 2008 the Commonwealth of Massachusetts, Board of Registration of Massage Therapy is the regulatory authority for all aspects of the massage therapy profession from individual towns and municipalities in the Commonwealth of Massachusetts******

The following terms give a general description of Section 111, and Sections 51 and 53 of Chapter 140 of the General Laws of the Commonwealth of Massachusetts.

DEFINITIONS: For the purpose of these regulations;

MASSAGE shall mean the manipulation or conditioning of part or parts of the body by manual, mechanical, or other means as a beauty treatment, for purported health or medical treatment or for the purpose of invigoration.

ESTABLISHMENT FOR GIVING OF MASSAGE, VAPOR, POOL, SHOWER, OR OTHER BATHS shall mean the office, place of business, or other premises where massage is practiced or where therapeutic or conditioning baths of water, vapor, or other substance is given.

LICENSE REQUIRED AND FEE: No person shall practice massage or conduct an establishment for the giving of massage or vapor, pool, shower, or other baths for hire or reward, or advertise or hold himself out as being engaged in the business of massage or the giving of said baths in the Town of Hull without receiving a license therefore from the Commonwealth of Massachusetts Division of Licensure.

DISPLAY OF LICENSE: Every licensed establishment must display in a conspicuous location the licenses of all the licensees operating in the establishment.

DESIGNATION OF NAME: No licensed person shall operate under any name or conduct his or her business under any designation not specified on his or her license

INSPECTIONS: Every licensee shall permit the Board of Health or its agents or other Town authorities acting in an official capacity to inspect his place of business and his work at any reasonable time.

CHAPTER 215-6

Keeping of Domestic Animals

- SECTION 1.** No person shall keep within the limits of the Town of Hull, in any building or on any premises of which he may be the owner, lessee, tenant or occupant, any cows, cattle, horses, ponies, goats, sheep, swine, poultry, birds, reptiles, rabbits or pigeons, without first obtaining a permit from the Board of Health or its Agent or designee (Animal Inspector). The permit fee shall be twenty-five dollars (\$25).
- SECTION 2.** Such application shall be accompanied by a plan showing the property used, the location of the shelter, stable and/or appurtenances thereto, a floor plan of the shelter or stable, the location of any watercourses, drains and adjacent dwellings. Information relative to provision for adequate water supply, drainage, the sanitary storage and disposal of manure and other refuse matter must accompany the application.
- SECTION 3.** The owners or persons in control of any building or premises in which goats, live fowl, cattle horses, ponies, cows, sheep, swine, rabbits, pigeons or other animals (excluding dogs and cats kept as pets) are kept, shall keep the buildings and premises clean and free from decaying food, filth, dirt, manure and stagnant water. The buildings and pens shall be whitewashed or disinfected and put in condition as may be ordered by the Board of Health or its Agent or designee (Animal Inspector) with regular spraying and baiting to prevent insects and rodents from becoming a nuisance and health hazard.
- SECTION 4.** The owner or other person or persons having control of an existing building or shelter hereafter erected or converted into a barn for the stabling of horses or other domestic animals shall keep the barns, stables, yards, etc., clean and shall provide a pit constructed of cement or other suitable material for the reception of manure and other refuse material. Wherever a public sewer is accessible, the Board of Health may, if they deem it advisable, order the connection of such building with such public sewer. Said barn shall be no less than fifty feet (50') from the dwelling, no less than twenty feet (20') from the public way. The maximum number of live fowl kept in a henhouse shall be no more than one (1) mature fowl per three square feet. Said shelter shall be no less than fifty feet (50') from any dwelling, no less than twenty feet (20') from any public way, and no less than twenty feet (20') from the property line.
- SECTION 5.** The maximum number of live fowl kept in a henhouse shall be no more than one (1) mature fowl per three square feet. Said shelter shall be no less than fifty feet (50') from any dwelling, no less than twenty feet (20') from any public way, and no less than twenty feet (20') from the property line.

