

REGULATIONS
OF THE



BOARD OF HEALTH
Town of Avon
Massachusetts

Adopted at a Regularly Scheduled meeting on June 10, 1976,

Effective July 1, 1976 or as noted in the regulations

PURPOSE

The propose of these rules , regulations and procedures is to provide the Avon Board of Health with the means to systematically protect the town of Avon from health hazards. To accomplish this end, this document reflects organization, individual duties, qualifications for the Board of Health assigned agents, matters of procedure, and up-grading of certain minimum state health standards to best fit the conditions and requirements of Avon. (Section 31, Chapter III, G.L.; "Boards of Health may make reasonable health regulations.")

A. Duties of the Chairman

The Chairman of the Avon Board of Health shall be responsible for:

- Presiding over and calling the regular scheduled meetings, special meetings and hearings of the Avon Board of Health and the agenda thereof.
- Official response of the Avon Board of Health at the meetings of other governmental bodies, the Avon Town meeting, the State Department of Public Health, the State Department of Environmental Quality and to the press. Where at all possible, the Chairman shall obtain a majority vote of the members prior to issuing an official response. Where this is impractical, the Chairman shall present the question to the Board at the next regularly scheduled meeting for a vote of ratification. If this vote should prove negative, the Chairman shall announce the new official response of the Avon Board of Health.
- The Chairman shall assume the position of executive officer for the Board to whom all appointed and employed persons working for the Board shall report.
- The Chairman shall designate other members of the Board as monitors for certain areas of activities to assist in the coordination of the over-all effort.

B. Duties of the Clerk

The Clerk of the Avon Board of Health shall be responsible for:

- Assuming the duties of the Chairman in his absence.
- Signing and coordinating the minutes of the regular scheduled meetings, special meetings and hearings and filing same with the Town Clerk.
- Correspondence, both incoming and outgoing.
- Those areas where the Chairman has designated the Clerk as a monitor.

C. Duties of Associate Member

The Associate Member of the Avon Board of Health shall be responsible for:

- Keeping an orderly file system.
- Those areas which the Chairman has designated the Associate as monitor.

Amendment to this section

Amendment, deletion or addition to this section shall be by a majority vote at a quorum of the Board of Health at a regularly scheduled meeting and becomes effective at the acceptance of the minutes of said meeting.II.

Avon Board of Health Staff

(Section 27, Chapter III, G.L.)

(Adopted 1/10/72, effective 7/1/76)

A. Town Physician

The Avon Board of Health shall appoint a Town Physician who shall hold the office at the pleasure of the Board. The Town Physician shall be appointed on a yearly basis to coincide with the Town's fiscal year. The Board may fix the salary or other compensation for the Town Physician. The Town Physician shall be a general practitioner qualified and registered with the Commonwealth of Massachusetts.

The duties of the Town Physician shall include, but not be limited to, the following:

- Advisory and consulting to the Board of Health matters.
- Performs the duties of a Quarantine Physician.
- Assists Health Agents in Communicable disease follow-up.
- Performs medical examinations as provided by law and ordered by the Avon Board of Health on indigent Avon citizens and crime victims.

B. Health Agents (Section 30, Chapter III, MGL.)

The Avon Board of Health shall appoint one or more Health Agents for the Town to serve and hold office at the pleasure of the Board. The Agents shall be appointed on a yearly basis to coincide with the Towns fiscal year by the Commonwealth of Massachusetts (Sections 87LL-8700, Chapter 112 G.L.). The Health Agents pay shall be set by the Board.

The duties of the Town Health Agent shall include, but not be limited to the following:

- Advisory to the Avon Board of Health on State sanitary and health codes.
- Perform on-site inspection of sewerage systems during their construction, review construction plans for onsite sewerage, issue certifications of compliance for completed systems. All set forth in paragraph Section IV of this document.
- Inspect failing septic systems, cause and approve plans for correction.
- Inspect establishments which serve, sell (retail or wholesale) or dispense food and/or beverage for eventual human consumption.
- Inspect and act on establishments and housing suspected as unfit for human habitation.

- Inspect areas for vector control, trace source of rodents and cause their elimination and destruction of their habitat.
- Act on the behalf of the Avon Board of Health in cases where an emergency health hazard exists and the board cannot conveniently assemble to embrace the problem.
- Submit an activity report to the Avon Board of Health for approval on a periodic basis (period to be set by the Board).

C. Appointed Sanitarian

The Avon Board of Health may employ an appointed Sanitarian who is trained and equipped and in the opinion of the Board can handle the duties outlined in Section B of the section, and, only if, no registered sanitarian is available for this position.

D. Communicable Disease Agent (section 111-113, Chapter III, MGL.)

The Avon Board of Health shall appoint a Communicable Disease Agent and one alternate for the town. These agents shall serve at the pleasure of the Board and compensation, if any, shall be fixed by the Board. The duties of these agents shall include, but not be limited to, the following:

- Keep a log of all people as reported as having a communicable disease as defined by the State Department of Public Health.
- Report all diseases defined as communicable to the Avon School Nurse or Doctor which occurs to persons located within the school district.
- Report all diseases defined as communicable to the State on double entry cards as provided by law.
- Report all communicable diseases and other health information to a Visiting Nurses Association or other agent acting in this capacity for the Avon Board of Health.

E. Sanitary Engineer

The Avon Board of Health shall engage the services of a professional engineer registered with the Commonwealth of Massachusetts to perform the duties of a Sanitary Engineer. The Avon Sanitary Engineer shall serve the town in an engineering capacity at the pleasure of the Board. Service of the Sanitary Engineer shall be paid for out of the Avon Board of Health's Expense Account and shall be for specific jobs and areas of activities. Assignment of each work task for the engineer or engineering firm shall require a motion by the Board with a majority vote in favor. The activity areas for the Sanitary Engineer may include, but not be limited to, the following:

- Review and report to the Board on the proposed subdivisions to become a basis for the Boards report to the Planning Board as required by Section 81-U of Chapter 41 of the General Laws.
- Witness and report on percolation tests and suitability of land for individual sewerage systems in subdivisions and industrial parks.
- Advisor to the Board on sewer and drainage problems within the Town.

F. Slaughter Inspector (Sections 118-128, Chapter 94, M G.L.)

The Avon Board of Health shall appoint a Slaughter Inspector for the Town to serve and hold office at the pleasure of the Board. Salary or fee, if any, shall be fixed by the Board. The appointment shall be on a yearly basis to coincide with the Town's fiscal year.

The duties of the Slaughter Inspector shall include, but not be limited to, the following:

- Inspection of all establishments which perform slaughter of livestock, poultry, or process meat or meat food products or poultry or poultry products within the Town of Avon.
- Report to the Board all violations of State Law or the Board of Health's Rules and Regulations governing Slaughter.
- Make a periodic activity report to the Board (period to be set by the Board).

G. Animal Inspector (Sections 15-17, Chapter 129, M G.L.)

The Avon Board of Health shall appoint an Animal Inspector (Disposer of Carcasses) for the Town to serve and hold office at the pleasure of the Board. Salary or fee, if any, shall be fixed by the Board. The appointment shall be on a yearly basis to coincide with the Town's fiscal year. The duties of the Animal Inspector shall include, but not be limited to the following:

- Remove and dispose of all carcasses in a sanitary manner which are found or reported to be on town or public ways and/or property.
- Make routine periodic activity reports to the Board (period to be set by the Board).
- Make a routine patrol of the Town for the purposes of spotting and removing carcasses.
- Respond to all animal bites on humans that occur within the geographical limits of the Town. He shall also place the offending animal in quarantine under the custodianship of the owner, or, if the owner cannot be found under the Dog Officer, for the period prescribed by law.
- Support an annual Rabies Clinic and other animal clinics as may be prescribed by the Board.
- Inspect places which harbor livestock within the geographical limits of the Town of Avon.
- Make a periodic activity report to the Board (period to be set by the Board).

