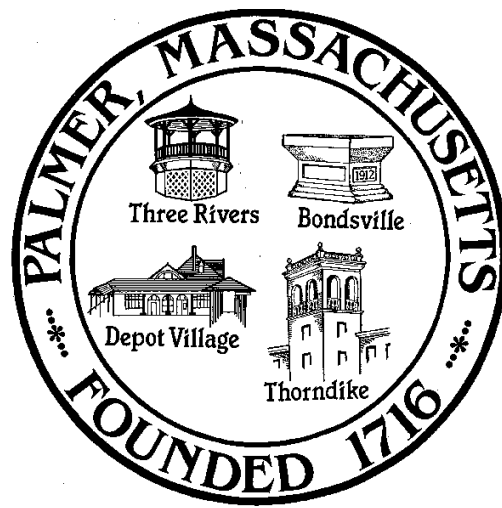


# *Town of Palmer*

**Bondsville, Depot Village, Thorndike & Three Rivers**

*“The Town of Seven Railroads”*



## **Policy Handbook Of Rules & Regulations**

Current as of July 11, 2007

**Note: The policies and procedures outlined in this handbook are under the responsibility and authority of the Town Manager. Changes to these policies and procedures will be done in concert with the Town Manager, Town Attorney and the specific Department Head(s) effected by any changes. Once changes are approved, the Manager will provide the Town Council with a brief discuss/document outlining the current changes being made.**

## **POLICY 1 – Removal of Documents**

**HISTORY: Adopted by the Board of Selectmen of the Town of Palmer 8-12-1986. Amendments noted where applicable. Removed in total from Code of Ordinances and placed in the Town Policy Handbook Ord. 2007-12, RTCM July 11, 2007.**

### 1. Policy adopted.

Recognizing the right of the public to access and copy public information, the Town Manager hereby adopts a policy restricting the removal, by anyone, of any document, correspondence, data source or reference materials without prior consent of the Manager.

## **POLICY 2 – Municipal Fees**

**HISTORY: Adopted by the Board of Selectmen of the Town of Palmer: Art. I, 12-11-1980; Art. II, 11-17-1981; Art. III, 11-17-1981; Art. IV, 2-23-1982; Art. V, 2-23-1982; Art. VI, 4-13-1982. Subsequent amendments noted where applicable. Removed in total from Code of Ordinances and placed in the Town Policy Handbook Ord. 2007-12, RTCM July 11, 2007.**

### **ARTICLE I, Sanitary Sewer Entrance Fees (Adopted 12-11-1980)**

#### 1. Schedule.

##### A. The following fees shall be charged as the town's sanitary sewer entrance fees

##### (1) Residential.

(a) Single-family home: One hundred and fifty dollars (\$150).

(b) Duplex or two-family home: Two hundred dollars (\$200).

(c) Three-or-more-family home: Two hundred and twenty-five dollars (\$225) plus twenty five dollars (\$25) per unit over three (3).

(2) Motels, hotels, apartment blocks, apartment house developments, condominiums: Two hundred and twenty-five dollars (\$225) plus twenty five dollars (\$25) per unit \$225 plus \$25 per unit.

(3) Residential subdivisions and developments: in accordance with above fees as applicable depending on nature, i.e., single-family home, etc. Otherwise, fee shall be determined and approved by the Board of Selectmen.

(4) Commercial: Two and one-half cents (\$0.025) per square foot of ground-floor area, with a minimum charge of one hundred and fifty dollars (\$150).

(5) Industrial: Two and one-half cents (\$0.025) per square foot of ground-floor area, with a minimum charge of one hundred and fifty dollars (\$150).

(6) All other buildings or developments: fee to be determined and approved by the Board of Selectmen.

B. The above rate schedule includes inspection of construction and inspection of any testing required by the town. The rate does not include construction.

## **ARTICLE II, Miscellaneous Permits and Licenses (Adopted 11-17-1981)**

### 1. Schedule.

The following fees shall be charged for various types of licenses and permits in the Town:

A. Auctioneer's license to conduct auctions (MGL C. 100, §§2 and 6, changed by House Bill No. 6666-1980): Fifty dollars (\$50) per year for a resident; twenty-five dollars (\$25) per event for a nonresident.

B. Taxi license (MGL C. 40, §22): Ten dollars (\$10) per year.

C. Lord's day license for the sale of ice cream (MGL C. 136, §7): Five dollars (\$5) per year.

D. General permits for parades, block dances, etc.; obstruction of public ways and street entrances; excavations in public ways; road races, etc.: Five dollars (\$5) per event.

E. General license for dancing by patrons and entertainment: Five dollars (\$5) per event.

## **ARTICLE III, Class 1, 2 and 3 Licenses (Adopted 11-17-1981)**

### 1. Schedule.

The following license fees shall be charged for the following licenses pursuant to MGL C. 140, § 59:

A. Class 1 license for the sale of secondhand motor vehicles by a dealer who sells new cars: One hundred dollars (\$100).

B. Class 2 license for the sale of secondhand motor vehicles as a principal business: Five dollars (\$5) per vehicle as stipulated in the license, with a minimum fee of twenty dollars (\$20) and a maximum fee of one hundred dollars (\$100).

C. Class 3 license to buy secondhand motor vehicles for dismantling and selling parts: One hundred dollars (\$100).

## **ARTICLE IV, Gas Permits (Adopted 2-23-1982)**

### 1. Schedule. (Amended 2-1-1990)

A. Residential: Seventeen dollars (\$17) per unit.

B. Commercial/business/industrial: Thirty-five dollars (\$35) per unit.

## **ARTICLE V, Building Permits (Adopted 2-23-1982)**

### 1. Schedule. (Amended 1-12-1988)

A. Residential property.

- (1) New dwellings.
    - (a) The permit fees shall be fifteen cents (\$0.15) per square foot for each floor, not including basement; including basement for split-level, tri-level and raised ranches.
    - (b) Minimum fees shall be as follows:
      - [1] Single-family dwelling: One hundred and fifty dollars (\$150).
      - [2] Multifamily dwelling: One hundred and fifty dollars (\$150) for the first unit plus one hundred dollars (\$100) for each additional unit.
  - (2) Alterations and additions.
    - (a) The permit fees shall be twenty-five dollars (\$25) per unit for work which does not require an increase in square footage; fifteen cents (\$0.15) per square foot for work requiring an increase in square footage.
    - (b) The minimum fee shall be twenty-five dollars (\$25).
  - (3) Garages, breezeways and barns.
    - (a) The permit fee shall be fifteen cents (\$0.15) per square foot.
    - (b) The minimum fee shall be twenty-five dollars (\$25).
  - (4) Carports. The permit fee shall be twenty dollars (\$20).
  - (5) Pools. The permit fees shall be:
    - (a) Aboveground: Twenty dollars (\$20).
    - (b) In-ground: Forty dollars ( \$40).
  - (6) Decks, patios and porches. The permit fee shall be twenty dollars (\$20).
  - (7) Stairs, roofs and installation of new windows. The permit fee shall be twenty-five dollars (\$25).
  - (8) Mobile homes. The permit fees shall be:
    - (a) Replacement of mobile home: Fifty dollars (\$50).
    - (b) Temporary mobile home due to fire or during construction: Twenty-five dollars (\$25).
- B. Commercial, business and industrial property. The permit fees shall be as follows:
- (1) Maximum fee: Four thousand dollars (\$4,000).
  - (2) New building construction: Fifteen cents (\$0.15) per square foot; minimum fee: Three hundred dollars (\$300).
  - (3) Accessory buildings or additions: Fifteen cents (\$0.15) per square foot; minimum fee: One hundred and twenty-five dollars (\$125).
  - (4) Renovations of existing structures: Ten cents (\$0.10) per square foot; minimum fee: One hundred and twenty-five dollars (\$125).
- C. Miscellaneous fees. The permit fees shall be as follows:
- (1) Signs: Fifteen dollars (\$15).
  - (2) Sheds: Ten dollars (\$10).
  - (3) Wood stoves and chimneys: Ten dollars (\$10).

D. Demolition fees. The permit fees shall be as follows:

- (1) For structures over two hundred (200) square feet: Fifteen dollars (\$15).
- (2) For structures under two hundred (200) square feet: Ten dollars (\$10).

E. Re-inspection fee: Twenty dollars (\$20).

#### **ARTICLE VI, Electrical Permits (Adopted 4-13-1982)**

1. Schedule. (Amended 2-1-1990)

The following fees shall be charged for electrical permits in the town:

A. Residential new construction.

- (1) Dwelling units: Thirty-five dollars (\$35) per unit.

B. Residential renovations/additions to existing units: Seventeen dollars (\$17) per unit.

C. Commercial/business/industrial.

- (1) New construction and renovations: Thirty-five dollars (\$35), plus three dollars (\$3) for every one thousand dollars (\$1,000) of the estimated cost of the electrical construction.

#### **POLICY 3 – Sanitary Landfill – Disposal Area**

**HISTORY: Adopted by the Board of Selectmen of the Town of Palmer 9-29-1982. Amendments noted where applicable. Removed in total from Code of Ordinances and placed in the Town Policy Handbook Ord. 2007-12, RTCM July 11, 2007.**

1. Fees.

The following fees shall be charged for disposal of materials at the sanitary landfill:

A. Household refuse by homeowner or occupant of real property situated in the Town of Palmer (by car, van, utility trailer or pickup): \$4 per sticker.

B. Commercial haulers.

- (1) Un-compacted refuse: \$1 per cubic yard.
- (2) Compacted refuse: \$1.50 per cubic yard.
- (3) Trucks, including pickups and vans, owned by business, industry or contractors, local and nonresident, including apartment owners: \$1 per cubic yard.

2. Payment upon entry; check required.

A check must be presented to the sanitary landfill operator upon entering the disposal area. Cash will not be accepted.

3. Permitted materials.

Household refuse, garbage, car tires (up to four per household), brush and small limbs with a diameter of three inches or less and a maximum length of four feet and building demolition materials,

such as wood, plaster, drywall, doors, windows, glass, roofing materials, masonry, siding materials, etc., delivered to the landfill by private residents using a vehicle the size of a pickup truck or smaller, will be accepted at the sanitary landfill.

4. Prohibited items.

A. Automobile bodies and motors, hazardous waste and rubber tires, other than from households, will not be accepted.

B. Brush and stumps from commercial enterprises will not be accepted for disposal. Stumps and tree parts with a diameter that is larger than three inches will not be accepted at the sanitary landfill.

C. Building demolition materials, such as wood, plaster, drywall, doors, windows, glass, roofing materials, masonry, siding materials, etc., will not be accepted for disposal at the sanitary landfill from commercial enterprises or any vehicle larger than the size of a pickup truck.

D. No scrap metal will be accepted as of 1986. (Trant of Brimfield will be accepting these items.)

5. Hours of operation; days closed.

Hours of operation shall be 8:30 a.m. to 4:30 p.m. The landfill will be closed on Sunday, Tuesday and Thursday.

6. Stickers not to be issued to nonresidents.

Sanitary landfill stickers will not be issued to nonresidents under any circumstances.

7. Vehicles bearing repair plates. [Added 9-23-1986]

Vehicles bearing repair plates will be considered as business vehicles and charged accordingly.

## **POLICY 4 – Sewer Use Classification**

**HISTORY: Adopted by the Board of Selectmen of the Town of Palmer 2-19-1980. Amendments noted where applicable. Removed in total from Code of Ordinances and placed in the Town Policy Handbook Ord. 2007-12, RTCM July 11, 2007)**

1. Establishment; policy.

To distinguish among the various groups of sewer system users, the Board of Selectmen hereby establishes the following sewer use classifications, which are the basis of charges for sewer use. The Board will initially and periodically review the listing of those users connected to the sewer system, making any classification changes it deems necessary. The Board will also review each application for a sewer connection permit and determine the user classification of each applicant. The sewer use charge for all users shall be determined annually by the Board, using actual and estimated data.

2. What constitutes equivalent dwelling unit computation of average sewage generation rate.

An "equivalent dwelling unit (EDU)" is defined as the amount of wastewater that emits from a single-family home. The Updated Preliminary Report for Proposed Interceptor Sewers and Wastewater Treatment Facilities, Palmer, Massachusetts (December 1970), documents that per capita

water consumption has leveled off at eighty-one (81) gallons per capita per day. Assuming an average of 3.1 persons per dwelling unit and assuming that eighty percent (80%) of domestic water consumption enters the sewerage system, such figures yield an average sewage generation rate of two hundred (200) gallons per day of wastewater per single-family dwelling unit.