- SECTION 6.** Any cows, cattle, horses, ponies, goats, sheep, swine, poultry, birds, pigeons, rabbits or reptiles, kept within the limits of the Town of Hull, must be kept within the confines of a fence, pen, corral or other type of enclosure approved by the Board of Health or its Agent or designee (Animal Inspector). Any such enclosure must be a minimum of twenty feet (20') from a public way, fifty feet (50') from a well, stream or other waste supply, fifty feet (50') from a dwelling or commercial building, and twenty feet (20') from a property line.
- SECTION 7.** All animals for which a permit has been issued must be sheltered in a building approved by the Board of Health or its Agent or designee (Animal Inspector).
- SECTION 8.** Live fowl shall be confined at all times and shall not be permitted to run at large. No rooster shall be kept in a residential area.
- SECTION 9.** The keeping of any animal (excluding dogs and cats), the nature of which is considered which is dangerous, is prohibited without a special permit from the Board of Health.
- SECTION 10.** The Board of Health, or its Agent or designee may interview abutters for their approval or objections before acting on all applications.
- SECTION 11.** The Board of Health, or its Agent or designee (Animal Inspector) shall inspect all premises for which said permits have been issued.
- SECTION 12.** The penalty for non-compliance with any of the above rules and regulations shall be a fine of not more than twenty dollars (\$20.00) for every day in which the violation continues to exist.
- SECTION 13.** Any person aggrieved by a decision of the Board may seek relief there from in a court of competent jurisdiction, as provided by the General Laws of the Commonwealth of Massachusetts.

The foregoing Rules and Regulations for the Keeping of Domestic Animals in the Town of Hull were approved by the unanimous vote of the Board of Health of the Town of Hull on November 30, 1978, to be effective January 1, 1979.

CHAPTER 215-7 CAT REGULATIONS

- SECTION 1.** The Board of Health of the Town of Hull, acting under the authority of the General Laws, Chapter 111, Section 31 and Chapter 111, Section 122, and in accordance therewith and in the interest of and for the preservation of public health, hereby adopts the following regulations governing the keeping of cats and kittens.
- SECTION 2.** No person, firm or corporation shall keep within the Town, in any building or on any premises on which he may be owner, lessee,

tenant or occupant, or house any more than six (6) cats/kittens for a period of time not to exceed six (6) weeks except when such person, firm or corporation shall be licensed by the Town as a retail business establishment dealing in the keeping/sale of cats/kittens.

SECTION 3. Whoever violates any provisions of the foregoing regulation, or order made thereunder, shall be punished by a fine of twenty dollars (\$20.00) for each day such violation continues.

This regulation was adopted by a unanimous vote of the Board of Health at a regular meeting held March 10, 1980, to be effective upon publication.

CHAPTER 215-8 PERCOLATION TESTS

- SECTION 1.** Unless otherwise authorized by the Board of Health or its Agent, percolation tests shall be performed between March 15 and June 1 and between September 15 and November 30 of each calendar year.
- SECTION 2.** The percolation test must be performed by a registered professional engineer or registered sanitarian and witnessed by the local health agent.
- SECTION 3.** The fee for a percolation test shall be thirty dollars (\$30.00). (Fees are subject to change.)

CHAPTER 215-9 PUBLIC AND SEMI-PUBLIC SWIMMING POOLS

- SECTION 1.** A permanent line of a contrasting color shall be placed on the bottom and the vertical sides of a pool to indicate the beginning of a depth greater than five feet (5').
- SECTION 2.** Bacterial Quality: The swimming pool water must be tested for the presence of coliform bacteria at least twice every month the pool is in operation. Tests are the responsibility of the owner/operator and are to be performed by a certified testing laboratory. Test results must be sent to the Board of Health no later than the first day of each successive month.
- SECTION 3.** A polyethylene line with floats shall be installed across the width of the pool at the location where the slope of the

bottom increases to separate the diving area from the swimming area.

SECTION 4. All ladders and stairways shall be outlined below and above the water line by contrasting colored lines so as to be easily distinguishable.

SECTION 5. Chemical Standards: Tests to determine PH and chlorine residual shall be made twice daily during use by the pool operator for each day the pool is in operation. Results of these tests shall be duly available for the Board of Health at the time of inspection.

SECTION 6. ****NEW **** Effective December 19, 2008 in accordance with the New Federal Pool Requirements (The Virginia Graeme Baker Pool & Spa Safety Act) all public, semi-public and special purpose swimming pool drain/grate covers must conform to the American National Standard ASME A112.19.8-2007 Suction Fittings for Use in Swimming Pools, wading pools, spas, and hot tubs.

For more information see MDPH-Community Sanitation Program website at www.mass.gov/dph/dcs.