Amendment of this section

This section may be amended, deleted or added to, in accordance with section 31, Chapter III of the General Laws by a unanimous vote of the full Board at a regularly scheduled meeting. The change shall take effect upon acceptance of the minutes of that meeting.

III. CONDUCT OF BUSINESS

(Adopted 1/10/72, effective 7/1/76)

The Avon Board of Health adopts Roberts Rules of Order for small boards (section 48, 1970 edition). A quorum to conduct business shall be two (2) elected and sworn members. Official acts of the Board shall be by a formal motion.

A. Regularly Scheduled Meetings (Section 23B, Chapter 39, G.L.)

A notice shall be posted with the Town Clerk which delineates the time, place and day that the Board holds its regularly scheduled meetings. Minutes of the meeting shall be kept on file and made available to the public in accordance with Chapter 39 and copies of the minutes shall be filed with the Town Clerk.

All regular meetings shall be open to the public except those portions which require an executive session.

B.Special Meetings (Section 23B, Chapter 39, G.L.)

A special meeting of the Avon Board of Health can be called by the Chairman. A notice shall be posted with the Town Clerk at least forty-eight (48) hours, not including Sundays and legal holidays, prior to such meeting. The notice shall include the time, place, day and general subject(s) to be covered. These meetings shall be generally open to the public, except where an executive session has been called.

C.Executive Sessions (section 23B, Chapter39, G.L.)

An executive session can be called by the Chairman if a majority of the members in a quorum vote in favor. Each member's vote shall be recorded in the minutes of an open meeting prior to the executive session. The following procedure applies:

- The Board must convene in an open session prior to going into executive session.
- A majority of the members present in a quorum must vote by name to go into executive session.
- The Chairman shall indicate if the Board will reconvene in an open session.
- The Chairman shall indicate in general terms the purpose of the executive session.
- The Chairman shall cause all persons not in attendance to executive session to leave the meeting room.

The first order of business once in executive session is to ascertain if the session meets one of the following tests:

- A person's reputation, character, mental health or physical condition is to be discussed. The particular individual, if present, can request an open session.
- To hear charges, complaints, administer discipline or to dismiss an individual.
- To consider allegations of criminal misconduct.
- To comply with the provisions of the law.

Persons before the Board on business matters can and may request an executive session. The Chairman shall rule on the applicability of the request.

D. Minutes (Section 23B, Chapter 39,M. G.L.)

Minutes of all meetings, regular, special or executive session shall be recorded and accepted at the next regular scheduled meeting. Acceptance shall be by at the majority of a quorum.

Minutes shall be described the motions and events which occurred during the course of the meeting. It shall consist of, but not be limited to the following:

- Type of meeting, time, date and place of meeting.
- List of Board of Health members and their staff present.
- All motions and dispositions of motions shall be included along with the names of the members who took part in the motion and the vote as recorded by the Chairman.
- Authorizations for expenditures to be made by a Board member which would exceed \$35.00
- List of all vouchers signed by the Board.
- Noting receipt and content of business correspondence.
- Time of motion to adjourn.

E. Financial

A record shall be kept of all expenditures by the Avon Board of Health and balanced so as to show the amount expended against each appropriate account. These records shall be maintained by the Clerk and shall become part of a particular fiscal year. The current or previous fiscal year financial record as maintained by the Avon Board of Health shall not be generally open for the public inspection except by a majority vote of the Board of Health present at a regularly scheduled meeting; Or on demand by the Avon Finance Committee under the Town By-law Article V, Section 23B, Chapter 41 of the G.L.; Or on direct subpoena from a source having proper jurisdiction.

Authorization for expenditure from any account appropriated for the Avon Board of Health shall be through a minimum of two signatures on a properly filled out voucher form(A.D, Form 19 of the Commonwealth of Massachusetts Department of Corporations and Taxation or equivalent) and recording of amounts in the minutes of a regularly scheduled meeting. No voucher shall be authorized for amounts which would exceed the balance left in a particular account.

Special purchases or expenditures from the Expense Account shall require a majority vote at a regularly scheduled meeting for amounts over \$35.00 without prior approval of the Board. Under the proviso that approval will be sought at the next regularly scheduled meeting.

The Avon Board of Health shall report fiscal year expenditures and estimates for amounts necessary for proper maintenance of the Board for the ensuring year as required in the Avon Town By-Law, Article V, Section 4, to the Avon Finance Committee.

F. Minority Reports

When an elected member of the Avon Board of Health wishes to express a position in matters pertaining to the Board of Health, the member may file a Position Paper at a regular scheduled meeting to become a part of that meeting. The Avon Board of Health must accept a Position Paper submitted in writing by one of its members if it meets the following tests:

- The opening statement contains a disclaimer stating that the paper does not imply the position of the Board nor any further action it may take.
- The content of the Position Paper is limited to matters pertaining to the Board of Health.
- The Position Paper shall not contain libelous material nor shall it be directed at personalities.

When a Position Paper, in the opinion of the other Board members, meets the above criteria, it shall be accepted as submitted without comment or rebuttal.

G. Position Paper by the Full Board

The Avon Board of Health may adopt a position on health or governmental matters pertaining to the Town of Avon and express this position in a paper. The paper shall become part of the minutes of a regular scheduled meeting under the following conditions:

- It is accepted by a motion and a majority vote of a full board in attendance at a regularly scheduled meeting.
- The Position Paper does not contain libelous material nor is it directed toward personalities.

H. Procedures For filing a Grievance

When a citizen or taxpayer of Avon, or governmental body, or any member of the Avon Board of Health Staff wishes to file a grievance against the Avon Board of Health, a hearing can be requested. The following procedure applies:

- File a letter with the Avon Board of Health requesting a hearing under the authority of this paragraph. The petitioner shall indicate the situation and persons involved and the general nature of the grievance. The petitioner may request an executive session as outlined in Paragraph C of this section.
- Upon receipt of this letter, the Chairman shall set a time and place for the hearing, posting the hearing notice with the Avon Town Clerk if the time is set other than a regularly scheduled meeting. The time shall be within twenty (20) days of the receipt of letter of request unless otherwise mutually agreed by both the petitioner and the Board for another date.
- If after a hearing, the petitioner is still aggrieved, the petitioner shall be advised that further pursuit of the grievance can be made with the Avon Board of Selectmen under Section 23B, Chapter 41 of the General Laws if the matter is procedural, or, to the State Department of Environmental Quality if the matter is technical. Upon notice, the Avon Board of Health shall transmit minutes (executive or otherwise) and other pertinent data to the appropriate department, forthwith.

Amendment to this section

This section may be amended, deleted or added to, in accordance with Section 31, Chapter III of the General Laws and a unanimous vote of the full Board in favor at a regularly scheduled meeting. The changes shall take effect upon acceptance of the minutes of that meeting.