### 3. Basis for charges.

The following schedule describes the various sewer use classifications and the basis for sewer use charges in the town:

#### A. Residential.

Class	Description	Basis of Charge
R-1	Single-family	Basic charge per equivalent dwelling unit (EDU)
R-2	Multiple persons	Charge will be in equivalent or family dwelling units based upon the number of rooms available for use to guests, tenants, members or occupants. The minimum basic charge will be one (1) EDU

#### B. Mixed.

Class	Description	Basis of Charge
M	Pertains to a residence that also serves as a commercial establishment.	Multiple EDU's will be added to the minimum residential basic charge of one (1) EDU.

#### C. Commercial.

Class	Description	Basis of Charge
C-1	Special user. Includes meeting halls, organizations and other unique businessmen	Charge will be in EDU's as established in the Schedule of Equivalent Dwelling Units §199-1, one (1) EDU is minimum.
C-2	Small commercial 10 or less working people per business including owners/managers And employees (full and part-time)	Charge will be in EDU's as determined by by formula, but not less than the basic charge for Class R-1, which is equal to one (1) EDU.
C-3	Large commercial, 11 or more working people per business including owners/managers and employees (full and part-time)	Charge will be in EDU's as determined by formula, but not less than the basic charge for Class R-1, which is equal to one (1) EDU
C-4	High-water-use and high-sewer demand business concerns and private schools. Number of Number of employees is not a Factor ,but wastewater going into the sewer system and wastewater treatment plant is paramount	Charge will be in EDU's as determined by the determined by the special formula for the type of business/hospital or school as given in the Schedule of Equivalent Dwelling Units §199-4.
C-5	Special Commercial. Discharges	Annual charge based upon proportionate share

more than 25000 gallon of waste-water per day or discharges waste-water of abnormal characteristics

proportionate share of net annual operation and maintenance costs. Factors that may be included strength, volume and delivery flow rate of waste-water to the treatment facility

#### D. Industrial.

Class	Description	Basis of Charge
I-1	Industrial concerns discharging less than 25,000 gallons per day of water and/or process water with normal characteristics	Annual charge based on total water used divided by 73,000 gallons per year per EDU times rate per EDU. Minimum charge is one (1) EDU. Also for industrial concerns with small industrial process wastes as determined by the Board of Selectmen.
I-2	Industrial concerns discharging more than 25000 gallon per day of sanitary wastewater and/or process water with abnormal characteristics	Annual charge based upon proportionate share proportionate share of net annual operation and maintenance costs. Factors that may be included strength, volume and delivery flow rate of waste-water to the treatment facility
I-3	Industrial concerns introducing Wastewater and/or process water with abnormal characteristics	Annual charge based upon proportionate share of net annual operation and maintenance costs. Factors that may be included are strength, volume and delivery flow rate of wastewater to the treatment facility

#### 4. Schedule of Equivalent Dwelling Units.

The following is the Schedule of Equivalent Dwelling Units:

A. Residential wastewaters. Each single-family dwelling, defined as Class R-1 in § 199-3, shall be considered to be one EDU. Other types of dwelling units shall be classified and charged according to criteria presented in § 199-3 and herein:

(1) R-1 shall be considered one equivalent dwelling unit (EDU) and the basic minimum for all users.

(a) Single-family house; single-family area of a duplex house owned by two (2) separate parties; single-family mobile home; single-family condominium; single-family camp; single-family summer house or vacation property for one (1) family; rectory.

(2) R-2 shall be considered the following equivalent dwelling units (one (1) EDU is minimum):

(a) Rooming house or group-living arrangement: one (1) EDU per room.

(b) Halfway house, rehabilitation home, social or welfare home: one (1) EDU per room.

(c) Apartment, apartment house, apartment addition, efficiency apartment or any full living arrangement: one (1) EDU per apartment.

B. Mixed-residential wastewater. This classification is for users who conduct businesses in their residence. The appropriate residential rate plus an added charge based on the commercial activity shall be charged as outlined below:

(1) M pertains to a person's residence that also contains his in-home or at-home business. If the business or practice is not in his own home, it shall be governed by Class C-2. The basic

minimum is one (1) EDU for residential plus the number of other EDU's for the business or practice as given in the Schedule of Equivalent Dwelling Units for commercial, set forth herein.

C. Commercial wastewater. Commercial establishments, including private schools, service and nonprofit organizations and similar users, have been grouped in five (5) categories in the sewer use classifications of §199-3. This Schedule of Equivalent Dwelling Units assigns the C-1 rate to special commercial users, differentiates between small and large commercial users by the number of employees in the C-2 and C-3 rate and assigns a C-4 rate to high-sewer-demand users, such as laundromats, restaurants, schools, etc. The C-5 rate is for users which discharge more than twenty-five thousand (25,000) gallons of wastewater per day or discharge wastewater of abnormal characteristics (as defined in Appendix A). Commercial, business and organizational users will be calculated by formulas (Minimum usage is one (1) EDU).

(1) C-1, especially assigned equivalent dwelling units (EDU's) for special commercial, business and organizational users.

- (a) Attorney's office: one (1) EDU.
- (b) Beauty parlor, beauty shop, hairdresser, barber: one (1) EDU.
- (c) Chiropractor: one (1) EDU.
- (d) Real estate office, insurance office, CPA, tax office, etc.: one (1) EDU.
- (e) Dentist office, doctor's office: one (1) EDU.
- (f) Funeral director or funeral parlor: one (1) EDU.
- (g) Veterinarian or kennel: one (1) EDU.
- (h) Physical therapy office: one (1) EDU.
- (i) Mechanics garage, speed shop, bicycle shop: one (1) EDU.
- (j) Antique shop, flower shop, nursery, neighborhood grocery store, variety store: one (1) EDU.
- (k) Hotel or motel: one (1) EDU per room.
- (l) Meeting hall, social hall, union hall, auditorium, place of assembly (private or public): two (2) EDU's.
- (m) Lodge or club: two (2) EDU's.
- (n) Billiard or game room: two (2) EDU's.
- (o) Exercise studio: two (2) EDU's.
- (p) Auto, truck or plane dealership: four (4) EDU's.
- (q) Bus line, truck terminal: four (4) EDU's.
- (r) Gym, health spa or recreation center: four (4) EDU's.
- (s) Organic laboratory: four (4) EDU's.

(2) C-2 small commercial, business, social-service or nonprofit organization, agency or association with ten (10) or less workers, employees, managers or owners.

$$\frac{(\text{No. of employees}) \times (20 \text{ GPD per employee})}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(3) C-3 large commercial, business, social-service or nonprofit organization, agency or, association with eleven (11) or more workers, employees, managers or owners.

$$\frac{(\text{No. of employees}) \times (25 \text{ GPD per employee})}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(4) C-4 high-sewer-demand commercial and institutional.

(a) Laundromat, self-service laundry.

$$\frac{(\text{No. of washing machines}) \times 400 \text{ GPD per washing machine}}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(b) Restaurant, grill, cafe, luncheonette, coffee shop, diner, bar, nightclub, lounge, lodge or club with bar license.

[1] Capacity of up to thirty (30) people: two (2) EDU's.

[2] Capacity of thirty-one (31) and above, by formula as follows:

$$\frac{2 \text{ EDU} + (\text{Capacity minus } 30) \times 7 \text{ GPD}}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(c) Car wash, laundry, dairy, rug cleaners, meatpacker, slaughterhouse.

$$\frac{\text{Annual amount of water used in cubic feet}}{10,000 \text{ cubic feet per EDU}} = \text{No. of EDU's}$$

(d) Hospital, nursing home or rest home.

$$\frac{(\text{No. of beds}) \times (200 \text{ GPD per bed})}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(e) Bowling alley.

$$\frac{(\text{No. of alleys}) \times (100 \text{ GPD per alley})}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(f) Movie house.

$$\frac{(\text{No. of seats}) \times (3 \text{ GPD per seat})}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(g) Drive-in theater.

$$\frac{(\text{No. of car stalls}) \times (5 \text{ GPD per stall})}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(h) Private, elementary, junior or senior high school.

$$\frac{(\text{No. of pupils and teachers}) \times (20 \text{ GPD per pupil})}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(i) Boarding school.

$$\frac{(\text{No. of pupils in residence}) \times (100 \text{ GPD/pupil})}{200 \text{ GPD per EDU}} +$$

$$\frac{(\text{No. of pupils not in residence}) \times (20 \text{ GPD/pupil})}{200 \text{ GPD per EDU}} = \text{No. of EDU's}$$

(5) C-5 Special users. A sewer use charge will be based upon the user's proportionate share of the net annual operation and maintenance costs. Factors that may be included are strength,

volume and delivery flow rate of wastewater to the treatment facility. Determination of a rate will be by the Board of Selectmen on a case-by-case basis.

D. Industrial wastewater. All industrial users discharging wastewater to the sewer system are subject to industrial cost recovery (ICR) requirements pursuant to the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) and subsequent amendments. ICR charges, if any, are in addition to the rates as set forth in this section. Three (3) industrial classifications are presented herein. The I-1 classification is used for industrial users who discharge less than twenty-five thousand (25,000) gallons of wastewater and/ or process water of normal characteristics per day. The I-2 classification is for industries discharging more than twenty-five (25,000) gallons per day of wastewater and/or process water with normal characteristics. The I-3 classification is for industries discharging wastewater with abnormal characteristics. Industries in I-2 and I-3 classifications may be required to install metering and sampling stations.

(1) I-1. A sewer usage charge will be based upon the amount of wastewater discharged, determined by a method approved by the Board of Selectmen. The past year's wastewater discharge will be used and converted to EDU's. The minimum charge is that for one (1) EDU. Billing will be annually or quarterly, at the discretion of the Board.

$$\text{No. of EDU's} = \frac{\text{Past year's (or quarter's) wastewater discharge}}{73,000 \text{ gallons per year per EDU}}$$

(2) I-2. A sewer usage charge may be based either upon percentage of total treatment facility flow contributed by the user or upon percentages of flow, BOD and SS of the total facility flow, BOD and SS, respectively. The method used shall be made on a case-by-case basis by the Board of Selectmen.

(a) Rate based on flow. A sewer usage charge based upon the percentage of total treatment facility flow contributed by the user times the net annual operating and maintenance costs, as defined in Appendix A, is as follows:

$$\text{Monthly charge} = \frac{(\text{O \& M}) \times \text{Past quarter user flow}}{\text{Past quarter system now}}$$

$$\text{O \& M} = 1/4 \times \text{Net annual operating and maintenance costs}$$

(b) Rate based on flow and strength. A sewer usage charge based upon the percentages of flow, BOD and SS contributed by the user, of those of the treatment facility times the net annual operating and maintenance cost, as defined in Appendix A, and shall be weighted as follows for flow, BOD and SS:

[1] Flow: 50% of total cost.

[2] BOD: 25% of total cost.

[3] Suspended solids: 25% of total cost.

$$\text{Weighted average} = \frac{0.5 \times \text{Past quarter user flow}}{\text{Total Plant flow}} + 0.25 \times$$

$$\frac{\text{Past quarter user BOD}}{\text{Total plant BOD}} + 0.25 \times \frac{\text{Past quarter user SS}}{\text{Total plant SS}}$$

$$\text{Quarterly charge} = (\text{Weighted average}) \times (\text{O \& M})$$

$$\text{O \& M} = 1/4 \times \text{Net annual operating and maintenance costs}$$

(3) I-3. A sewer usage charge will be based upon the user's proportionate share of the net annual operation and maintenance costs. Factors that may be included are strength, volume and

delivery flow rate of wastewater to the treatment facility. Determination of a rate will be by the Board of Selectmen on a case-by-case basis.

## **Policy 5 – Vehicles and Traffic**

**HISTORY:** Adopted by the Board of Selectmen 11-24-1970. EN Amendments noted where applicable. Removed in total from Code of Ordinances and placed in the Town Policy Handbook Ord. 2007-12, RTCM July 11, 2007)

### **ARTICLE I, Definitions**

#### 1. Terms defined.

For the purpose of these rules and orders, the words and phrases used herein shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

**BUS STOP:** An area in a roadway set aside for the boarding of or alighting from buses. (The word "bus" shall be construed to mean every vehicle designed for carrying more than nine (9) passengers and used primarily for the transportation of persons.)