CHAPTER 215-10

ATTIRE AND CONDUCT FOR FOOD SERVICE HANDLERS AND EMPLOYEES OF ESTABLISHMENTS WHERE FOOD AND DRINK ARE SOLD AND SERVED.

Proper attire shall be worn by food service handlers and employees of all establishments where food and drink are sold and served to sufficiently cover genitalia and mammary glands.

Nor shall there be any physical contact between the aforementioned food service handlers, employees and persons under contract by the establishment and the patrons while on said premises.

No entertainment shall be conducted on any furniture used in the establishment for the purposes of serving food and drink.

CHAPTER 215-11

HEARINGS

- SECTION 1. Procedure For Requesting And Holding a Hearing:** Unless otherwise specified in these regulations, the person or persons to whom any order has been served pursuant to any regulations of this code may request a hearing before the Board of Health by filing with the Board of Health within seven (7) days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition, the Board of Health shall set a time and place for such hearing and shall inform the petitioner thereof in writing. The hearing shall be commenced not later than thirty (30) days after the day on which the order was served. The Board of Health, upon application of the petitioner, may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period if in the judgment of the Board of Health the petitioner has submitted a good and sufficient reason for such postponement.
- SECTION 2. Hearing of Petitioner:** At the hearing the petitioner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn.
- SECTION 3. Procedure By The Board After Hearing:** After the hearing the Board of Health shall sustain, modify or withdraw the order and shall inform the petitioner in writing of its decision. If the Board of Health sustains or modifies the order, it shall be carried out within the time period allotted in the original order.
- SECTION 4. Public Record:** Every notice, order or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the clerk of the city or town, or in the office of the Board of Health.
- SECTION 5. Hearing Petition Not Submitted, Or Sustaining Of Order:** If a written petition for a hearing is not filed with the Board of Health within seven (7) days after the day an order has been served or if after a hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

CHAPTER 215-12

APPEALS

Any person aggrieved by the final decision of the Board of Health with respect to the denial of plan approval, the denial or revocation or failure to renew a license, or with respect to any order issued under the provisions of this code may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

CHAPTER 215-13

VARIANCES

The Board of Health may vary the application of any provision of this article with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, provided, that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the clerk of the city or town, or in the office of the Board of Health.

The request for all variances shall be submitted by the property owner in writing to the Board of Health. A hearing shall then be scheduled within a reasonable time and in accordance with any applicable laws and regulations. All variances will have an expiration date after which re-application may be made. Variances will only be valid while the property remains in the owner's name in which the variance request was originally made.

VARIANCE, GRANT OF SPECIAL PERMISSION EXPIRATION, MODIFICATION, SUSPENSION OF

Any variance or other modification authorized to be made by this article may be subject to such qualification, revocation, suspension or expiration as the Board of Health expresses in its grant. A variance or other modification authorized to be made by this article 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 for an order of Chapter X of these regulations.

CHAPTER 215-14

**PENALTIES AND INVALIDATION
PENALTIES — STATE SANITARY CODE**

- SECTION 1.** **Interference After Search Warrant Presented:** Any owner, occupant, or other person who refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure, operation or premises where inspection authorized by this code is sought after a search warrant has been obtained and presented in accordance with Regulation 3.3 of the State Sanitary Code, shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).
- SECTION 2.** **Failure to Comply With An Order:** Any person who shall fail to comply with any order issued pursuant to the provisions of this code, shall upon conviction, be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). Each day's failure to comply with an order shall constitute a separate violation.
- SECTION 3.** **Penalties Not Otherwise Provided:** Any person who shall violate any provision of this code for which penalty is not otherwise provided in any of the General Laws or in any other provision of this code shall upon conviction be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).

PENALTIES — BOARD OF HEALTH REGULATIONS

Whoever violates any provisions of these rules and regulations shall be fined not more than twenty dollars (\$20.00) by the court having jurisdiction, unless otherwise provided by law.

CHAPTER 215-15

PLACARDING

- SECTION 1.** **Interference With Placards Prohibited:** No person shall interfere with or obstruct any agent of the Board of Health in the posting of any placard in accordance with the requirements of these regulations, in or on any place or premises, nor shall any person conceal, mutilate, or remove any such placard, except by the direction of the Board of Health or its agent.
- SECTION 2.** **In the event of any such placard being concealed, mutilated or torn down it shall be the duty of the occupant, owner or person in charge of the premises**

whereon such placard was posted to immediately notify the Board of Health of such fact.