IV. PROCEDURES FOR PERMITS

(adopted 1/10/72, effective 7/1/76)

A .Application for Building Permit (Regulation 2.5, Title V, Environmental Quality Code: Paragraph 12.2B, Avon Zoning By-Law)

1. Applications for Building Permits shall not be endorsed by the Avon Board of Health until the following criteria have been met:
 - A rough plumbing plan shall be submitted to the Board in all group-use categories, A-L, as listed in the State Building Code, with the exception of one and two family dwellings.
2. The application shall be reviewed by the Avon Health Agent or Officer to insure that the proposed structure meets the minimum health standards set forth in Article II of the State Sanitary Code. As a minimum the Health Office shall find:
 - A disposal Works Construction Permit has been issued for new dwellings in unsewered areas, OR, a sewer entrance permit has been issued where municipal sewers are available.
 - Ascertain the effects on existing the disposal systems and disposition of natural and casual water flow on adjacent as well as the lot in question due to the expansion or alteration of a building.
 - Obtain from the applicant a plot plan which shows the proposed structure in relation to septic systems, surface and subsurface drains. This plan can be an updated version of the plan required with a Disposal Works Construction Permit.
- 3 .Once the Avon Plumbing Inspector and the Avon Health Officer have reported their findings and recommendations to the Board, it must respond and record its acts in one of the following:
 - By motion, endorse the application and so indicate with at least the signatures of two(2) members on the application.
 - By motion, table the endorsement for further investigation not to exceed seven(7) days or a time mutually agreeable to the applicant and the Board. The Building Inspector shall be notified in writing of the decision of the Board, forthwith.
 - By motion, reject endorsement of the application. The Building Inspector shall be notified in writing of the decision indicating the reasons for rejection.

B. Application for Swimming Pools permits- Public & Semi Public (Article VI, State Sanitary Code: Section 422.o of the Uniform State Building Code Edition 16, Article VI, Avon Town By-Laws.

1 .Applications for swimming pool permits shall not be endorsed by the Avon Health Officer or Building Inspector until the following criteria have been met:

- The application for the permit shall be accompanied by the copies of the specifications and plans drawn to scale. A copy shall remain with the Avon Board of Health. The plan shall show all the details necessary conformance with the provisions of Article VI of the Avon Town By-Laws.
- The Plans must show the exact locations of all sub-surface waste water treatment facilities. The outer edge of all facilities must be twenty(20) feet from the outer edged of and in-ground pool and must be at least ten (10) feet from the edge of an above- ground pool.
- Plans must show swimming pool enclosed by an impassible four(4) foot high fence with a self-latching gate or an equivalent enclosure of means of protection from access to the pool.
- The applicant signs the Avon Board of Health Swimming Pool inspection list.

The Building Inspector signs the inspection check list after a review of the plans.

The Health Agent signs the inspection check list after verification of the location of the sub-surface facilities.

If the Building Inspector or Avon Town Health Officer finds cause for not endorsing an application for a swimming pool, said inspector shall inform the Board of Health, who, in turn, shall follow one of these courses of action:

- Request the applicant to rectify the cause for denial.
- Forward the application to the Building Inspector with a recommendation that the permit not be granted and indicate the reason(s).
- Forward the application to the Building Inspector with no recommendation, but indicating that one of the Board's inspectors has refused to endorse the application stating the reasons.

After the swimming pool has been installed, both the SW.Pool Inspector and the Health Officer shall make an on-site inspection to sign the Building Permit and finish the check list.

C. Application for Individual Disposal Works Permit and Certificate of Compliance(Title 5-State Sanitary Environmental Code)

Within the framework of the State Sanitary Codes and the Avon Board of Health Rules and Regulations, the following procedures for obtaining a Disposal Works Construction Permit and subsequent Certificate of Compliance shall apply:

1) New Systems

- Apply for a Disposal Works Construction Permit at the office of the Avon Board of Health. Each application shall be reviewed by the Town Health officer. It must be accompanied by a Plot Plan drawn to scale by a registered professional engineer, registered sanitarian or other person determined competent by the Avon Board of Health. The Plot Plan shall show the dimensions of the property, the datum used for references (assessors or registry of deeds), angles of lot lines, the location of proposed dwelling or structure, proposed well locations, existing or proposed sanitary sewers and/or the location of proposed subsurface sewage disposal system(area). Further, the location of any streams, drains, or know sources of water supply within 200 feet of the proposed street grades, location of water distribution lines, proposed elevation of the top of foundations, building drains, sanitary sewer and/or the components of the sewerage disposal works as they may be required by the Avon Board of Health.
- Make an appointment with either the Town Health Agent or a Board member for witnessing a percolation and soil test, to be conducted by the applicant's engineer. A field survey, conducted prior to the soil examination, shall be made for the purpose of staking boundaries and the location of the proposed dwelling or structure. (Note: systems where the estimated sewerage flow is greater than 2000 gallons per day must be approved by the Department of Public Health.)
- If the percolation test is successful and complies with Title 5 of the State Environmental Code and Avon Board within two(2) years of the date of the test. Otherwise, the test shall be considered null and void. This does not preclude the right of the Board to declare the test null and void any time during this two (2) year period as outlined in the Regulation portion of this document. The disposal plans shall include the percolation test locations and soil information (even for test pits which were not successful).

The Avon Board of Health shall issue a Disposal Works Construction Permit if all is in order. The applicant shall be informed as to the degree of inspection required at various stages of construction of the system. As a minimum, an inspection shall be made prior to back filling the completed system. It shall be up to the applicant to make an appointment with the Health Officer or Town Sanitary Engineer for these onsite inspections.

Once all completion criteria have been met, the Town Health Officer shall issue a Certificate of Compliance and forward such to the Building Inspector to become an item of requirement leading to an Occupancy Permit.

2) Altered or Repaired Systems

Apply for a Disposal Works Construction Permit at a regularly scheduled meeting of the Avon Board of Health.

The application shall be reviewed by the Town Health Officer. Each application shall be

accompanied by a rough plot plan(may be original of existing system) which shows existing system and distance to the dwellings or structures, swimming pools, water pressure lines, street subsurface drains, drainage ditches or streams as well as distances to lot boundaries. The proposed modification shall also be shown in plan and profile.

The Town Officer shall make a determination as to whether additional information is needed and/or whether a percolation/soil log is required. Whenever possible, a perc test will be conducted to confirm to Title 5 Regulations.

Once the foregoing is met, the Board of Health shall issue a Disposal Works Construction Permit. The applicant shall be informed as to the degree of inspection required at the various stages of construction. As a minimum, an inspection shall be made prior to back filling the completed system. It shall be up to the applicant to arrange an appointment with the Town Health Office.

Once all completed criteria has been met, a Certificate of Compliance shall be issued by the Town Health Officer to the applicant or owner.

D. Application for Disposal Works Installer Permit

Excepting pumping, treating and replacement of access covers, those persons who engage in work on individual disposal septic systems in the Town of Avon shall possess a valid Disposal Works Installers Permit as issued by Avon Board of Health. To obtain said permit, the applicant must:

- Apply at a regularly scheduled meeting of the Avon Board of Health.
- The applicant must show that he is presently engaged in the installer's business and that the party has in his possession Title 5 of the State Environmental Code and the Avon Board of Health Rules and Regulations.

For those persons who seldom work on disposal systems or who would like to engage in the business, a statement indicating access to proper equipment shall be made in addition to the above requirements.

Upon recommendation of the Town Health Officer, the Board shall issue an installer permit, with a copy being sent to the State Department of Environmental Quality Engineering. This paragraph does not preclude the right of the Board to refuse or revoke and installer's permit as outlined in the Regulation portion of this document.