**CAUTION SIGNAL:** A flashing yellow signal having the same general function as a warning sign.

**CROSSWALK:** That portion of a roadway ordinarily included within the extensions of the sidewalk lines, or, if none, then the footpath lines, and, at any place in a highway, clearly indicated for pedestrian crossing by lines or markers upon the roadway surface.

**EMERGENCY VEHICLE:** Vehicles of the Fire Department (fire patrol), police vehicles and such ambulances and emergency vehicles of federal, state or municipal departments or public-service corporations as are commonly recognized as such.

**FUNERAL:** Any procession of mourners properly identified as such accompanying the remains of a human body.

**INTERSECTION:** The area embraced within the extensions of the lateral curblines, or, if none, then the lateral boundary lines, of intersecting ways, as defined in MGL C. 90, §1, including divided ways. The rules and regulations herein contained governing and restricting the movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic control signals whether or not such place is an "intersection" as herein defined.

**LANE:** A longitudinal division of a roadway of sufficient width to accommodate the passage of a single line of vehicles, whether or not such lane is indicated by pavement markings or longitudinal construction joints.

**OFFICER:** Any police officer or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**ONE-WAY HIGHWAYS:** Roadways or streets designated by the rules and orders as one-way and upon which vehicular traffic may move only in the direction indicated by signs.

**PARKING:** The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic

signs or signals or while making emergency repairs, or, if disabled, while arrangements are being made to move such vehicle.

**PEDESTRIAN:** Any person afoot or riding on a conveyance moved by human power except bicycles or tricycles.

**PERSON:** Includes any individual, firm, co-partnership, association or corporation.

**ROADWAY:** That portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

**SIDEWALK:** That portion of a street or highway set aside for pedestrian travel.

**STOP SIGNAL:** A flashing red signal having the same function as a stop sign.

**STREET or HIGHWAY:** The entire width between property lines of every way open to the use of the public for purposes of travel.

**STREET MARKING:** Any painted line, legend or marking of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the Department of Public Works, Commonwealth of Massachusetts.

**TAXICAB STAND:** An area in the roadway in which taxicabs are required to park while waiting to be engaged.

**TRAFFIC:** Pedestrians, ridden or herded animals, vehicles, streetcars or other conveyances, either singly or together, while using any street or highway for the purpose of travel.

**TRAFFIC CONTROL SIGNAL:** Any device using colored lights which conforms to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts, whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and to proceed.

**TRAFFIC SIGNS:** All signs, markings and devices, other than signals, not inconsistent with these rules and orders and which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

**U-TURNS:** The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

**VEHICLE:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

## **ARTICLE II, Authority and Duties of Police and Town Manager.**

### **1. Enforcement authority.**

It shall be the duty of officers designated by the Chief of Police to enforce the provisions of these rules and orders. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of these rules and orders, provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the Police or Fire Department may direct traffic as conditions may require, notwithstanding the provisions of these rules and orders.

### **2. Authority to close streets temporarily.**

The Chief of Police may close temporarily any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing of such street.

3. Authority to prohibit parking temporarily.

The Chief of Police may prohibit temporarily parking on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage, demonstration or procession, provided that there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

4. Obedience to police.

Drivers of vehicles shall comply with any lawful or reasonable order, signal or direction of any officer.

5. Exemptions.

The provisions of these rules and orders shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of these rules and orders. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

6. Authority to make emergency and experimental regulations.

For purposes of trial, the Town Manager may make temporary rules regulating traffic or test under actual conditions traffic signs, signals, markings or other devices. No such emergency or experimental rule regulating traffic shall remain in effect for a period of time longer than sixty (60) days.

**ARTICLE III, Traffic Signs, Signals, Markings and Zones**

1. Official traffic signs and signals.

A. The Director of Public Works is hereby authorized and, as to those signs and signals required hereunder, it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standard as prescribed by the Department of Public Works in the Commonwealth of Massachusetts.

B. Sections 2. and 3. of Article II; Sections 2., 3., 4. and 7. of Article V relating to parking; and Section 10. of Article VIII relating to turning movements, shall be effective only during such times as a sufficient number of official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.

C. Sections relating to one-way streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at the entrance and at each of the exits for each one-way street so that at least one (1) sign will be clearly visible for a distance of at least seventy-five (75) feet to drivers approaching such entrance or exit.

2. Display of unauthorized signs, signals and markings.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal or marking which purports to be or is an imitation of or resembles an official traffic sign, signal or marking or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal or marking or cause it to be removed, without notice.

3. Interference with signs, signals and markings.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding twenty dollars (\$20) for each and every offense.

4. Location of bus stops, taxi stands and service zones.

The location of all bus stops, taxicab stands and service zones shall be specified by the Board of Selectmen, and in the case of taxicab stands, the Board of Selectmen shall designate who may use them as such.

5. Obedience to signs and signals.

No driver of any vehicle shall disobey the instructions of any official traffic control sign, signal, marking or legend unless otherwise directed by a police officer.

#### **ARTICLE IV, Zones of Quiet**

1. Establishment.

The Director of Public Works may temporarily establish a zone of quiet upon any street where a person is seriously ill if requested to do so by the written statement of a registered physician certifying to its necessity. Said temporary zone of quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the person named in the request of said physician. Said temporary zones of quiet shall be designated by the police by placing at a conspicuous place in the street a sign or marker bearing the words "zone of quiet."

2. Prohibited activities.

No person operating a motor vehicle within any designated and signed zone of quiet shall sound the horn or other warning device of said vehicle except in an emergency.

#### **ARTICLE V, Parking**

1. General prohibitions.

No person shall park a vehicle and no person shall allow, permit or suffer any vehicle registered in his name to be parked in any of the following places:

- A. Within an intersection, except in those intersections where the installation of parking meters has been specifically approved by the Department of Public Works of the Commonwealth of Massachusetts.
- B. Upon any sidewalk.
- C. Upon any crosswalk.
- D. Upon the roadway in a rural or sparsely settled district.

- E. Adjacent to any center division strip or island placed upon and being a part of any street or highway, unless the vehicle is entirely within a parking meter space.
- F. Within a crossover.
- G. Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12") inches of the curb or edge of the roadway, except on those streets which are designated as one-way streets. On such one-way streets, vehicles shall be parked in the direction in which said vehicle is moving and with both wheels within twelve (12") inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by these regulations.
- H. On the roadway side of any vehicle stopped or parked at the edge of curb of a street in such a manner as to constitute double-line or multiple-line parking.
- I. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10') feet wide for passing traffic.
- J. Upon any street or highway within ten (10') feet of a fire hydrant.
- K. In front of any private road or driveway without the consent of the owner of said private road or driveway.
- L. Upon any street or highway within twenty (20') feet of an intersecting way, except alleys.
- M. On bridges or approaches thereto when these are designated by standard signs.
- N. Upon any street or highway where the parking of a vehicle will obstruct or hide from view any traffic control signal, provided that signs are erected notifying of such regulations or restriction.

## 2. Parking locations and prohibitions

Parking is prohibited, restricted or limited as to time, space and streets in accordance with a schedule designated as Schedule I hereto appended to which reference is made and which Schedule I is specifically incorporated into this section. No operator shall park a vehicle in the designated prohibited locations or in the restricted locations for a period longer than is designated in Schedule I, except as otherwise provided in such schedule.

## 3. Bus stops.

- A. No person shall stop a bus upon any street within a business district to discharge or take on passengers at any place other than places designated as bus stops by the Town Manager and duly marked as such.
- B. No person shall stop or park a vehicle, except a bus, at any place designated as a bus stop. In accordance with the foregoing, a schedule designated as Schedule II is hereto appended to which reference is made and which Schedule II is specifically incorporated into this section.

## 4. Taxicab stands.

- A. No person shall park a taxicab upon any street within a business district at any place other than a taxicab stand or stands designated for the use of his taxicab or taxicabs except while waiting for an opportunity to use a taxicab stand designated for his use.
- B. No person shall at any time park a vehicle other than a taxicab upon any street within a business district in any taxicab stand except while actually engaged in loading or unloading, provided that such loading or unloading does not exceed a period of time longer than fifteen (15) minutes. In accordance with the foregoing, a schedule designated as Schedule III is hereto appended to which reference is made and which Schedule III is specifically incorporated into this section.

5. Angle parking.

A. The Town Manager shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed. In accordance with the foregoing, a schedule designated as Schedule IV is hereto appended to which reference is made and which Schedule IV is specifically incorporated into this section.

B. Upon the streets or parts of streets which may hereafter be designated in Schedule IV and marked and signed for angle parking, vehicles shall be parked with one wheel within twelve (12") inches of the curb and at the angle to the curb indicated by such marks or signs, and each vehicle shall be entirely within the painted lines designated for its individual use.

6. All-night parking prohibited.

It shall be unlawful for the driver of any vehicle, other than one acting in an emergency, to park said vehicle on any street or any municipal off-street area for a period of time longer than one (1) hour between the hours of 1:00 a.m. and 6:00 a.m. from December 1 of one year to March 31 of the next year.

7. Service zones.

No person shall park a vehicle upon any street or municipal parking area in any service zone for a period of time longer than thirty (30) minutes and except while actually loading or unloading.

8. Parking of vehicles for sale restricted.

It shall be unlawful for any person to park upon a street, highway or off-street parking area controlled by the town any vehicle displayed for sale.

9. Repair and maintenance of vehicles in public ways.

No person shall repair, wash or clean vehicles or other conveyances or cause them to be repaired, washed or cleaned in or upon any public way of the town or any municipal parking area, nor shall any person occupy any part of any public way of the town or any off-street parking area controlled by the town as storage room for any vehicle; except that in an emergency, temporary repairs may be made.

10. Time limit parking.

No person shall park a vehicle for longer than the period specified in accordance with a schedule designated as Schedule V hereto appended to which reference is made and which Schedule V is specifically incorporated into this section.

**ARTICLE VI, Advertising; Parades and Processions**

1. Use of vehicle for advertising restricted.

No person shall operate or park a vehicle on any street or highway for the sole purpose of displaying advertising signs.

2. Parades and processions.

No parade or procession except a funeral as provided by these rules and orders, excepting the Armed Forces of the United States, the military forces of the Commonwealth of Massachusetts and the forces of the Police and Fire Departments, shall occupy, march or proceed along any roadway except in accordance with a permit issued by the Chief of Police or Town Manager and such other regulations as are set forth herein which may apply.

## **ARTICLE VII, One-Way Traffic**

### 1. One-way traffic.

The streets or parts of streets or municipal off-street parking areas or parts of municipal off-street parking areas designated in Schedule VI hereto appended and specifically incorporated into this section shall have one-way traffic, and all vehicular traffic shall move on these streets or municipal off-street parking areas or parts thereof in the direction designated in Schedule VI.

## **ARTICLE VIII, Operation of Vehicles**

### 1. Explanation of traffic control signals.

Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a stop sign), signal or device or as provided in Section 6.B. of this Article. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic control signals.

A. Green. While the green lens is illuminated, drivers facing the signal may proceed through the intersection but shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was actuated.

B. Right, left and vertical green arrows. When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or a yellow lens, drivers may enter the intersection to make the movement permitted by the arrow but shall yield the right-of-way to vehicles and pedestrians proceeding from another direction on a green indication.

C. Yellow. While the yellow lens is illuminated, waiting drivers shall not proceed and any driver approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by the arrow.

D. Red. While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection or at such point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.

E. Red and yellow. While the red and yellow lenses are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved for the exclusive use of pedestrians.

F. Flashing red. When a red lens is illuminated in a traffic control signal by rapid intermittent flashes and its use has been specifically authorized by the Department of Public Works of the Commonwealth of Massachusetts, drivers shall stop before entering the nearer line of crosswalk of the street intersection or at a stop line when marked, and the right to proceed shall then be governed by provisions of MGL c. 89 §8.

G. Flashing yellow. A flashing yellow lens shall indicate the presence of a hazard and drivers may proceed only with caution.

H. Flashing green. A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to a red and/or yellow indication.

2. Keeping to the right of roadway divisions.

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer, signs, signals or markings.

3. Operation at underpasses, overpasses and intersections with islands.

At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps and at any intersection of ways in which there are traffic islands, drivers of vehicles shall proceed only as indicated by official signs, signals or markings.

4. Driving on surfaces under construction or repair.

A. No operator shall enter upon the road surface of any street or highway or section thereof when, by reason of construction, surface treatment, maintenance or the like or because of some unprotected hazard, such road surface is closed to travel and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the town, either audibly or by signals.