SECTION 3. Anyone who violates these provisions is subject to the same fines and other penalties which are provided for in other parts of these regulations.

SECTION 4. When action is taken to close an establishment and have said operation cease, the Board of Health or its agent shall be required to conspicuously post a placard at each entrance of the establishment stating the existence of such order and the authority for such order. This order is not to be concealed, mutilated or altered by any person or removed without permission of the Board of Health or its agent.

CHAPTER 215-16

CLOSURE OF FOOD SERVICE ESTABLISHMENT AND RETAIL FOOD ESTABLISHMENT

SECTION 1. Whereby the Health Agent for the Board of Health has emergency powers to close such establishment as noted above when it is felt to be in the public interest, there must be notification to the Board Members within forty-eight (48) hours with reason for said action.

SECTION 2. When an establishment has been closed in this manner, said establishment is not to re-open without permission of the Board of Health which will in most cases be granted if cited violations have been corrected and if there exists a valid permit(s) to operate or application has been made for same.

SECTION 3. Establishments which violate such closure orders will be subject to future suspension of applicable operating permit(s) and such publicity as is deemed necessary.

PLAN REVIEW

SECTION 1. It is the responsibility of the food service establishment operator, prior to construction or major renovation, to supply the Board of Health with a sketch, drawn to scale, of his/her food service establishment, showing the floor layout, equipment, plumbing, ventilation, refuse storage facilities, sewage disposal facilities, and other pertinent information.

Submission and review of said plans does not relieve the operator of a food service establishment from meeting all requirements of these regulations or of the State Sanitary Code.

SECTION 2. The Board of Health will complete the review of the submitted plans within thirty (30)days from the day of submission. The fee for each review of plans is twenty-five dollars (\$25.00). (All fees are subject to change).

CHAPTER 215-17

Smoke-Free Workplace Policy Hull, MA

The Town of Hull is dedicated to providing a healthy and productive work environment for all employees. The United States Surgeon General, in his 1986 report, *The Health Effects of Involuntary Smoking*, concluded that:

- ◆ **Secondhand smoke is a cause of disease, including lung cancer, in healthy nonsmokers.**

- **The separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to tobacco smoke.**

The Town of Hull has, therefore, developed a smoke-free policy to protect all employees and to ensure a safe working environment for everyone. The policy is as follows:

Smoking is prohibited inside all town buildings, in offices, hallways, restrooms, lunchrooms, elevators, meeting rooms and all common areas and in all town-owned vehicles, effective January 1, 1995. Smoking will be allowed in the following outside areas:

Council on Aging	Back entrance
Department of Public Works	Back garage door entrance
Fire Department	"A" Street entrance
Library	Behind building (Highland St.) by bike rack
Light Plant	Garage door entrance (off Edgewater Rd.)
Police Department	Back driveway
Town Hall	Side entrances
Water Pollution Control Facility	Side door facing wetlands

Copies of this policy shall be posted conspicuously. "No Smoking" signs shall be posted at all building entrances. The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and nonsmokers. All employees share in the responsibility for adhering to and enforcing the policy. Any problems should be brought to the attention of the appropriate supervisor, who is responsible to ensure compliance.

**REGULATIONS PERTAINING TO SMOKING IN RESTAURANTS
SECTION I: STATEMENT OF PURPOSE**

Whereas conclusive evidence exists that tobacco smoke causes cancer (U.S. Surgeon General, 1986), respiratory and cardiac diseases, negative birth outcomes, irritations to 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 (ETS), which includes both exhaled smoke and the side stream smoke from burning cigarettes, causes the death, by lung cancer alone, of 3000 Americans each year (U.S. EPA, 1993); and whereas, in 2000, the Public Health Service's National Toxicology Program listed environmental tobacco smoke as a known human carcinogen (U.S. DHHS, 2000, citing Cal. EPA, 1997); now, therefore; the Town of Hull recognizes the right of those who wish to breathe smoke free air and recognizes that the need to breathe smoke free air shall have priority over the desire to smoke and establishes this regulation to protect and improve the public health and welfare by prohibiting smoking in certain public areas.

SECTION II: AUTHORITY

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

SECTION III: DEFINITIONS

For the purpose of this regulation, the following definitions shall apply.