E. Application for Food, Food Dispensing and Milk Permit (Section 43, Chapter 94) (Reg.32 Article X)

The Avon Board of Health Officer shall annually issue Food, Food dispensing and/or Milk permits to companies and establishments who sell, store or offer for sale food and/or milk within the geographical limits of the Town of Avon. An application for any said permit may be made at any regular scheduled meeting of the Avon Board of Health or by request through mail to same.

The following criteria shall apply prior to issuance of a permit:

- The Avon Town Health Officer shall inspect the food establishment of company. Where food and/or milk is delivered to locations within the Town from outside based places of business, the Town Health Officer may, at his discretion, waive inspection of the place of business, but may require inspection of the vehicles.
- A food permit shall not be issued to a place where food is sold and one where a common victualler license is required, until that license has been first obtained.
- Vending machines which dispense food or milk shall require additional permits in their particular category covered by the F.D.A.

The Avon Board of Health shall fix the permit fees to offset the cost of inspection and printed permits.

Amendment to This Section

This section may be amended, deleted or added to, in accordance with Section 31, Chapter III of the General Laws and a unanimous vote of the full Board at a regularly scheduled meeting. The change shall take effect upon acceptance of the minutes of that meeting.

V. PROCEDURES FOR CONTRACTS

(Adopted 1/10/72, effective 7/1/76)

A. Rubbish Pick-Up (Section 4,4A, Chapter 40 G.L.)(Sections 1, 2,, 3, Article VIII, Avon By-Laws)

The Avon Board of Health shall call for bids and let a contract for rubbish pick-up for a period not to exceed five (5) years to coincide with the Town's fiscal year. Adjustments and escape clauses shall be specified at each year end within a particular contract period.

The call for bid shall be through proper publication as defined by law with complete specifications.

The call for bid shall stipulate that the Avon Board of Health has the right to reject any and all bids without recourse on the part of the bidder.

The call for bid shall stipulate that a performance bond in the amount of the annual contract price be posted each year of the contract.

No contract shall be executed without the necessary funds for that fiscal year.

B. Rubbish Removal

The Avon Board of Health shall contract for disposal of rubbish in a landfill, incinerator, recycling plant or other acceptable means of disposal. The periods of these contracts shall not exceed a period of five

(5) years except where the provisions of Section 4, Chapter 40 of the General laws apply. A call for bid shall be performed by the Avon Board of Health for contract for these services except where the uniqueness of the means of disposal requires a sole-source contract.

C. Visiting Nurse Association

The Avon Board of Health shall provide nursing services for the Town on a yearly basis, as specified, which level of effort can be modified from time to time by the Board to meet current health needs. The Avon Board of Health may contract with the Brockton Visiting Nurse Association or any other like organization to provide specified services. The contract shall be based on a pay for work performed basis.

Amendment to this section

This section may be amended, deleted or added to, in accordance with Section 31, Chapter III of the General Laws and a unanimous vote of the full Board at a regularly scheduled meeting. The change shall take effect upon acceptance of the minutes of that meeting.

D. Food and Restaurant Inspections

The Avon Board of Health may contract with a properly certified agency to provide inspections of local restaurants and food establishments. This may be on a sole-source basis and shall be a pay for work performed contract.

Amendment to this section

This section may be amended, deleted or added to, in accordance with Section 31, Chapter III of the General Laws and a unanimous vote of the full Board at a regularly scheduled meeting. The change shall take effect upon acceptance of the minutes of that meeting.

VI PROCEDURES, MISCELLANEOUS

(Adopted 1/10/72, effective 7/1/76)

A. Rabies Clinic (section 145B, Chapter 140, G.L. Chapter 207, Acts of 1969)

The Avon Board of Health shall hold a rabies clinic once every year, for the purpose of vaccinating dogs against rabies. The following procedure shall apply:

- Dogs shall be vaccinated with either killed or modified live virus vaccine. Vaccine of Caprine(goat) origin shall not be acceptable. The dosage shall be for a period of three (3) years.
- A rabies tag of size, shape, and color approved by the Department of Public Health, shall be provided by the vaccinating veterinarian for each dog vaccinated. Each tag shall be inscribed with the words "Rabies Vaccinated" as well as the year, name and address of the Veterinarian or

Board of Health, and the tag must be attached to the collar or harness of the dog and worn at all times in the same manner as the license tag.

- A certificate of vaccination approved by the Department of Public Health must be completed in triplicate by the vaccinating veterinarian. The original shall be filed with the Town clerk in the Town where the dog is licensed, one copy is provided to the owner, one copy is retained by the Board of Health.
- Vaccinated dogs must be revaccinated at intervals not exceeding thirty six(36) months..
- Person necessary for conduction of clinics:

Board of Health	3 persons and 1 member
Veterinarian	1 person
Dog Handler	1 person
Dog Officer	1 person
- An area shall be secured by the Avon Board of Health to provide room and control of the clinic. The area shall have two egresses and sanitary facilities. The floor should be high glossy finish tile for ease of clean-up.
- A table shall be available for the Board of Health staff to fill out forms and collect fees.
- The day before the clinic, the rabies book (three copies) forms shall be filled out with the date and signature (stamp) of the veterinarian and rabies Tag number. Each book has 25 three-copy forms for rabies shots. Number the books and take the appropriate Rabies Tag and put them into groups. Rabies tags and Rabies Books must correspond.
- Two of the Board's staff shall be at the table to fill out the books while the third person collects the fee. Give each owner the white and yellow copies from the book. The owner then gives the cashier the yellow copy and the fee. At the end of the clinic period, the remaining blue copies shall be counted against the yellow slips for a final tally. As the end of the clinic period approaches and the activity reduces, the operation shall revert to use of a single book at a time.
- Prior to the clinic, advertise in the paper and make signs for posting around the town.
- The Dog Officer shall be responsible for maintaining control of traffic through the clinic. If the doors are front to back, a straight line shall be formed. Where there are two doors on the same side of the building, a semi-circle shall be formed. In all cases the Dog Officer shall space the owner/dogs to insure minimum interaction.
- One large table for the veterinarian to place the dogs on shall be provided. A smaller table shall be placed adjacent for holding supplies. A trash container shall be provided and trash disposed immediately after the clinic in a manner prescribed by law (disposal of hypodermis needles, etc).

B.. Procedures For Animal Bites

1. Upon notification, the Dog Officer shall respond to the site promptly to assist the parent of observer in gathering relevant information.
2. Do not permit anyone to kill the animal. If it is killed at once, it may be impossible to determine if it was rabid.

3. The Animal Inspector shall place the animal under quarantine for a period of two weeks. It shall be the responsibility of the owner to restrain the animal for this period under penalty of law. Where an animal is wild, the type and species should be ascertained. Where the animal was domestic, but stray, its color, size and breed should be recorded.
4. If the quarantine animal becomes sick, have it examined by a veterinarian.
5. If the quarantine animal dies, send the head to Wasserman Laboratory, 281 South Street, Jamaica Plain, MA 02130. It should be sent by special courier and timing should be coordinated with the laboratory by phoning 617-522-3700.
6. Record the bite information with the laboratory by phoning 617-522-3700.

C .Procedure Relative to Bats

1. Dead bats will be given to the Animal Inspector for processing.
2. The Town of Avon shall only become involved in solving bat problems after a positive finding is apparent.
3. The home owner shall be responsible for all expenses accrued for services rendered, unless a positive finding has been made.

VII. 310 CMR 15.000 THE STATE ENVIRONMENTAL CODE

Title V: Minimum Requirements For the Subsurface Disposal of Sanitary Sewage.