B. The Director of Public Works may close temporarily any street or highway or section thereof for the purpose of repair, construction and maintenance of the street or highway or the utilities within it or because of some unprotected hazard and shall cause to be erected one or more signs, lights or signals to indicate that all or part of the road surface of the street or highway is not to be used. Officers, watchmen, members of a street or highway crew or employees of the town may be used instead of or to supplement signs, lights or signals.

5. Identification of funerals.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black or white pennants bearing a purple symbol attached to all vehicles.

6. Rights and duties of drivers in funerals and other processions.

A. It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as is practicable and safe.

B. At an intersection where a traffic control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red and/or yellow indication.

C. At an intersection where a lawful stop or yield sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

7. Obedience to signs, signals and markings.

The driver of any vehicle or of any streetcar shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer.

8. Operation with men or equipment on highway.

Whenever traffic signs are erected or warning lights are displayed in or adjacent to a highway to notify of the presence of men and equipment in such highway, every motorist shall regulate the speed of his vehicle in a manner and to a degree consistent with the particular condition.

9. Obedience to stop signs.

Every driver of a vehicle, railway car or other conveyance approaching an intersection of ways where there exists facing him an official sign bearing the word "stop" or a flashing red signal indication, said sign or signal having, apart from these rules and orders, the written approval of the Department of Public Works, Commonwealth of Massachusetts, and such approval being in effect, shall, before proceeding through the intersection, bring such vehicle, railway car or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or if a point is not marked, then at the nearer line of crosswalk of the said intersection. In the case of a line of two or more vehicles approaching such stop sign or flashing red signal indication, the drivers of the second and third vehicles in any group shall not be required to stop more than once before proceeding through the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic regulating sign, signal or device or as provided in Section 6.C. of this Article. In accordance with the foregoing, the erection and maintenance of official stop signs or flashing red signal indications are authorized so as to face the streets or intersections as provided in Schedule VII of these rules and regulations to which reference is made and said Schedule VII is hereby specifically incorporated into this section.

10. Prohibited U-turns.

No operator shall back or turn a vehicle so as to proceed in the direction opposite that in which said vehicle is headed or traveling on certain designated streets as per Schedule VIII hereto appended to which reference is made and which Schedule VIII is specifically incorporated into this section.

11. Truck exclusions. (Added 6-5-1989)

A. The use and operation of heavy commercial vehicles, having a carrying capacity of more than two and one half (2 ½) tons, are hereby restricted on the streets, or parts thereof, named in Schedule IX (Article XI, Section 9. and in the manner outlined and during the period of time set forth.

B. Exemptions. Subsection A of this section shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries of goods, materials or merchandise to, or similar collections from, abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities therein or to federal, state, municipal or public service corporation owned vehicles.

C. Violations and penalties. The penalty for violation of this section shall not exceed twenty dollars (\$20) for the first offense and each successive offense.

D. The enforcement officer of this section shall be the Police Department.

**ARTICLE IX, Pedestrians**

1. Crossing of ways or roadways.

Pedestrians shall obey the direction of police officers directing traffic, and whenever there is an officer directing traffic or a traffic control signal within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of the marked crosswalk at the

signalized location and as hereinafter provided in these regulations. For the purpose of these regulations, a "marked crosswalk" shall only be construed to be that area of a roadway reserved for pedestrian crossing located between two (2) solid white reflectorized twelve (12) inch pavement markings in rural areas or markings not less than six (6) inches wide in urban areas, said markings or lines being no less than six (6) feet apart.

## 2. Pedestrian actuation; yielding right-of-way to funerals.

A. At a traffic control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been actuated and then such pedestrian shall cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.

B. At a traffic control signal location, pedestrians shall yield the right-of-way to vehicles of a funeral or other procession or authorized emergency vehicles while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed, at which time pedestrians shall then cross the roadway only as provided in these regulations.

## 3. Obedience to traffic control signals.

Traffic control signal color indications and legends shall have the commands ascribed to them in this section and no other meanings, and every pedestrian shall comply therewith except when otherwise directed by an officer.

A. Red and yellow or the word "walk." Whenever the red and yellow lenses are illuminated together or the single word "walk" is illuminated, pedestrians facing such indications may proceed across the roadway and in the direction of such signal only.

B. Red alone or "don't walk." Whenever the words "don't walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge or roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the "walk" indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the words "don't walk" are illuminated by rapid intermittent flashes.

C. Green alone. At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.

D. Yellow alone, red alone or flashing "don't walk." Pedestrians approaching or facing a yellow, red or flashing "don't walk" illuminated indication shall not start to cross a roadway.

E. Flashing red, yellow or green. At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or "walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

#### 4. False actuation of signals prohibited.

It shall be unlawful for any person to actuate a pedestrian control signal unless a crossing of the roadway is intended.

#### 5. Applicability of other provisions; exercise of care by vehicle operators.

The provisions of these regulations shall in no way abrogate the provisions of MGL C. 90, §§14 and 14A, which provide: "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways." Furthermore, notwithstanding the provisions of these regulations, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operations.

#### 6. Exemptions.

The provisions of these rules and regulations governing the use of ways by pedestrians shall not apply to pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair; to municipal, state, federal or public-service corporation employees while in the performance of their duties; to officers engaged in the performance of their public duties; or to pedestrians acting in an emergency, which such emergency necessitates departure from any part of these rules and regulations.

#### 7. Sign requests. (Added 11-8-1993 STM, Art. 21)

A. Signs warning of pedestrian crossings may only be placed on, over or next to a public way, within the right-of-way, after receiving the written permission of the Town Manager. All requests for such signs must be submitted to the Selectmen in writing and shall include the specific location, type, dimensions, materials, wording of said sign(s), hours to be displayed, and the persons/parties responsible for putting out, taking in and maintaining the sign(s).

B. Prior to issuing its approval/disapproval of a request, the Town Manager shall refer the request to the Palmer Police Chief (or his/her designee), the Director of Public Works and the Palmer Safety Committee for their review and recommendations.

C. The Town Manager shall either deny, approve or approve with modifications/conditions (the Manager may impose any modifications/conditions that he/she feels are in the best interest of the town), each request for permission following the receipt of the recommendations of the Police Chief/designee, Director of Public Works and the Safety Committee. Receipt of the Manager's permission to install such sign(s) does not abrogate or obviate the need of the applicant to obtain all other necessary approvals/permits for said signs(s), if any.

#### 8. Violations and penalties.

Any person who violates the provisions of this Article which deal with the proper use of ways by pedestrians shall be punished as provided in MGL c. 90, §18A.

### **ARTICLE X, Accident Reports; Violations**

#### 1. Accident reports required.

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to an apparent total extent of two hundred dollars (\$200) to any one vehicle or other property shall report such accident as required by MGL c. 90, §26.

2. Owner prima facie responsible for violations.

If any vehicle is found upon any street or highway in violation of any provisions of these rules and orders and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

3. Violations and penalties.

A. Any person convicted of a violation of any rule, regulation or order made hereunder, except as otherwise provided, shall be punished by a fine not exceeding twenty dollars (\$20) for each offense.

B. [Amended 11-8-1983] Pursuant to the authority granted by MGL c. 90, §§20A 1/2 and 20C, any person violating any rule, regulation or order made herein regulating the parking of motor vehicles shall be punished by a fine for each offense as hereinafter set forth:

(1) Offenses.

- (a) Restricted place or prohibited area, including handicapped parking area.
- (b) Parking within ten (10) feet of a hydrant.
- (c) Obstructing a driveway.
- (d) Parking within twenty (20) feet of an intersecting way.
- (e) Snow removal.
- (f) Overtime parking.
- (g) Over one foot from curb.
- (h) Wrong direction.
- (i) Obstructing a sidewalk.
- (j) Obstructing a crosswalk.
- (k) All-night parking.
- (l) Parking within a bus stop or taxi stand.
- (m) Double parking.
- (n) Improper parking.

(2) Schedule of fines per calendar year.

Offense	Fine
1st	\$ 5.00
2nd-4th	\$10.00
5th and subsequent	\$15.00

4. Repealer.

All rules previously adopted by the Board of Selectmen of the town for the purposes of governing or restricting traffic are hereby repealed and all other rules or regulations or parts thereof in conflict with or inconsistent with any provisions of these rules are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any rules or regulations hereby repealed prior to the taking effect of these rules.

## ARTICLE XI, Schedules

### 1. Schedule I: Parking Prohibited.

Pursuant to Article V, Section 2, parking shall be prohibited in the following locations:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
A. Depot Village.		
Bridge Street	East	From Main Street to the railroad underpass
Central Street	Both	From Park Street to a point 95 feet south therefrom
Foster Street	North	From Thorndike Street to Knox Street
Foundry Street	Both	From North Main Street to the railroad underpass
Main Street	South	From 380 feet east of the easterly line of Central Street to a point 85 feet east therefrom
North Main Street	North	From the intersection of the easterly line of North Main Street and the southerly line of Shearer Street to a point 325 feet south and east therefrom
North Main Street	South	From the point of intersection of the southerly line of Wilbraham Street and westerly line of North Main Street to a point 225 feet east
North Main Street	West	From the intersection of the westerly line of North Main Street and the southerly extension line of Shearer Street southerly to Boston Road (also known as Wilbraham Street)
Park Street	North	From Thorndike Street to Pearl Street
Pleasant Street	North	From Thorndike Street to a point 75 feet east therefrom
Pleasant Street	South	From Thorndike Street to Pearl Street
South Main Street	North	From the railroad bridge at the terminus of Church Street to 150 feet east of the bridge
Thorndike Street	East	From Main Street to Park Street
Walnut Street	Both	From Main Street to French Street
B. Three Rivers.		
Bridge Street	West	From the south end of the bridge across the Chicopee River to the intersection of Barker Street and Belchertown Street
Front Street	East	From the southerly line of Springfield Street to a point 175 feet south therefrom
Front Street	West	From the southerly line of Springfield Street to a point 60 feet south therefrom
Main Street	North	From Bridge Street to the railroad crossing

North Main Street	West	From Bridge Street to a point 700 feet north therefrom
Prospect Street	Both	From Main Street to a point 100 feet north therefrom
Springfield Street	North	From the intersection with the westerly extension line of Front Street to a point 175 feet west therefrom
Springfield Street	South	From the easterly line of Front Street to a point 40 feet East therefrom
Springfield Street	South	From the westerly line of Front Street to a point 60 feet West therefrom

C. Thorndike.

High Street	South	From Main Street to Commercial Street
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D. Bondsville.

High Street	East	From State Street to Spring Street
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2. Schedule II: Bus Stops.

Pursuant to Article V, Section 3., bus stops shall be designated at the following locations:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
A. Depot Village.		
Central Street	East	From a point 10 feet north of Main Street to a point 80 Feet north therefrom
Central Street	West	From a point 10 feet north of Main Street to a point 90 Feet north therefrom

3. Schedule III: Taxicab Stands.

Pursuant to Article V, Section 4., taxicab stands shall be designated at the following locations:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
A. Depot Village.		
Central Street	East	From a point 90 feet north of Main Street to a point 110 Feet north therefrom
Central Street	West	From a point 120 feet north of Main Street to a point 140 Feet north therefrom

4. Schedule IV: Angle Parking.

Pursuant to Article V, Section 5., angle parking shall be required in the following locations:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
A. Depot Village.		
Bridge Street	West	From a point 40 feet south from the southerly line of Main Street to a point 70 feet south of the southerly line of Main Street

Main Street	North	From Thorndike Street to Walnut Street
B. Three Rivers.		
Front Street	West	From the southerly point of Springfield Street to a point 150 feet south therefrom
Main Street	South	From Route 181 west for a distance of 500 feet
C. Bondsville.		
State Street	South	From High Street to Main Street

5. Schedule V: Time Limit Parking.

Pursuant to Article V, Section 10., parking time shall be limited in the following locations to the times indicated:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit/ Hours</u>	<u>Location</u>
A. Depot Village.			
Bridge Street	West	2 hrs./9:00 a.m. to 6:00 p.m.; except Friday 9:00 a.m. to 9:00 p.m.	From a point 40 feet south of the southerly line of Main Street to a point 70 feet south of the southerly line of Main Street
Central Street	Both	2 hrs./9:00 a.m. to 6:00 p.m.; except Friday 9:00 a.m. to 9:00 p.m.	From Main Street to Pleasant Street
Central Street	East	15 mins./All	From Pleasant Street to a point 40 feet south therefrom
Main Street	Both	2 hrs./9:00 a.m. to 6:00 p.m.; except Friday 9:00 a.m. to 9:00 p.m.	From Thorndike Street to Church Street
North Main Street	Both	2 hrs./9:00 a.m. to 6:00 p.m.; except Friday 9:00 a.m. to 9:00 p.m.	From Squier Street to Thorndike Street

Pleasant Street	North	2 hrs./9:00 a.m. to 6:00 p.m.; except Friday 9:00 a.m. to 9:00 p.m.	From Thorndike Street to Pearl Street
School Street	West	15 mins./All	From Park Street to a point 25 feet south therefrom
Thorndike Street	West	2 hrs./9:00 a.m. to 6:00 p.m.; except Friday 9:00 a.m. to 9:00 p.m.	From Main Street to Foster Street

B. Thorndike.

Thorndike	West	15 mins./All	From the center line of the Dairy Bar store to 15 Feet each side of the center line
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C. Three Rivers.