BAR: An establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

PATIO AREA: The outdoor, or sidewalk seating portion of a restaurant, provided that such outdoor section is not enclosed, except for one side which adjoins the restaurant.

BAR AREA OF A RESTAURANT: An area of a restaurant that is devoted to the serving of alcoholic beverages for consumption by guests or restaurant patrons on the premises and in which the serving of food is only incidental to the consumption of such beverages.

BOARD: The Board of Health of the Town of Hull.

HEALTH CARE FACILITY: Any office or institution providing care or treatment of disease, whether physical, mental, emotional, or other medical, physiological or psychological conditions including but not limited to rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist and all specialists within these professions.

INDOOR SPORTS ARENA: Any sports pavilion, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar recreational facilities where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

POURING LICENSE: A Section 12 License, as defined by the Massachusetts Alcoholic Beverages Control Commission, that permits the sale of alcoholic beverages to be drunk on the premises.

PRIVATE CLUB: A not-for-profit establishment with a defined membership.

PUBLIC PLACE: Any building or facility owned, leased, operated or occupied by the municipality, including school buildings or grounds, any area open to the general public including, but not limited to libraries, museums, theaters, banks, laundromats, indoor sports arenas, auditoriums, inns, hotel and motel lobbies, educational facilities, shopping malls, public restrooms, lobbies, staircases, halls, exits, entrance ways, elevators accessible to the public and licensed child care centers.

PUBLIC TRANSPORTATION: Buses, taxis, and other means of transportation available to the general public while such means of transportation is operating within the boundaries of the city including indoor platforms by which such means of transportation may be accessed.

RESTAURANT: 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, guests, or employees for on-premises consumption, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

RETAIL FOOD STORE: Any establishment commonly known as a supermarket, grocery store, bakery, or convenience store in which the primary activity is the sale of food items to the public for off-premises consumption.

RETAIL STORE: Any establishment whose primary purpose is to sell or offer for sale to consumers, but not for resale, any goods, wares, merchandise, articles or other things, including retail food stores. "Retail Store" shall not include restaurants as defined herein.

SEATING CAPACITY: the capacity designated on the occupancy permit of a food service establishment.

SMOKING: Inhaling, exhaling, burning or carrying any lighted tobacco product.

VENTILATION SYSTEM: A mechanical system to remove tobacco smoke and exchange inside air by bringing in fresh air. Particulate air cleaners or filtration systems are not considered a ventilation system.

SECTION IV: SMOKING PROHIBITED

No person shall smoke nor shall any person, employee, or other person having control of the premises upon which smoking is prohibited by this regulation, or the agent or designee of such person, permit a person to smoke in any of the following places as defined herein: restaurants, retail stores, supermarkets, grocery stores, health care facilities, polling places, public places, sports arenas or public transportation, except as otherwise provided in Section VIII of this regulation.

SECTION V: ELECTION FOR COVERAGE BY PRIVATE FACILITIES

The owner, manager, or other person in charge of a building or facility not covered by Section IV of this regulation may elect to have Section IV apply by so notifying the Board in writing and by posting signs prohibiting smoking as provided in Section VI of this regulation.

SECTION VI: SIGNAGE

Every person having control of premises upon which smoking is prohibited by and under the authority of this regulation shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Board of Health 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) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Board of Health

SECTION VII: SMOKING WHERE NOTICE OF PROHIBITION POSTED.

No person shall smoke in any place in which a sign conforming to the requirements of Section VI of this regulation is posted. No person shall remove a sign posted under the authority of Section VI of this regulation.

SECTION VIII: EXCEPTIONS

Notwithstanding the provisions of Section IV and V of this regulation, smoking may be permitted in the following places and/or circumstances:

- (a) Private residences, except those portions used as childcare or health care office when operating as such.**
- (b) Hotel and motel rooms rented to guests that are designated as smoking rooms. Hotel and motel meeting rooms and private and public assembly rooms while these places are being used for private functions.**
- (c) Private or semiprivate rooms of nursing homes and long term care facilities, occupied by one (1) or more patients, which are separately ventilated, all of whom are smokers who have requested in writing to be placed in rooms where smoking is permitted.**
- (d) The bar area of a new restaurant that holds a pouring license, provided that as of July 15, 2000, it is (1) separated from the non-smoking area of the restaurant by location in a separate room or by means of physical barriers that completely enclose the bar area of the restaurant, and is (2) served by a ventilation system that is separate from the ventilation system that serves the non-smoking portion of the restaurant; or, it is separated from the non-smoking dining area of the restaurant and ensures that the air from the bar area does no interfere with the smoke free air in the dining area.**

The proprietor or person in charge of each existing restaurant shall arrange seating so that the existing physical barriers, ventilation systems and available space are utilized to minimize the effects of smoke on persons in the non-smoking area.