A. Disposal of Sanitary Sewage in Unsewered Areas.

Title 5 of the State Environmental Code title "Minimum Requirements For the Disposal of Sanitary Sewage on Unsewered Areas" shall serve as a specification for design, installation and use of individual septic systems for the Town of Avon. These minimum requirements are as amended as follows:

1. Disposal Works Construction Permit for any system of individual sewage disposal shall not be issued unless plans of said system have been approved by the Town Health Officer and accepted in the Avon Board of Health minutes.
2. An applicant for a Disposal Works Construction permit shall show to the Avon's Board of Health satisfaction, competence in the field of endeavor and possession of Title 5 of the State Environmental Code and the Avon Board of Health's Rules and Regulations.

B .No building or plumbing permit for an addition to a dwelling or structure, which in the opinion of the Board of Health, which may increase the quantity of sewage generated, shall be issued until the Board of Health has approved the adequacy of the existing sewerage disposal and water supply systems for the proposed use.

The sewage estimates shall be amended for factory or industrial plants as follows:

TYPE OF ESTABLISHMENTS	GAL/PER PERSON/DAY
Factory or Industrial Plant	
Without cafeteria-per person*	15
Factory or Industrial Plant	
with cafeteria-per person *	20

*The sewage flow calculation shall be based on the expected number of building occupants, but, no less than 66.

C. The filling of land which is ordinarily submerged during any portion of the year, in order to provide sufficient area to make it suitable for building purposes, is not considered an acceptable practice and is unsuitable for construction of individual disposal works.

This paragraph also applies to filled in or drained swamp areas. Filling is permitted in lots where individual disposal works are constructed in only three instances:

- a. One instance is where an overburden of impervious material exists between the base of the leaching facilities and a pervious layer. Such impervious material shall be removed for twenty-five(25) in every direction from the leaching facility boundaries and from the base of such facilities.
- b. The second instance is where a high water table exists in an area for a proposed facility. Fill may be used to raise the base of the leaching facility, only if natural, dry, permeable soil with a minimum of one (1) foot thickness occurs above and adjacent to the estimated maximum water table. In addition, at least four (4) feet of permeable material shall extend below the estimated water table less the amount of natural dry soil above the table.
- c. The third instance is where soil logs show uneven distribution of material with a wide deviation in permeability in the area for a proposed disposal system. The Avon Board of Health may at its discretion impose an excavation to an elevation matching the base of the leaching field and a width of not less than ten(10) nor greater than twenty-five(25) feet from all boundaries of the field. The excavation shall be filled with a homogeneous permeable material acceptable to the Board of Health.

D .Where an individual sewage system is to be constructed in fill, the fill shall be either mechanically or hydraulically compacted, or is shall be allowed to settle for a minimum of six(6) months. The fill material shall be clean granular and shall be free from clay, fines, dust, organic matter, large stones, masonry, stumps, frozen clumps of earth, wood, tree branches, and waste construction materials. Fine

sand may not be used. All fill material shall be inspected and approved by the Board of Health. Test shall be performed on the fill material at the discretion of the Board and at the expense of the owner or builder. No sewage disposal system shall be constructed in fill, placed on impervious material. Filled land shall be inspected by the Avon Board of Health, prior to filling and after completion.

E. Title V- GROUNDWATER

The elevation of the base of all leaching facilities must be at least four (4) feet above maximum ground water elevation. The maximum ground water table shall be estimated in March or April or by historical record. As an alternative to this determination, an additional two (2) feet must be added as a safety factor to the allowable distance between the base of the leaching facility and the maximum ground water table, provided this final distance is above the observed water level, as recorded in the soil log at the time the test was taken. A second alternative to determination of the maximum ground water level is to take it as the minimum level of a pond, swamp or stream adjoining the property. If this level is higher than the measured elevation taken in the soil log.

In addition, there shall be a minimum of four(4) feet of undisturbed soil, with a percolation rate of not greater than one (1) inch in twenty(20) minutes, between the base of any disposal facility and any impervious formation.

6. The minimum leaching area for a subsurface sewage disposal field which is to be constructed on any individual lot shall not be less than one thousand (1000) square feet.

The minimum leaching area for a subsurface sewage seepage pit, trench or trenches, constructed on any individual lot shall not be less than two hundred and fifty (250) square feet.

F. Additional Regulations Pertaining to the Disposal of Sanitary Sewage in Unsewered Areas.

1. All percolation and soil log tests shall be conducted in the presence of the Avon Health Officer or a member of the Avon Board of Health. Where circumstances warrant it, a member of the Avon Board of Health may witness such test in lieu of the above agents, but only if prior consent by the other members is obtained and recorded as such in the minutes of a regularly scheduled meeting.
2. If, in the opinion of the Avon Health Agent, the water table level is still questionable after exercising the criteria of the upgraded Regulation of Title 5, he may require that percolation tests be made during the wet season (March 1st through April 30th). No percolation tests or soil examination shall be accepted which were taken during the period of June 15th through September 15th.
3. At least one(1) percolation test shall be performed in the primary leaching area and reserve area.

4. The property owner, subject to the above regulations, has the right to appeal before the Board of Health for a review of the requirements. This request shall be in writing and received by the Board of Health within ten (10) days after the Health Officer's decision.

Amendment to Title 5- Distances

Tributaries to aquifers for public wells including open and subsurface drains shall be one hundred (100) feet from leaching fields, seepage pits and cesspools.

CHAPTER 111, SECTION 31, MGL

The Avon Board of Health will endorse no applications for a Building Permit for any new dwelling supplied by well water unless the producing rate is tested during the months of July, August October and November. The duration of said test shall be no less than forty eight (48) hours, producing five (5) gallons per minute.

VALIDITY

The invalidity of any part of these regulations shall not affect the validity of any other part otherwise valid, and these regulations shall remain in effect as amended from time to time, except for those parts which are determined to be invalid.

Amendments to this section

In addition to the requirements of Chapter 111, Section 31 of the General Laws, adopting new or amending existing Avon Board of Health regulations require the following action:

1. The unanimous vote of the full Board in favor of such regulations/amendments, as recorded in the minutes of a regularly scheduled meeting.
2. A public hearing for the purposes of evaluating the pro and cons of such regulations/ amendments.
3. Public notice of the effective date for the new regulations/amendments.

VIII. REGULATIONS FOR FOOD ESTABLISHMENTS

(Article X State Sanitary Code)

(Adopted 6/10/88 effective 7/1/88)

The Avon Board of Health shall enforce its specifications as outlined in Article X, State Sanitary Code and titled: "Minimum Sanitation Standards for Food Service Establishments," within the Town of Avon. Under the authority of Chapter 111, section 31, the Avon Board of Health shall from time to time amend

or add to the provisions of Article X, in a stricter sense, to meet the health requirements of the Town of Avon. The amendments shall be listed in this section:

- A. The floor surface in all food preparation areas, utensil washing rooms, and toilet rooms, shall be constructed of clay tile, or the equivalent, so as to be easily cleanable.
- B. If an examination as provided for in Regulation 3, Article 1 of the State Sanitary Code, reveals that a food establishment or a retail food establishment has violated any provision of Article X, of the State Sanitary Code or rules and regulation relative to food establishments, as promulgated, under the authority of Chapter 94, section 305A of the MGL, as amended, or the Avon Board of Health rules, procedures and regulations. The Avon Board of Health will take such action as authorized under Article X of the State Sanitary Code.
- C. AMENDMENT. Public Notice of the effective date of each amendment must be posted and require the following action:
 - a. The unanimous vote of the full Board in favor of the such action as recorded in the minutes of a regularly scheduled meeting.
 - b. A public hearing for the purpose of evaluating the pros and cons of such regulation or amendment thereof.