Grzywna's Store	South	15 mins./All	From the center line of the store to 15 feet each side of the center line
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D. Bondsville.

Bondsville Dairy Bar	East	15 mins./All	From the center line of the store to 15 feet each side of the center line
Main Street		30 mins./All	Across from the Bondsville Dairy Bar (Added 4-8-1986)

6. Schedule VI: One-Way Traffic.

Pursuant to Article VII, Section 1., traffic shall flow in the direction indicated on the following streets:

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
A. Depot Village.		
Pleasant Street	North	From Church Street to Thorndike Street

7. Schedule VII: Stop Intersections.

Pursuant to Article VIII, Section 9., stop signs are erected at the following locations:

<u>Stop Sign on</u>	<u>Direction of Travel</u>	<u>At Intersection of</u>
A. Depot Village.		
Bridge Street	Northeast	Main Street
Central Street	Both	Park Street
Converse Street	Both	Walnut Street

Fairview Street	Both	Wright Street
Foundry Street	Northeast	Main Street
Highland Street	Both	Squier Street
Longview Street	Both	Buckland Street
Maple Street	Southwest	Park Street
Palmer Street	East	Sykes Street
Pearl Street	Both	Park Street
Pleasant Street	Both	Central Street
Pleasant Street	Both	Walnut Street
School Street	Both	Park Street
Shearer Street	Northeast	Thorndike Street
Shearer Street	West	North Main Street
Squier Street	Both	Pine Street
Thompson Street	West	Flynt Street
Walnut Street	Both	Park Street
Woodland Street	Southeast	Holbrook Street
Wright Street	West	North Main Street

B. Thorndike.

Center Street	East	Church Street
Commercial Street	Southeast	High Street
High Street	West	Main Street
Old Center Road	East	Church Street
River Street	West	Church Street

C. Bondsville.

Bridge Street	East	Main Street
Fuller Road	Southeast	Palmer Street
High Street	South	State Street
South High Street	South	South Main Street and Palmer Street
Thorndike Street	Northwest	Palmer Street

D. Three Rivers.

Bridge Street	Both	Springfield Street
Bridge Street	South	Front Street
Chudy Street	East	Barker Street and Belchertown Street
Maple Terrace	Northeast	Maple Street
Three Rivers Road	Both	Bondsville Road

8. Schedule VIII: Prohibited U-Turns.

Pursuant to Article VIII, Section 10, U-turns will be prohibited at the following locations:

<u>Name of Street</u>	<u>Limits</u>
A. Depot Village.	
Main Street	From Thorndike Street to the South Main Street bridge
North Main Street	From Wilbraham Street to Thorndike Street
B. Three Rivers.	
Main Street	From the intersection of Route 181 at Four Corners to Anderson Avenue

9. Schedule IX: Truck Exclusions. (Added 6-5-1989)

The following streets, pursuant to Article VIII, Section 11, shall be excluded from use by vehicles having a carrying capacity of more than two and one half (2 ½) tons:

<u>Name of Street</u>	<u>Municipality</u>
Baptist Hill Road	Palmer and Three Rivers
Bourne Street	Three Rivers
Burlingame Street	Three Rivers
Calkins Road	Palmer and Three Rivers
Church Street	Palmer
Ford Street	Three Rivers
High Street (that portion which is west of Commercial Street)	Thorndike
Palmer Road	Three Rivers
Pine Street	Bondsville
Pine Street	Palmer
Pleasant Street	Palmer
School Street	Palmer
South High Street	Bondsville
Three Rivers Road	Three Rivers

**ARTICLE XII, Towing of Vehicles (Added 2-14-1984)**

1. Authorization to remove vehicles.

The Chief of Police, or such Sergeants or other officers of higher rank in the Police Department as he may from time to time designate, is hereby authorized to remove to some convenient place through the agency of a person or persons in the employ of the Police Department or by an independent contractor any vehicle parked or standing on any part of any way under the control of the town in such a manner as to obstruct:

- A. Any curb designed for use by handicapped persons as means of egress to a street or public way.
- B. Any parking space reserved for a vehicle used by a disabled person whose vehicle bears the distinguishing license plate authorized by MGL C. 90, § 2.
- C. Or impede in any way the removal or plowing of snow or ice.
- D. Or violate any rule or regulation which prohibits the parking or standing of all vehicles in such ways or portions thereof under Article X, Section 3.B. or any other section of the Traffic Rules and Orders of the Town of Palmer

**POLICY 6 - Board of Health Fees**

**HISTORY: Adopted by the Board of Health of the Town of Palmer 5-1-1982. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM July 11, 2007)**

§214-1. Schedule. (Amended effective 9-10-1986; 2-1-1990; 1-1-1998)

The following schedule sets forth fees charged by the Board of Health.

<u>License or Permit</u>	<u>Fee (\$)</u>	
Bakery	50.00	
Body Art Establishment	150.00	
Body Art Practioner	100.00	
Bottling	50.00	
Catering	75.00	
Ecology can	15.00	
Food establishment	75.00	
Convenience store	50.00	
Deli	25.00	
Salad bar	25.00	
Frozen dessert	25.00	
Funeral director	75.00	
Manufacture of ice cream	50.00	
Massage parlor	50.00	
Milk and cream	10.00	
Mobile home park	50.00	
Mobile food	50.00	Inspection Needed
Motel	75.00	
Recreational camp	75.00	

Swimming pool (public)	50.00	
Tanning	50.00	
Temporary food	25.00	
Perc test	300.00	
Septic Hauler	75.00	
Septic Installer	100.00	
Septic plan review	100.00	
Final septic inspection	100.00	
1-Day Food Permit	25.00	Must have Serv Safe
Tobacco	75.00	

## **POLICY 7 – Board of Health Rules and Regulations**

**HISTORY:** Adopted by the Board of Health of the Town of Palmer, effective 1-1-1961. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-12, RTCM July 11, 2007)

### **ARTICLE I, Control of Communicable Diseases**

#### 1. Definitions.

The following words, as used in this article, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

**BOARD OF HEALTH:** Includes the board, department or officer having like powers and duties in cities or towns.

**CARRIER:** A person who, without symptoms of a disease dangerous to the public health, harbors and may disseminate the specific microorganisms of that disease.

**CONTACT:** Any person known to have been sufficiently near an infected person or animal to have been presumably exposed to transfer of infectious material directly or by articles freshly soiled with such materials.

**IMMUNES:** A person who has had the disease or has been artificially immunized against it and is presumably protected against another attack.

**INCUBATION PERIOD:** The usual period of time which elapses between the exposure of a person to infection and the development of the symptoms of the disease to which he may have been exposed.

**ISOLATION:** The separation of persons suffering from any disease dangerous to the public health or carrier of the infecting microorganisms from other persons in such places and under such conditions as will prevent the direct or indirect conveyance of the infectious agent to susceptible persons.

**LAST EXPOSURE:** The date of the removal to a hospital or the recovery or death of the patient, or the date on which the non-immune contact leaves and remains out of the house where the patient is isolated.

**PLACARD:** An official notice, written or printed, posted as a warning of the presence of a disease dangerous to the public health on the premises or in the apartment or room so placarded.

**QUARANTINE:** The restriction to the premises, house or apartment of materials and persons that presumably have been exposed to a disease dangerous to the public health.

**SUSCEPTIBLES or NONIMMUNES:** A person who is not known to have acquired immunity to the particular communicable disease in question.

## 2. Diseases considered dangerous to the public health.

The diseases listed below have been declared to be diseases dangerous to the public health and are reportable under the provisions of MGL c. 3, §§6, 7, 109, 111 and 112, as amended by Chapter 265 of the Acts of 1938, and notice of the occurrence of each case must be sent to the Board of Health in the manner required by the statutes:

Actinomycosis	Measles
Anterior poliomyelitis	Meningitis
Paralytic	Meningococcus meningitis
Nonparalytic (preparalytic)	Pfeiffer's bacillus meningitis
Anthrax	Mumps
Asiatic cholera	Paratyphoid fever A
Chicken pox	Paratyphoid fever B
Colecystitis of typhoid origin	Pellagra
Diphtheria	Plague
Dog bite	Psittacosis
Dysentery	Rabies
Amebic	Rocky Mountain spotted fever
Bacillary	Scarlet fever
German measles	Septic sore throat
Glanders	Smallpox
Gonorrhoea	Syphilis
Hookworm disease	Tetanus
Infectious diseases of the eye	Trichinosis
Ophthalmia neonatorum	Tuberculosis (all forms)
Suppurative conjunctivitis	Tularemia
Trachoma	Typhoid fever
Infectious encephalitis	Typhus fever
Malaria	Undulant fever
Leprosy	Whooping cough
Lobar pneumonia	Yellow fever

### 3. Physician's responsibility to give notice.

According to MGL c. 3, §3, as amended by Chapter 265 of the Acts of 1938:

"If a physician knows or has cause to believe that a person whom he visits is infected with a disease dangerous to the public health, or if either eye of an infant whom or whose mother a physician or a hospital medical officer registered under section nine of chapter one hundred and twelve, visits, becomes inflamed, swollen and red or shows an unnatural discharge, within two weeks after birth, he shall immediately give written notice thereof, signed by him, to the Board of Health of the town where the patient is being attended by him. If the Board of Health which receives such written notice is the Board of Health of a town other than that wherein the patient dwells, it shall, immediately upon receipt of such notice, send a copy thereof, to the Board of Health of the town wherein the patient

dwells; and, in addition thereto, the Board of Health which receives such written notice, whether or not it is the Board of Health of the town wherein the patient dwells, shall send a copy thereof to the Board of Health of the town in which the patient is known to have contracted such disease and to the Board of Health of each town in which he is known to have exposed any persons to such disease. If a physician or such a hospital medical officer refuses or neglects to give the notice required by this section he shall be punished by a fine of not less than fifty nor more than two hundred dollars."

"The foregoing provisions of this section and the provisions of section one hundred and nine shall not apply to gonorrhea and syphilis, except in the case of eye infections in infants under two weeks of age. Any person having either of said diseases shall be reported to local boards of health, either directly or through the department, in accordance with such special rules and regulations as the department may make, having due regard for the best interests of the public."

#### 4. Householder's responsibility to give notice.

When a householder knows that a person within his family or house is sick with a disease dangerous to the public health, he shall immediately give notice thereof to the Board of Health in the manner required by the statute (MGL c. 3, §109, as amended by Chapter 265 of the Acts of 1938); provided, however, that in cases in which a physician has been called in, his notification will be accepted in place of the householder's.

#### 5. Infectious eye diseases.

According to MGL c. 3, §110, as amended by Chapter 180 of the Acts of 1932, regarding ophthalmia neonatorum:

"If either eye of an infant becomes inflamed, swollen and red, or shows an unnatural discharge within two weeks after birth, the nurse, relative or other attendant having charge of such infant shall report in writing, within six hours thereafter, to the Board of Health of the town where the infant is, the fact that such inflammation, swelling and redness of the eyes or unnatural discharge exists. On receipt of such report, or of notice of the same symptoms given by a physician, or a hospital medical officer registered under the section nine of chapter one hundred and twelve, as provided by the following section, the Board of Health shall take such immediate action as it may deem necessary, including so far as may be possible, consultation with an oculist and the employment of a trained nurse, in order that blindness may be prevented."

#### 6. Period of isolation.

A person who is sick with any of the diseases dangerous to the public health shall be isolated in the manner and for the periods prescribed in the rules and regulations of the Massachusetts Department of Public Health.