- (e) Bars that permit smoking must prohibit the entry of persons under eighteen (18) years of age and conspicuously post signs approved by the Hull Board of Health at the entrance prohibiting persons under eighteen (18) years of age advising patrons of the health hazards of environmental tobacco smoke; and,**

- (f) Retail tobacco stores that are primarily for the sale of tobacco products and paraphernalia, in which the sale of other products is merely incidental, prohibit minors from entering the establishment**

- (g) Private clubs, except when the private club is open to the public.**

SECTION IX: PENALTIES

Any person who violates this regulation shall be subject to a fine in an amount of one hundred dollars (\$100.00) for a first offense and two hundred dollars (\$200.00) for a second of subsequent offense.

SECTION X: ENFORCEMENT

One method of enforcement may be periodic, unannounced inspections of those establishments subject to this regulation. Any citizen who desires to register a complaint under this regulation may request that the Board of Health initiate enforcement.

SECTION XI: NON-CRIMINAL DISPOSITION

Whoever violates any provision of this regulation 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 venue.

**Each day on which any violation exists shall be deemed to be a separate offense.
Penalty: \$100.00 for first offense.
\$200.00 for second or subsequent offense**

Enforcing Persons: Hull Board of Health and its designees Hull Police Department.

SECTION XII: CONFLICT WITH OTHER LAWS AND REGULATIONS

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

SECTION XIII SEVERABILITY

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

SECTION XIV: EFFECTIVE DATE

These regulations shall be effective as of July 15, 2000.

UNDER THE AUTHORITY GRANTED TO THE HULL BOARD OF HEALTH UNDER THE MASSACHUSETTS GENERAL LAWS CHAPTER 111, SECTION 31 THAT "BOARDS OF HEALTH MAY MAKE REASONABLE HEALTH REGULATIONS -ALL REGULATIONS AFFECTING THE SALE, VENDING AND DISTRIBUTION OF TOBACCO IN HULL, TOBACCO SALES TO MINORS PROHIBITED, PERMIT FOR LOCATION AND SALES OF TOBACCO, PENALTIES, FINES AND SUSPENSION OR REVOCATION OF PERMITS ARE GOVERNED BY MGL, CHAPTER 111, SECTION 31.

CHAPTER 215-18

MODEL REGULATIONS FOR BODY ART AND TATTOO ESTABLISHMENTS

The Board of Health acting under the authority of the Mass. General Laws, Chapter 111, Section 31 voted unanimously at a meeting held of February 1, 2001 to adopt the same Model Regulations for Body Art as the Mass. Dept. of Public Health. Section 31 permits Boards of Health to promulgate reasonable health regulations.

LICENSE REQUIRED AND FEE: No person shall practice body art or the giving of tattoos or conduct an establishment for the giving of body art or tattoos, for hire or reward, or advertise or hold himself out as being engaged in the business of body art or the giving of tattoos in the Town of Hull without receiving a license therefore from the Commonwealth of Massachusetts Division of Licensure.

BUSINESS ESTABLISHMENT: FEE= Five Hundred Dollars \$500.00. All permits issued will expire on December 31 of the pertinent year.

INDIVIDUAL PRACTICIONER FEE: \$400.00. All permits issued will expire on December 31 of the pertinent year.

HOURS OF OPERATION: 9:00am to 10:00pm.

DISPLAY OF LICENSE: Every licensed establishment must display in a conspicuous location the licenses of all the licensees operating in the establishment.

DESIGNATION OF NAME: No licensed person shall operate under any name or conduct his or her business under any designation not specified on his or her license

INSPECTIONS: Every licensee shall permit the Board of Health or its agents or other Town authorities acting in an official capacity to inspect his place of business and his work at any reasonable time.

These regulations shall be effective as of February 1, 2001.

MORE INFO: WWW.STATE.MA.US/DPH/BHGM/BODYART.HTM

CHAPTER 215-19

SEVERABILITY

If any section, paragraph, sentence or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision will not affect the remaining portions of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.