D. **VALIDITY**

The invalidity of any part of these regulations shall not affect the validity of any other part otherwise valid, and these regulations shall remain in effect as amended from time to time, except for those parts which are determined to be invalid.

E. **POLICY** Food Establishment Policy of Avon Board of Health

- 1. It is the policy of the Board that all food establishments be inspected at least twice yearly in order to be in compliance with Article X of the State Sanitary Code.
- 2. It is the policy of this Board that every food establishment that has a critical violation (as defined in Article X, Section 590.001(B)(8)(a-n) of the State Sanitary Code be re-inspected within 10 days in accordance with the State Sanitary Code.
- 3. If a food establishment has more than three (3) critical violations it shall be inspected monthly until three monthly inspections show no repetition of the critical violation.
- 4. If, after the discovery of a critical or repeat violation and the failure of a food establishment to correct said violation within 10 days, the owner of record of said food establishment will report for a hearing before the Board of Health.
- 5. If, after the hearing the food establishment fails to implement the recommendations of the Health Officer in order to correct the violation(s) within one month, the owner of said food establishment will be required to show cause why said food establishment should not be suspended or revoked in accordance with Article X, Section 590.054 of the State Sanitary Code.
- 6. Any person aggrieved by the final decision of the Board of Health may seek relief in a court of competent jurisdiction in the Commonwealth.

7. Notwithstanding the foregoing, the Board of Health or the Health Officer may take such action to protect the public health consistent with its powers under Article X of the State Sanitary Code or the Massachusetts General Laws.

IX. REGULATIONS FOR HUMAN HABITATION

(Section 127B, Chapter III G.L.), (Article II, State Sanitary Code), (Section 13, Chapter 79A, G.L.)

(Adopted 6/10/88 effective 7/1/88)

The Avon Board of Health shall enforce the specifications as outlined in Title II, State Sanitary Code and titled "Minimum Standards of Fitness for Human Habitation" for the Town of Avon. Under the authority of section 31, Chapter II of the Massachusetts General Laws and Regulation 2, Title I of the State Sanitary Code, the Avon Board of Health shall from time to time amend, or add to, the provisions of Title II (Article II) in a stricter sense to meet the health requirements of the Town of Avon and list such amendments in this section.

Amendments to Title II (Article II)

B. Additional Regulations for Human Habitation

Health Occupancy Certificate

1. Whenever a rented dwelling unit, apartment or tenement other than a motel, hotel, or rooming house is vacated by occupant or occupants thereof, or within ten(10) days before the expiration date of the anticipated vacancy, it must be certified by the Board of Health or its agents, prior to being re-occupied by a new occupant, as meeting standards set forth in the "Sanitary Code, Title II, Minimum Standards of Fitness for Human Habitation" as promulgated and from time to time amended by the Department of Public Health of the Commonwealth of Massachusetts under the authority of General Laws, Chapter III, Section 127A, and as upgraded by local health regulations. However, regardless of the number of occupancy changes during any 12 month period, one certification shall be sufficient for such 12 month period.
2. No public utilities shall be restored nor billing transferred, except where deemed necessary by the Board of Health or its agents to prevent damage to the dwelling unit, apartment or tenement, until such time that the Public Utilities Company is notified by the Board of Health or its agents, and after inspection of said unit is certified as being fit for human habitation. If within ninety-six(96) hours, excluding Sundays and Holidays, after receipt of written notice of a vacancy from the owner, managing agent or person in possession, the Board of Health or its

agents fail to make an inspection, then said unit may be re-occupied with such certificate.

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

Any owner of such property used for dwelling purposes failing to comply with this regulation shall pay a fine of twenty(\$20) each and every day he allows any person or persons to live, occupy or inhabit the said premises without having received an occupancy permit from the Board of Health.

C. Validity

The invalidity of any part of the regulations in this section shall not affect the validity of any other part otherwise valid, and these regulations shall remain in effect as amended from time to time except for those parts which are determined to be invalid.

Amendment to this section

In addition to the requirements of Section 31, Chapter III of the General Laws, adopting new or amending regulations of this section shall require the following action:

1. The unanimous vote of the full Board in favor of such action as recorded in the minutes of a regularly scheduled meeting.
2. A public hearing of the purposes of evaluating pros and cons of each regulation or amendment thereof.
3. Public notice of the effective date for the new or amended regulation.

X. SWIMMING POOL REGULATIONS

(Section 31, Chapter 111, M.G.L.), (Section 16, Article VI, Avon Town By-Laws)

(Adopted 6/10/88 effective 7/1/88)

The Avon Board of Health adopts the provisions of Section 16, Article VI of the Avon Town By-Laws in respect to the regulations of swimming pools. In addition, the Avon Board of Health shall, from time to time, add to or amend the adopted provisions of Section 16, Article VI of the By-Laws to become a

Board of Health regulation as provided in Section 31, Chapter III of the General Laws and list these regulations in this section:

A. Additional Swimming Pool Regulations

1. Location of any portion of a sub-surface waste water treatment facility or sewer line shall be as follows:

In-ground swimming pools	20 feet min.
Above-ground swimming pool	10 feet min.
2. Each swimming pool which is eighteen(18) inches in depth or more at its deepest point shall be enclosed by an impassable four (4) feet high fence with a self-latching gate or an equivalent enclosure. Equivalency shall be ruled by the Avon Board of Health.

B. Validity

The validity of any part of the regulations in this section shall not affect the validity of any other part otherwise valid, and these regulations shall remain in effect as amended from time to time, except for those parts which are determined to be invalid.

Amendment to this section

In addition to the requirements of Section 31, Chapter III of the General Laws, adopting new or amending regulations of this section shall require the following action:

1. The unanimous vote of the full Board in favor of such action as recorded in the minutes of a regularly scheduled meeting.
2. A public hearing of the purposes of evaluating pros and cons of each regulation or amendment thereof.
3. Public notice of the effective date for the new or amended regulation.

XI. MESSAGE BUSINESS ESTABLISHMENT REGULATIONS

These regulations were superseded by Chapter 135 of the Acts of 2006 of the Massachusetts General Laws. Municipalities no longer have direct oversight of massage therapists, massage facilities, or massage schools.

XII. REGULATIONS FOR BODY ART AND PRACTITIONERS

(Adopted December 16, 2010, effective January 1, 2011)

- 12.01 Authority**
- 12.02 Purpose and Scope**
- 12.03 Definitions**
- 12.04 Operation of Body Art Establishments**
- 12.05 Exemptions**
- 12.06 Public Notification Requirements**

- 12.07 Client Reports**
- 12.08 Injury Records**
- 12.09 Records Retention**
- 12.10 Preparation and Care of the Body Art Area**
- 12.11 Sanitation and Sterilization Procedure**
- 12.12 Requirements for Single Use Items**
- 12.13 Permit Requirements**
- 12.14 Complaints**
- 12.15 Grounds for Denial of Permit**
- 12.16 Grounds for Suspension of Permit**
- 12.17 Grounds for Revocation of Permit, or Refusal to Renew Permit**
- 12.18 Procedure for Hearings**
- 12.19 Unauthorized Practice of Body Art**
- 12.20 Severability**
- 12.21 Adoption**

Rationale

The Town of Avon promulgates these rules and regulations of body art, which provide minimum requirements to be met by any person performing body art activities within the town for hire upon another individual and for any establishment within the town wherein body art activities are to be performed. These requirements include, but are not limited to, requirements concerning the general sanitation of the establishments wherein body art activities are to be performed, requirements concerning the general sanitation of the establishments and sterilization of the instruments to be used in the conduct of the body art. By enacting these rules and regulations, the Avon Board of Health has determined that these rules and regulations are necessary to protect the public's health by preventing diseases, including, but not limited to, the transmission of hepatitis B and/or human immunodeficiency virus (HIV/AIDS). In addition, this regulation establishes a requirement for registration and a procedure for registration with the Board of Health of all persons performing Body Art activities, a requirement for minimal training standards for all practitioners including requirements for the prevention of disease transmission and for knowledge of anatomy and physiology. Provisions are included for the regular inspection of establishments wherein body art activities are to be performed and for the revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under this regulation, or for other means of enforcement of the provisions of the regulation.