#### 7. Method of isolation in certain cases.

Whoever is sick with anterior poliomyelitis (infantile paralysis), diphtheria, meningococcus meningitis, scarlet fever, smallpox, typhoid fever or any other of the diseases declared dangerous to the public health that the Board of Health may designate shall be immediately isolated in a place or room approved by the Board of Health or its agent or shall be moved to a hospital set apart for the treatment of such diseases, and no person so isolated shall leave such room or hospital until the period of isolation for the disease with which he is sick shall have elapsed and until the Board of Health or its agent shall permit him to do so.

8. Use of placards.

A. Houses or portions of houses in which there is a person sick shall be placarded for those diseases dangerous to the public health for which placarding is required under the minimum isolation and quarantine requirements of the State Department of Public Health.

B. The card shall not be removed except on the authority of the Board of Health.

9. Entry into places of isolation restricted.

No person except physicians, nurses and those whose duty it is to minister to the patient shall be allowed to enter the place of isolation during the continuance of the disease unless permitted to do so by the Board of Health or its agent.

10. Cleanliness of nurses after contact with patient.

Nurses and others caring for a person isolated as above shall wash their hands thoroughly with hot water, soap and scrubbing brush immediately after handling the patient, his discharges or any articles soiled by his discharges before mingling with others. They shall change their outer clothing before going out.

11. Cleanliness of patient's eating utensils, linens and woolens.

All eating utensils and linen used by the patient shall be boiled for at least fifteen (15) minutes immediately after being taken from the room. Upon release of the patients, woolen articles shall be exposed to sunlight and air for at least eight (8) hours.

12. Handling of patient's discharges.

The discharges of a person sick with typhoid fever, paratyphoid fever or dysentery shall be mixed with chloride of lime or other disinfectant approved by the Board of Health and shall be kept in contact therewith for at least thirty (30) minutes before being emptied into the hopper or privy vault.

13. Quarantine of contacts.

Contacts shall be under the restrictions prescribed in the rules and regulations of the Massachusetts Department of Public Health.

14. Certificate of noninfectiousness.

After the minimum period of isolation for an infectious disease has elapsed, the attending physician must present a certificate to the Board of Health stating that in his opinion the patient is noninfectious.

## **ARTICLE II, Massage and Vapor Bath Regulations**

1. License required.

No person shall practice massage or conduct an establishment for the giving of vapor baths for hire or reward, or advertise or hold himself out as being engaged in the business of massage or the giving of said baths, without first receiving a license therefore from the Board of Health, as required by MGL c. 140, § 51, as amended.

2. Qualifications for license.

Each applicant for a license to practice massage or to conduct an establishment for the giving of vapor baths shall be over twenty-one (21) years of age, a citizen of the United States and of good moral character.

3. Required information to be filed.

Each applicant shall file with the Board of Health an application form approved by the Board and three letters of recommendation.

4. Proof of training and experience.

Each applicant shall present to the Board of Health satisfactory evidence of his training and experience.

5. Restricted equipment.

Licensees shall not employ diathermy equipment, short-wave, electrical equipment, the X ray, the ultra ray or any mechanical device except with a written and signed order from a licensed physician. These orders are to be kept on permanent file.

6. Approval and inspection of premises.

Premises used as an establishment for the practice of massage or the business of giving vapor baths shall be approved by the Board of Health or its agent and shall be open to inspection by the Board of Health at all times in accordance with MGL c. 140, §51.

7. License fee.

The Board of Health shall receive for each license so granted the fee of five dollars (\$5).

8. Expiration of licenses.

Licenses to practice massage or to give vapor baths shall expire on the first day of May following the date of issue.

9. Suspension or revocation of licenses.

The Board of Health may suspend or revoke any licenses to practice massage or to give vapor baths granted by it, for such cause as it deems sufficient and without hearing.

10. Required medical reports.

No license for massage and vapor baths shall be granted each year until a satisfactory chest X ray and Wassermann report have been filed in the Board of Health office.

11. Violations and penalties.

Whoever violates any provision of this article shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than six (6) months, or both.

### **ARTICLE III, Eating and Drinking Establishments**

1. Permit requirements.

Effective January 1, 1961, no person, firm, corporation or association shall conduct, operate or maintain any restaurant or any establishment used for the manufacture of food in the Town of Palmer without a valid and un-revoked permit or temporary operating permit therefore issued by the Board of Health or its duly authorized representative or otherwise than in accordance with said permit and rules, regulations or orders intended for the protection of the public health issued by the Board of Health or orders issued by the Health Officer or his duly authorized representative. Applications for such permit shall be made on forms to be provided by the Board of Health. The permit under this article shall be issued annually on or before the first day of January and shall expire at 12:00 midnight, December 31 of each year. This permit shall be in addition to the license required under MGL c. 140, § 27 as amended. All permits shall be posted in a conspicuous place. Only persons who comply with the requirements of this article shall be entitled to receive and retain a permit. Any person conducting an itinerant restaurant shall also be required to secure a permit. Such permits may temporarily be suspended by the Health Officer upon the violation by the holder of any of the terms of this article or revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violations.

## 2. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this article:

**EMPLOYEE:** Any person who handles food or drink preparation or serving or who comes in contact with any eating or cooking utensils or who is employed in a room in which food or drink is prepared or served.

**HEALTH OFFICER:** The Board of Health of the Town of Palmer or its authorized representative.

**ITINERANT RESTAURANT:** A restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

**PERSON:** Individual owner, partnership, firm, corporation or association.

**RESTAURANT:** Restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain and all other eating and drinking establishments as well as kitchens or other places in which food and drink are prepared or manufactured for sale elsewhere.

**UTENSILS:** Includes any kitchenware, tableware, glassware, cutlery utensils, containers or other equipment with which food or drink comes in contact during storage, preparation or serving.

## 3. Examination and condemnation of food and drink.

Samples of food, drink and other substances may be taken and examined by the Health Officer as often as may be necessary for the detection of unwholesomeness, adulteration or contamination. The Health Officer may condemn or forbid the sale of or cause to be removed or destroyed any food or drink or other substance which is unwholesome, adulterated or contaminated.

## 4. Inspection of restaurants.

A. At least once every six months, the Health Officer shall inspect every restaurant located within the Town of Palmer. In case the Health Officer discovers the violation of an item of sanitation, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this article. Any violation of the same item of this article on such second inspection shall call for a seven-day notice of intention to suspend the permit of the holder thereof,

during which period of time the holder of the permit may show cause to the Board of Health why the permit should not be suspended.

B. One copy of the inspection report shall be furnished by the Health Officer to the establishment at the time of inspection. Another copy of the inspection report shall be filed with the records of the Board of Health.

C. The person operating the restaurant shall, upon request of the Health Officer, permit access to all parts of the establishment and shall permit copying of any or all records of food purchased, manufactured or utilized.

#### 5. Sanitation requirements for restaurants.

All restaurants shall comply with all of the following items of sanitation:

A. Floors. The floors of all rooms in which food and drink are stored, prepared or served or in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair.

B. Walls and ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored, prepared or served shall be finished in light color. The walls of all rooms in which food or drink is prepared or served or utensils are washed shall have a smooth, washable surface from floor to ceiling.

C. Doors and windows. All openings into the outer air shall be effectively screened and doors shall be self-closing unless other effective means are provided to prevent the entrance of flies.

D. Lighting. All rooms in which food or drink is stored, prepared or served or in which utensils are washed shall be well lighted.

E. Ventilation. All rooms in which food or drink is stored, prepared or served or in which utensils are washed shall be well ventilated.

F. Toilet facilities. Every restaurant shall be provided with adequate and conveniently located toilet and lavatory facilities for the employees. In restaurants hereafter constructed, renovated or remodeled, separate and adequate toilet and lavatory facilities shall be provided on the premises for the use of customers. In all cases, separate facilities shall be provided for each sex. In restaurants hereafter constructed, renovated or remodeled, toilet rooms shall not open directly into any room in which food, drink or utensils are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition. Hand washing signs shall be posted in each toilet room used by the employees.

G. Water supply. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate and of a safe, sanitary quality.

H. Construction of utensils and equipment. All multi-use utensils and all show- and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks or other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be cleaned easily and shall be kept clean and in good repair. Utensils containing or plated with cadmium or lead shall not be used, provided that the solder containing lead may be used for jointing.

I. Cleaning and bactericidal treatment of utensils and equipment.

(1) All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods and sinks, shall be kept free from dust, dirt, insects and other contaminating

material. All clothes used by waiters, chefs and other employees shall be clean. Single-service containers shall be used only once.

(2) All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to bactericidal process approved by the Board of Health after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to such approved bactericidal process immediately following the day's operation. All eating and drinking establishments must have a three-compartment sink to sterilize the multi-use eating and drinking utensils. No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

J. Storage and handling of utensils and equipment. After bactericidal treatment, as described above, utensils shall be stored in a clean, dry place protected from flies, dust and other contamination and shall be handled in such a manner as to prevent contamination as far as possible. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used and shall be handled in a sanitary manner.

K. Disposal of wastes. All wastes shall be properly disposed of and all garbage and rubbish shall be kept in covered, suitable receptacles in such a manner as not to become a nuisance.

L. Refrigeration. All readily perishable food and drink shall be kept at or below forty degrees (40° F) except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of.

M. Wholesomeness of food and drink. All food and drink shall be clean, wholesome, free from spoilage and contamination and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device, and such milk dispensed from a bulk container shall be homogenized; provided, however, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams and mussels shall be from approved sources and, if shucked, shall be kept until used in the containers in which they were placed at the shucking plant.

N. Storage, display and serving of food and drink. All food and drink shall be so stored, displayed and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infections, overhead leakage and other contaminations. No animal or fowl shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches and rodents shall be used.

O. Cleanliness of employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

P. Miscellaneous. The premises of all restaurants shall be kept clean and free from litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room, apartment or dwelling used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats and aprons shall be kept in containers provided for this purpose.

## 6. Disease control.

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no person suspected of being affected with any disease in a communicable form or of being a carrier of such disease shall work in any restaurant. If the restaurant manager suspects that an employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately. A placard containing this section shall be posted in all toilet rooms.

7. Interpretation of provisions.

Insofar as there may be ambiguity pertaining to the interpretation of this article, the interpretations as contained in the latest edition of the United States Public Health Service Code Regulating Eating and Drinking Establishments shall govern. A certified copy of such code shall be on file at the Town Clerk's office.

8. Violations and penalties.

Any person who violates any provisions of this article shall be fined not more than twenty dollars (\$20) by the court having jurisdiction. Each and every violation of any provision of this article shall constitute a separate offense.

8. When effective.

This article shall take effect on January 1, 1961, and shall remain in full force on and after that date unless amended or repealed.

10. Severability.

Should any section, item, paragraph, clause or phrase of this article be declared unconstitutional or invalid for any reason, the remainder of said article shall not be affected thereby.

**ARTICLE IV, Food Regulations**

1. General storage, sale and transportation requirements.

Premises, vehicles, receptacles, utensils or refrigerators used for the storage, sale, distribution or transportation of foodstuffs shall be maintained in a manner satisfactory to and shall be open at all times for inspection by the Board of Health or its agents. All floor display stands for raw foods shall be elevated at least eighteen (18) inches above the floor level.

2. Protection against contamination; refrigeration of perishables.

Every person, firm, corporation or association engaged in the storage, sale, distribution or transportation of foodstuffs shall cause his wares or those under his charge to be properly protected against all sources of contamination. No person shall expose for sale candy, delicatessen products or other foodstuffs which cannot be properly washed before consumption unless said foodstuffs are protected by glass covers or dustproof containers. Adequate refrigeration shall be provided for all perishable items.

3. Containers for waste food products.

All persons engaged in the storage, sale, distribution or transportation of foodstuffs shall provide adequate, covered containers for the reception of waste food products and shall cause such containers to be emptied frequently and to be cleaned at least once every week in a manner satisfactory to the

Board of Health. The vehicles of street peddlers or vendors of foodstuffs shall be construed to be included in this regulation.

4. Provision of adequate toilet facilities.

All persons occupying premises used for the sale, dispensing or distribution of foodstuffs shall cause such premises to be equipped with adequate toilet facilities and also adequate provision for the cleansing of the hands; except that in the case of refreshment stands, the Board of Health may, in writing, waive this clause if in its judgment adequate provision is made for cleanliness.