These regulations provide for an annual fee to be paid by a person and establishment registered under these regulations. This fee is intended to help defray the cost to the town of Avon of the administration of the requirements of the regulation.

12.01 Authority

These rules and regulations are adopted under the authority of Massachusetts General Law Chapter 111 § 31.

12.02 Purpose and Scope

The purpose of these regulations is to protect public health by establishing minimum conditions governing the practice of body art in the town of Avon.

12.03 Definitions

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

Bloodborne Pathogens Standard means OSHA Regulations 29 CFR 1910.1030.

Board of Health or Board means the Avon Board of Health and its agents.

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

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

Body Art Practitioner or practitioner means a specified person whom has been granted a permit by the Board to perform body art in a body art establishment that has been granted a valid permit by the Board.

Body piercing means puncturing or penetration of the skin of a person with presterilized single use needles and the insertion of presterilized jewelry or other adornment thereto in the opening. This definition includes piercing of the outer perimeter of the ear, but does not include piecing of the earlobe with presterilized single-use stud-and-clasp ear-piercing systems.

Braiding means cutting of strips of skin of a person, which strips are then to be intertwined with one another and placed onto a person so as to cause of allow the incised and interwoven strips of skin to heal in such an intertwined condition.

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

Client means any person who has requested a body art procedure at a body art establishment.

Contaminated Waste means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition) known as "Occupational Exposure to Bloodborne Pathogens" or as defined as "infectious or physically dangerous medical or biological waste" in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII and the Town of Avon's local regulations concerning infectious and hazardous waste.

Cosmetic tattooing, see "Tattooing".

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

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

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

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

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

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

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

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

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

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

Operator means any person whom alone, jointly or severally with others owns, has care, charge, or control of any body art establishment as agent or lessee of the owner or as an independent contractor, but is not a body art practitioner.

Permit means approval in writing by the Board either (1) to operate a body art establishment or (2) to operate as a body art practitioner within a body art establishment. Approval is granted in accordance with 105 CMR 124.000 and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the Board's jurisdiction.

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

Practitioner see Body Art practitioner

Physician means an individual registered by the Board of Registration in Medicine pursuant to M.G.L. c. 112 § 2.

Procedure surface means any surface of an inanimate object those contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

Sanitizing procedure means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

Sanitary means clean and free of agents of infection or disease.

Sanitized means effective disinfectant treatment by a process using intermediate disinfectants for enough time to reduce the bacteria count including pathogens to a safe level on semi-critical or noncritical equipment.

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

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

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

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

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

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

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

Universal precautions means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

12.04 Operation of Body Art Establishments

Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

(A) Physical Plant

- (1) All walls, floors, ceilings, and procedure surfaces within the body art establishment shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
- (2) All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.
- (3) Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment or adjacent structure.
- (4) There shall be a minimum of 80 square feet of floor space for each practitioner in the establishment. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.
- (5) The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- (6) A separate, readily accessible hand-sink with hot and cold running water, equipped with wrist or foot-operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. One hand-sink shall serve no more than one practitioner. Hand-sink must be installed according to local plumbing code. A separate mop sink must be provided for clean up of the establishment.
- (7) In addition to any service sinks, there should be a minimum of one lavatory sink and one working toilet in a body art establishment.
- (8) At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.
- (9) All instruments and supplies shall be stored in clean, dry, and covered containers.
- (10) Practitioners who use ear-piercing systems must conform to the Manufacturers directions for use and applicable U.S. Food and Drug Administration requirements.

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

(12) No animals of any kind shall be allowed in a body art Establishment, except service animals used by persons with disabilities (e.g., Seeing Eye Dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas

B. Information to be Kept on File

The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Board:

(1) Employee information:

- (a) Full names and exact duties
- (b) Date of birth
- (c) Home address
- (d) Home/work phone numbers
- (e) Identification photos of all body art practitioners
- (f) Establishment information
- (g) Establishment name
- (h) Hours of operation
- (i) Owner's name and address

(2) A complete description of all body art procedures performed.

(3) An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.

(4) Current contract of contaminated waste hauler.

(5) A copy of these regulations.

C. It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.

D. Each body art practitioner must be a minimum of 18 years of age.

E. Each practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. centers for Disease Control and Prevention.

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

G. Smoking, eating, or drinking is prohibited in the area where body art is performed.

H. Operators/practitioners shall refuse service to any person who, in the opinion of the operator/practitioner, is under the influence of alcohol or drugs.

I. The practitioner shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towel. This shall be done as often as necessary to remove contaminants.

J. In performing body art procedures, the practitioner shall wear disposable single-use nonlatex gloves. Gloves must be changed if they become contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for handwashing procedures as part of a good personnel hygiene program.

K. If, while performing a body art procedure, the practitioner's glove is pierced, torn, or otherwise contaminated, the procedure delineated in section (I) shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see (I) above) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

L. Contaminated waste as defined in this code that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the International Biohazard Symbol. It must then be disposed in accordance with 105 CMR 480.00: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII, or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens". Used sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on site shall not exceed 30 days, as specified in 29 CFR Part 1910.1030.

M. No practitioner shall perform any body art procedure upon a client under the age of 18 years without the presence, written consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section shall require a practitioner to perform any body art procedure on a person under 18 years of age regardless of parental or guardian consent.

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

O. The skin of the practitioner shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

P. Proof shall be provided upon request of the Board that all practitioners have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering shall be included as a pre-employment requirement.

12.05 Exemptions

(A) Physicians licensed in accordance with M.G.L. c. 112 §2 who perform body art procedures as part of patient treatment are exempt from these regulations.

(B) Individuals who pierce only the lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

12.06 Public Notification Requirements

(A) All establishments shall prominently display, and give to each client, a Disclosure Statement, approved by the Board of Health, which advises the public of the risks and possible consequences of body art procedures.

(B) Verbal and written instructions, approved by the Board of Health, for the aftercare of the body art procedure site shall be provided to each client by the operator/practitioner upon completion of the procedure.

(1) The written instructions shall advise the client

(a) On the proper cleansing and of the area which received the body art.

(b) To consult a health care provider for:

1. Unexpected redness, tenderness or swelling at the site of the body art procedure.
2. Rash.
3. Drainage at or from the site of the body art procedure.
4. Fever within 24 hours of the body art procedure.

(2) Address; phone number and business hours of the establishment.

(3) These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records.

(C) The facility permit holder shall also post in public view the name, address and phone number of the Board of Health and the procedure for filing a complaint.