5. Cleanliness of food handlers.

Every person employed in the handling of food for public consumption shall maintain his or her person and clothes in a clean condition, and before beginning work and after using toilets or water closets, shall wash the hands and forearms thoroughly and rinse the same in clean water.

6. Storage of food in living or sleeping quarters prohibited.

No person shall keep or store any foodstuffs intended for sale in any room, apartment or dwelling used for living or sleeping purposes.

## **ARTICLE V, Milk Regulations**

1. Definitions.

A. The following definitions shall apply in the interpretation and enforcement of this article:

**ADULTERATED OR MISBRANDED MILK OR MILK PRODUCTS:** Any milk or cream to which water has been added, or any milk or milk product which contains any unwholesome substance or which, if defined in this article, does not conform to its definition, shall be deemed to be adulterated. Any milk or milk product which carries a grade label, which fails to conform in any other respect to the statements on the label, shall be deemed to be misbranded.

**AERATED CREAM:** Cream to which a harmless gas has been added to cause whipping of the product. It may also contain sugar, other harmless flavoring and a harmless stabilizer.

**AVERAGE BACTERIAL PLATE COUNT, DIRECT MICROSCOPIC COUNT AND COOLING TEMPERATURE:** "Average bacterial plate count" and "average direct microscopic count" shall be taken to mean the logarithmic average, and "average cooling temperature" shall be taken to mean the arithmetic average of the respective test results of the last four (4) consecutive samples taken upon separate days irrespective of the six (6) month period referred to in §221-47.

**BUTTERMILK:** A fluid product resulting from the churning of milk or cream. It contains not less than eight and one half percent (8.5%) of milk solids not fat.

**COTTAGE CHEESE:** The soft uncured cheese prepared from the curd, obtained by adding harmless, lactic-acid-producing bacteria, with or without enzymatic action, to pasteurized skim milk. It shall contain not more than eighty percent (80%) moisture.

**CREAM:** Portion of milk which contains not less than sixteen percent (16%) of milkfat.

**CREAMED COTTAGE CHEESE:** The soft uncured cheese which is prepared by mixing cottage cheese with pasteurized cream or with a pasteurized mixture of cream and milk or skim milk and which contains not less than four percent (4%) of milkfat by weight and not more than eighty percent (80%) moisture.

**CULTURED BUTTERMILK:** A fluid product resulting from the souring or treatment, by lactic acid or other culture, of pasteurized skim milk. It contains not less than eight and one half percent (8.5%) of milk solids not fat.

**DAIRY or DAIRY FARM:** Any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

**EXTRA-HEAVY CREAM:** Cream which contains not less than thirty-eight percent (38%) of milkfat.

**FLAVORED DRINK or FLAVORED DAIRY DRINK:** A beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.

**FLAVORED MILK:** A beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients.

**GOAT MILK:** The lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy goats.

**HALF-AND-HALF:** A product consisting of a blend of milk and cream which contains not less than ten percent (10%) of milkfat.

**HEALTH OFFICER:** The Board of Health of the Town of Palmer or its authorized representatives.

**HEAVY CREAM:** Cream which contains not less than thirty-four percent (34%) of milkfat.

**HOMOGENIZED MILK:** Milk which has been treated in such a manner as to ensure breakup of the fat globules to such an extent that, after forty-eight (48) hours of quiescent storage, no visible cream separation occurs on the milk and the fat percentage of the top one hundred (100) milliliters of milk in a quart bottle or of proportionate volume in containers of other sizes does not differ by more than ten percent (10%) of itself from the fat percentage of the remaining milk as determined after thorough mixing.

**LIGHT CREAM:** Cream which contains not less than sixteen percent (16%) of milkfat.

**MEDIUM CREAM:** Cream which contains not less than twenty-five percent (25%) of milkfat.

**MILK:** The lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. The word "milk" shall be interpreted to include goat milk and homogenized milk.

**MILK DISTRIBUTOR:** Any person who offers for sale or sells to another any milk or milk products for human consumption as such.

**MILKFAT:** The fat of milk.

**MILK HAULER:** Any person, other than a milk producer or milk-plant employee, who transports milk and/or milk products to or from a milk plant or a collecting point.

**MILK PLANT:** Any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, bottled or prepared for distribution, except any establishment where milk or milk products are sold at retail only.

**MILK PRODUCER:** Any person who owns or controls one or more cows, a part or all of the milk or milk products from which is sold or offered for sale.

**MILK PRODUCTS:** Includes cream, sour cream, half-and-half, aerated cream, skim milk, flavored milk, flavored dairy drink, buttermilk, cultured buttermilk, vitamin D milk, cottage cheese, creamed

cottage cheese and any other product made by the addition of any substance to milk or to any of the milk products and used for similar purposes and designated as a milk product by the Board of Health.

**NONFAT, FAT-FREE OR DEFATTED MILK:** Skim milk which contains not more than one tenth percent (0.1%) of milkfat.

**PASTEURIZATION or PASTEURIZED:** Refers to the process of heating every particle of milk or milk products to at least one hundred forty-three degrees (143°F) and holding it at such temperature continuously for at least thirty (30) minutes, or to at least one hundred and sixty-one degrees (161°F) and holding it at such temperature continuously for at least fifteen (15) seconds, in approved and properly operated equipment; provided that nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the Massachusetts Department of Public Health.

**PERSON:** Any individual, partnership, corporation, company, firm, trustee or association.

**PRODUCER DAIRY:** A dairy farm which sends milk or cream to a milk plant for processing.

**PRODUCER-DISTRIBUTOR:** A milk producer who is also a milk distributor.

**SKIM MILK:** Milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to less than three and thirty-five hundredth percent (3.35%).

**SOUR CREAM:** Cream, the acidity of which is more than two hundredth percent (0.02%), expressed as lactic acid.

**VITAMIN D MILK:** Milk, the vitamin D content of which has been increased by an approved method to at least four hundred (400) U.S.P. units per quart.

B. Word usage. Where the term "and/or" is used, "and" shall apply where possible; otherwise "or" shall apply.

2. Sale of adulterated, misbranded or un-graded milk or milk products prohibited.

A. No person shall, within the Town of Palmer or its police jurisdiction, produce, sell, offer or expose for sale or have in possession with intent to sell any milk or milk product which is adulterated, misbranded or un-graded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded or un-graded milk or milk product; provided that in an emergency, the sale of un-graded pasteurized milk or pasteurized milk products may be authorized by the Health Officer, upon the approval of the Massachusetts State Department of Public Health, in which case they shall be labeled "un-graded."

B. Any adulterated, misbranded and/or improperly labeled milk or milk products may be impounded by the Health Officer and disposed of in accordance with state law.

3. Required permits or license.

A. It shall be unlawful for any person to bring into, send into or receive into the Town of Palmer or its police jurisdiction for sale, or to sell or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products as defined in this article, who does not possess a permit or license from the Board of Health of the Town of Palmer.

B. Every milk producer shall secure a permit.

C. Only a person who complies with the requirements of this article shall be entitled to receive and retain such a permit or license.

D. Permits or licenses shall not be transferred with respect to persons and/or locations.

E. Such a permit or license may be temporarily suspended by the Health Officer upon violation by the holder of any of the terms of this article or for interference with the Health Officer in the performance of his duties, or may be revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violations.

#### 4. Labeling requirements.

All bottles, cans, packages and other containers enclosing milk or any milk product defined in §221-42A of this article shall be plainly labeled or marked with: the name of the contents as given in the definitions in this article; the grade of the contents; the word "pasteurized" only if the contents have been pasteurized; the identity of the plant at which the contents were pasteurized if the contents are pasteurized; in the case of vitamin D milk or milk products, the designation "Vitamin D," the source of the vitamin D and the number of U.S.P. units per quart; provided that only the identity of the producer dairy shall be required on cans delivered to a milk plant which receives only one grade of raw milk for pasteurization. The label or mark shall be in letters of an approved size, kind and color and shall contain no marks or words which are misleading. Homogenized milk or homogenized cream shall not be mixed with milk, skim milk or cream which has not been homogenized unless the product is labeled "homogenized" and conforms to the standards for homogenization as contained in the definition of "homogenized milk" in Section 1,A.

#### 5. Inspection of dairy farms and milk plants.

A. Prior to the issuance of a permit or license and at least once every six months thereafter, the Health Officer shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the Town of Palmer or its police jurisdiction. If the Health Officer should discover the violation of any requirement, he shall make a second inspection after a lapse of such time as he may deem necessary for the defect to be remedied, but not before the lapse of three days; and the second inspection shall be used in determining compliance with the requirements of Section 7 of this article. Any violation of this article on such re-inspection shall call for immediate suspension of permit or license and/or court action.

B. One copy of the inspection report shall be left by the Health Officer in a conspicuous place in the milk house or milk plant, and said inspection report shall not be defaced or removed. Another copy of the inspection report shall be filed with the records of the Health Department.

C. Every milk producer and distributor shall, upon the request of the Health Officer, permit him access to all parts of the establishment; and every distributor shall furnish the Health Officer, upon request, for official use only, a true statement of the actual quantities of milk or milk products of each grade purchased and sold, together with a list of all sources of such milk and milk products, records of inspections and tests and pasteurization time and temperature records.

#### 6. Examination of milk and milk products.

A. During each six (6) month period, at least four (4) samples of milk and cream from each dairy farm and at least four (4) samples of milk, cream and homogenized milk from each milk plant shall be taken on separate days and examined by the Health Officer, provided that in the case of raw milk for pasteurization, the Health Officer may accept the test results of laboratories which he has checked periodically and found satisfactory. Samples of other milk products shall be taken and examined by the Health Officer at least once during each six (6) month period. Samples may be taken at any time prior to the final delivery of milk or milk products. Samples of milk and milk

products from stores, cafes, soda fountains, restaurants and other places where milk or milk products are sold shall be examined as often as the Health Officer may require. All proprietors of such places shall furnish the Health Officer, upon request, the names of all distributors from whom their milk and milk products are obtained. Bacterial plate counts, direct microscopic counts, coliform determination, phosphatase tests, efficiency of bactericidal treatment and other laboratory and screening tests shall conform to the procedure in the latest edition of Standard Methods for the Examination of Dairy Products, recommended by the American Public Health Association, current at the time of adoption of this article. Examinations may include such other chemical and physical determinations as the Health Officer may deem necessary for the determination of adulteration. Bioassays of the vitamin D content of Vitamin D milk and milk products shall be made when required by the Health Officer in a laboratory approved by him for such examinations.

B. Whenever the average bacterial count or the average cooling temperature of the last four (4) consecutive samples taken on separate days is beyond the limit for the grade then held, the Health Officer shall send written notices thereof to the person concerned and shall take an additional sample, but not before the lapse of three (3) days, for determination of a new average in accordance with the definition of "average bacterial plate count, direct microscopic count and cooling temperature" in Section 1,A of this article. Violation of the grade requirements by the new average or by any subsequent average during the remainder of the current six (6) month period shall call for immediate suspension of permit or license and/or court action unless the last individual result is within the grade limit.

C. Whenever more than one (1) of the last four (4) consecutive coliform counts of samples taken on separate days is beyond the limit of the grade then held, the Health Officer shall send written notice thereof to the person concerned. He shall then take an additional sample, but not before the lapse of three (3) days. Immediate suspension of permit or license and/or court action shall be called for when the grade limit is violated by such additional samples or when the grade limit is again violated during the remainder of the current six (6) month period by more than one (1) of the last four (4) consecutive samples, unless the last individual result is within the grade limit.

D. In case of violation of the phosphatase test requirement, the probable cause shall be determined and corrected before milk or milk products from the plant concerned again can be sold as pasteurized milk or milk products.

## 7. Grades of milk and milk products.

Grades shall be based on the following standards, the grading of milk products being identical with the grading of milk, except that the bacterial count standards shall be quadrupled in the case of cream and half-and-half, and, except for coliform or other pathogenic organisms in the case of sour cream, buttermilk, cultured buttermilk, cultured milk, cottage cheese and creamed cottage cheese, shall be omitted:

A. Milk - raw for pasteurization. "Milk - raw for pasteurization" is raw milk from producer dairies conforming to the following items of sanitation: The bacterial plate count or the direct microscopic clump count of milk as delivered from the farm shall not exceed two hundred thousand (200,000) colonies per milliliter as determined in accordance with Section 6 of this article.