12.07 Client Records

(A) Prior to performing any body art procedure, the body art practitioner shall request from the client, verbally and in writing, the following health history information:

(1) History of diabetes;

(2) History of hemophilia (bleeding);

(3) History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;

(4) History of allergies or adverse reactions to pigments, dyes, or other sensitivities;

(5) History of epilepsy, seizures, fainting, or narcolepsy;

(6) Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting;

(7) Hepatitis and/or any other chronic conditions (cellulitis);

(8) History of suspicion of adverse reaction to latex or products containing latex;

(B) The practitioner shall have the client sign a Release Form confirming that the above information was obtained or that the practitioner attempted to obtain it. The client should be asked to disclose any other information that would aid the practitioner in evaluating the client's suitability for body art procedures.

(C) Each operator shall keep records of all body art procedures administered, including date, time, identification and location of the body art procedure(s) performed, and practitioner's name. All client

records shall be confidential and be retained for a minimum of three (3) years and made available to the Board upon notification.

(D) Nothing in this section shall be construed to require the practitioner to perform a body art procedure upon a client.

12.08 Injury Reports

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

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

12.09 Records Retention

The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, the name of the practitioner who performed the procedure(s), type and location of procedure performed, and signature of client, and, if the client is a minor, proof of parental or guardian presence and consent. Such records shall be retained for a minimum of three (3) years and shall be available to the Board upon request. The Board and the body art establishment shall keep such records confidential.

10.10 Preparation and Care of the Body Art Area

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

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

12.11 Sanitation and Sterilization Procedures

(A) All non-single-use, nondisposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, a solution of household chlorine bleach as recommended by the Center for Disease Control (CDC) or by following the manufacturer's instructions to remove blood and tissue residue, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.

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

(C)All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Board.

(D) Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from workstations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.

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

(F) All reusable needles used in body art procedures shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

(G) All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

(H) All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

(I)The mixing of approved inks, dyes, or pigments or their dilution with sterile water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

12.12 Requirements for Single Use Items

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

(B) All products applied to the skin, including body art stencils, shall be single use and disposable. Acetate stencils may be re-used if approved by the Board. Sanitization procedures in accordance with 105 CMR 124.011 shall be performed between uses.

(C) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or other sterile applicator to prevent

contamination of the original container and its contents. The applicator or gauze shall be used only once and then discarded.

12.13 Permit Requirements

Body art establishments shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Board, as part of the permit application process.

(A) Establishment Permit

- (1) No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art establishment except with a body art establishment permit from the Board. No license of permit shall be issued until after a public hearing has been held by the Board, which shall be based on the satisfaction that said use is appropriate, and that it will not create a nuisance, or is not dangerous to the public health.
- (2) Any person operating a body art establishment shall obtain an annual permit from the Board. The Board shall set a reasonable fee for such permit.
- (3) A permit for a body art establishment shall not be transferable from one place or person to another.
- (4) A valid body art establishment permit shall be posted in a prominent and conspicuous area where clients may readily observe it.
- (5) The holder of a body art establishment permit must hire only practitioners who have complied with the practitioner permit requirements of this code.
- (6) All permits expire on December 31 of the year of issued, unless revoked sooner by the Board of Health.

(B) Body Art Practitioner Permit

- (1) No person shall practice body art procedures without first obtaining an operator permit from the Board. The Board shall set a reasonable fee for such permits.
- (2) The practitioner permit expires on December 31 of the year issued unless revoked sooner by the Board of Health.

(C) Application for a practitioner permit shall include:

- (1) Name:
- (2) Date of birth:
- (3) Residence address:
- (4) Mailing address:
- (5) Phone number:
- (6) Place(s) of employment as a practitioner:
- (7) Training and/or experience:
 - (a) Evidence satisfactory to the Board of at least two years actual experience, in the practice of performing body art activities of the kind for which the applicant seeks a Body Art Practitioner License to perform, whether such experience was obtained within or outside of the Commonwealth.
 - (b) Evidence of a minimum 12 month completed apprenticeship program as approved by the Board, with instruction in the kind of body art for which the applicant seeks a Body Art License to perform.
- (8) Proof of attendance and a passing grade (C or better) at a bloodborne pathogen training program (or equivalent), given or approved by the Board of Health
 - (a) The applicant shall provide documentation of attendance and passing (C or better) of courses approved by the Board, on the following subjects:
 1. Anatomy I and II and physiology I and II.

2. Skin diseases, disorders and conditions (including diabetes).
3. Infectious disease control, including waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitation/disinfection /sterilization methods and techniques.

(b) Examples of courses approved by the Board include course such as: "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment manufacturers, may also be submitted to the Board for approval.

(c) First Aid/CPR.

(D) No permit shall be issued unless, following reasonable investigation by the Board, the body art establishment or practitioner has demonstrated compliance with the provisions of this section and all other provisions of these regulations.

(E) All permits shall be conditional upon continued compliance with the provisions of this section as well as all applicable provisions of these regulations.

(F) All permits shall be posted in a prominent and conspicuous area where clients may readily observe them.

12.14 Complaints

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

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

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

(D) Investigation of complaints may lead to enforcement actions including revocation, suspension, or refusal to renew a permit, by the Board.

12.15 Grounds for Denial of Permit

(A) The Board may deny a permit on any of the following grounds:

- (1) Failure to conform to the requirements of the Board's regulations;
- (2) Any actions or omissions which would indicate that the health or safety of the public would be at risk should a permit be approved;
- (3) Any previous violation of the board's regulations;
- (4) Any attempt to practice or obtain a permit through fraud, deceit, or misrepresentation;
- (5) Criminal conduct which the Board determines to be of such a nature as to render the establishment or practitioner unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- (6) Other just and sufficient cause which the Board may determine would render the establishment or practitioner unfit to practice body art;

- (7) Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
- (8) Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
- (9) Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit; and,
- (10) Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations.

(B) Applicants denied a permit may reapply at any time after denial.

12.16 Grounds for Suspension of Permit

The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or a practitioner is an immediate and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

12.170 Grounds for Revocation of Permit, or Refusal to Renew Permit

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

- (1) Fraud or misrepresentation in obtaining a permit, or its renewal;
- (2) Criminal conduct which the Board determines to be of such a nature as to render the establishment or practitioner unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
- (3) Violation of any rule or regulation of the Board governing the practice of body art;
- (4) Other just and sufficient cause which the Board may determine would render the establishment or practitioner unfit to practice body art;
- (5) Practicing body art while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;
- (6) Being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
- (7) Knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
- (8) Continuing to practice while his/her permit is lapsed, suspended, or revoked;
- (9) Having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations; and,
- (10) Refusing to practice body art on a person because of such person's race, creed, color, gender, age, disability, national origin, or sexual orientation.

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

12.18 Procedure for Hearings

(A) Initial application for a permit shall require notice in the form of a public hearing. All cost shall be the responsibility of the applicant.

(B) Suspension of a Permit.

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

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

(3) In cases of suspension of a permit, the Board shall determine by a preponderance of the evidence that there existed immediately prior to or at the time of the suspension an immediate and serious threat to the public health, safety or welfare. The Board shall issue a written decision, which contains a summary of the testimony evidence considered and the reasons for the decision.

(C) Denial, Revocation, or Refusal to Renewal a Permit

(1) A permit may be denied, revoked or refused renewal only after a hearing conducted by the Board.

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

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

12.19 Unauthorized Practice of Body Art

The Board shall refer to the appropriate District Attorney, the Attorney General, or other appropriate law enforcement agency any incidents of unauthorized practice of body art that come to its attention.

12.20 Severability

If any rule or provision contained herein is found to be unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining rules and provisions will not be so affected.

12.21 Adoption

These regulations are adopted by a vote of the Avon Board of Health at the meeting on December 16, 2010 . The effective date is January 1, 2011.