B. Grade A milk -- raw for pasteurization. "Grade A milk raw for pasteurization" is raw milk from producer dairies conforming to all the sanitation requirements for milk -- raw. The bacterial plate count or the direct microscopic clump count of the milk as delivered from the farm shall not exceed one hundred thousand (100,000) colonies per milliliter as determined in accordance with Section 6 of this article.

C. Special milk - raw for pasteurization. "Special milk -- raw for pasteurization" is raw milk from producer dairies conforming to all the sanitation requirements for milk -- raw. The bacterial plate count or the direct microscopic clump count of the milk as delivered from the farm shall not exceed fifty thousand (50,000) colonies per milliliter as determined in accordance with Section 6 of this article.

D. Certified milk -- raw. "Certified milk -- raw" is raw milk which conforms to the latest requirements of the American Association of Medical Milk Commissions in force at the time of adoption of this article and which is produced under the supervision of a medical milk commission reporting monthly to the Health Officer and to the Massachusetts Department of Public Health.

## 8. Dairy standards.

### A. Cows: health.

(1) All milk for pasteurization shall be from herds which are located in a modified, accredited tuberculosis-free area as determined by the Bureau of Animal Industry, United States Department of Agriculture, and which have been tested for tuberculosis not more than six (6) years prior to the adoption of this article and at least every six (6) years after such, provided that herds located in an area that fails to maintain such accredited status or that has an incidence of bovine tuberculosis in excess of two tenth percent (0.2%) shall have been accredited by said Bureau of Animal Industry as tuberculosis-free or shall have passed an animal tuberculin test. All additions to such herds shall be free from tuberculosis. Said tests and retests shall be made, and any reactors disposed of, in accordance with the latest requirements approved by the Bureau of Animal Industry, United States Department of Agriculture, for tuberculosis-free accredited herds in effect at the time of the adoption of this article. A certificate identifying each animal, signed by the veterinarian or attested to by the Health Officer and filed as directed by the Health Officer, shall be evidence of the above test.

(2) Cows which show a complete induration of one quarter or extensive induration in one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd, provided that this shall not apply in the case of a quarter that is completely dry. Cows giving bloody, stringy or otherwise abnormal milk, but without entire or extensive induration of the udder, shall be excluded from the herd until reexamination shows that the milk has become normal.

(3) For other disease, such tests and examinations as the Health Officer may require after consultation with state livestock officials shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

### B. Milking barns.

(1) Lighting. A milking barn, stable or parlor shall be provided with adequate light, properly distributed for both day and night milking.

(2) Air space and ventilation. Such sections of the milking barn, stable or parlor where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

(3) Floors; other animals. The floors and gutters of that portion of the barn, stable or parlor in which cows are milked shall be constructed of concrete or other approved, impervious and easily cleaned material. Floors and gutters shall be graded so as to drain properly and shall be kept clean and in good repair. No swine or fowl shall be permitted in the milking barn, stable

or parlor. If horses, dry cows, calves or bulls should be stabled therein, they shall be confined in stalls, stanchions or pens, which shall be kept clean and in good repair.

(4) Walls and ceilings. The interior walls and ceilings of the milking barn, stable or parlor shall be whitewashed or painted as often as may be necessary or finished in an approved manner and shall be kept clean and in good repair. Where there is a second story above the milking barn, stable or parlor, the ceiling shall be tight. If feed should be ground or mixed or sweet feed should be stored in a feed room or feed-storage space which adjoins the milking room, it shall be separated therefrom by a dust tight partition and door.

C. Cow yard. The cow yard shall be graded and drained as well as is practicable and shall be so kept that there are no standing pools of water nor accumulations of organic wastes, provided that in loafing and/or cattle-housing areas, manure droppings shall be removed or clean bedding added at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks. Swine shall be kept out.

D. Manure disposal. All manure shall be removed and stored or disposed of in such a manner as best to prevent the breeding of flies therein and the access of cows to piles thereof.

E. Milk house or room.

(1) Construction and equipment. There shall be provided a milk house or milk room in which the cooling, handling and storing of milk and milk products and the washing, bactericidal treatment and storing of milk containers and utensils shall be done. The milk house or room shall be provided with a smooth floor constructed of concrete or other impervious material, maintained in good repair and graded to provide proper drainage. It shall have walls and ceilings of such construction as to permit easy cleaning and shall be well painted or finished in an approved manner. It shall be well lighted and well ventilated. It shall have openings effectively screened, including outward-opening self-closing doors, unless other effective means are provided to prevent the entrance of flies. It shall be used for no purposes other than those specified above, except as may be approved by the Health Officer. It shall not open directly into a milking barn or stable nor into any room used for domestic purposes. It shall be provided with adequate facilities for heating water to clean utensils, and it shall be equipped with two compartment stationary wash and rinse vats. The cleaning and other operations shall be located and conducted so as to prevent any contamination of the milk or of cleaning equipment.

(2) Cleanliness and flies. The floors, walls, ceilings and equipment of the milk house or milk room shall be kept clean at all times. All necessary means for the elimination of flies shall be used.

F. Toilet. Every dairy farm shall be provided with one or more sanitary toilets conveniently located and properly constructed, operated and maintained so that the waste is inaccessible to flies and does not pollute the surface soil nor contaminate any water supply.

G. Water supply. Water for all dairy purposes shall be from a supply properly located, protected and operated and shall be easily accessible, adequate and of safe, sanitary quality.

H. Utensils.

(1) Construction. All multi-use containers, equipment and other utensils used in the handling, storage or transportation of milk or milk products shall be of smooth, nonabsorbent, noncorrodible, nontoxic material, shall be so constructed as to be easily cleaned and shall be kept in good repair. Joints and seams shall be welded or soldered flush. Woven-wire cloth shall

not be used for straining milk. When milk is strained, strainer pads shall be used and shall not be reused. All milk pails obtained hereafter shall be of seamless hooded type. All single-service articles used shall have been manufactured, packaged, transported and handled in a sanitary manner.

(2) Cleaning. All multi-use containers, equipment and other utensils used in the handling, storage or transportation of milk and milk products shall be thoroughly cleaned after each usage.

(3) Bactericidal treatment. All multi-use containers, equipment and other utensils used in the handling, storage or transportation of milk and milk products shall, before each usage, be subjected effectively to an approved bactericidal process utilizing steam, hot water, chemicals or hot air.

(4) Storage. All containers and other utensils used in the handling, storage or transportation of milk or milk products, unless stored in bactericidal solutions, shall be stored so as to drain dry and so as not to become contaminated before being used.

(5) Handling. After bactericidal treatment, containers and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come into contact.

I. Cleanliness of cows; milking.

(1) Milking shall be done in the milking barn, stable or parlor. The udders and teats of all milking cows shall be wiped clean with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

(2) The flanks, bellies and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

J. Milkers' hands. Milkers' hands shall be washed clean, rinsed with an effective bactericidal solution and dried with a clean towel immediately before milking and immediately after any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands. No person with an infected cut or lesion on hands or arms shall milk cows or handle milk or milk utensils.

K. Clean clothing. Milkers and milk handlers shall wear clean garments while milking or handling milk, milk products, containers, utensils or equipment.

L. Milk stools. Milk stools and surcingles shall be kept clean.

M. Removal of milk. Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.

N. Cooling. The cooling of milk for pasteurization shall begin immediately after straining. Within two hours, its temperature shall be fifty degrees (50°F) or less and be maintained at that temperature until delivery or collection is made, provided that milk stored in bulk milk tank coolers shall be cooled to a temperature of not higher than forty degrees (40°F) within one (1) hour and kept at such temperature until delivery to a milk plant or receiving station.

O. Vehicles and surroundings.

- (1) All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing and from contamination.
- (2) The immediate surroundings of the dairy shall be kept in a clean, neat condition.

#### 9. Pasteurized milk.

A. "Milk -- pasteurized" is milk - raw for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant which conforms to the items of sanitation described in Section 10 of this article. In all cases the milk shall show efficient pasteurization as evidenced by satisfactory phosphatase test, and at no time after pasteurization and before delivery shall the milk have a bacterial plate count exceeding ten thousand (10,000) colonies per milliliter or a coliform count exceeding three (3) colonies per milliliter as determined in accordance with Section 6 of this article, provided that the raw milk at no time between dumping and pasteurization shall have a bacterial plate count or a direct microscopic clump count exceeding two hundred thousand (200,000) colonies per milliliter.

B. "Grade A milk - pasteurized" is Grade A milk - raw for pasteurization which conforms to the sanitation requirements for milk - pasteurized and has a bacterial plate count after pasteurization and before delivery not exceeding ten thousand (10,000) colonies per milliliter or a coliform count not exceeding three (3) colonies per milliliter and shall contain not less than four percent(4%) of milk fat and not less than twelve and two tenths percent (12.20%) of total milk solids as determined in accordance with Section 6 of this article.

C. "Special milk - pasteurized" is special milk - raw for pasteurization which conforms to the sanitation requirements for milk - pasteurized and has been made from raw milk for pasteurization of not less than special milk quality and has a bacterial plate count not exceeding five thousand (5,000) colonies per milliliter or a coliform count not exceeding three (3) colonies per milliliter as determined in accordance with Section 6 of this Article.

D. "Certified milk - pasteurized" is certified milk - raw for pasteurization which conforms to the sanitation requirements for milk - pasteurized and has been made from raw milk for pasteurization of not less than certified milk quality and has a bacterial plate count not exceeding five hundred (500) colonies per milliliter or a coliform count not exceeding three (3) colonies per milliliter as determined in accordance with Section 6 of this article.

#### 10. Milk plant standards.

Milk tank cars and tank trucks shall comply with the construction, cleaning, bactericidal treatment, storage and handling requirements of Subsections E, J, L, M and N. While containing milk, cream or milk products, they shall be sealed and labeled in an approved manner. For each tank shipment, a bill of lading containing all necessary information shall be prepared in triplicate and shall be kept on file by the shipper, the consignee and the carrier for a period of six (6) months for the information of the Health Officer. The grading of a pasteurized milk supply shall include the inspection of receiving and collecting stations with respect to compliance with Subsections A to O, inclusive, and Subsections Q, S, U and V, except that the partitioning requirements of Subsection E shall not apply.

A. Floors. The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains and kept clean and in good repair.

B. Walls and ceilings. Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light-colored surface and shall be kept clean and in good repair.

C. Doors and windows. Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and all doors open outward and shall be self-closing.

D. Lighting and ventilation. All rooms shall be well lighted and well ventilated.

E. Miscellaneous protection from contamination. The various milk plant operations shall be located and conducted so as to prevent any contamination of the milk or of cleaned equipment. All necessary means shall be used for the elimination of flies, other insects and rodents. There shall be separate rooms for pasteurizing, processing, cooling and bottling operations and for the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Rooms in which milk, milk products, cleaned utensils or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant, milk containers, utensils and equipment shall be used for no purposes other than the processing of milk and milk products and the operations incident thereto, except as may be approved by the Health Officer.

F. Toilet facilities. Every milk plant shall be provided with toilet facilities conforming to the regulations of the Palmer Board of Health. Toilet rooms shall not open directly into any room in which milk products, equipment or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean and in good repair and well ventilated. A placard on which Section 16 of this article is printed and a sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

G. Water supply. The water supply shall be easily accessible, adequate and of safe, sanitary quality.

H. Hand washing facilities. Convenient hand washing facilities shall be provided, including hot and cold running water, soap and approved sanitary towels. Hand washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without having washed his hands.

I. Sanitary piping. All piping used to conduct milk or milk products shall be sanitary milk piping of a type which can be easily cleaned. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

J. Construction and repair of containers and equipment. All multi-use containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, non-corrodible, nontoxic material and shall be kept in good repair. All single-service containers, closures, gaskets and other articles shall have been manufactured, packaged, transported and handled in a sanitary manner.

K. Disposal of wastes. All waste shall be properly disposed of. All plumbing and equipment shall be so designed and so installed as to prevent contamination of milk equipment by backflow.

L. Cleaning and bactericidal treatment of containers and equipment. All milk and milk product containers and equipment, except single-service containers, shall be thoroughly cleaned after each use. All such containers shall be subjected effectively to a bactericidal process approved by the Palmer Board of Health after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant, each container shall be

thoroughly cleaned and subjected to an effective bactericidal process approved by the Palmer Board of Health.

M. Storage of containers and equipment. After bactericidal treatment, all bottles, cans and other multi-use milk or milk product containers and equipment shall be transported and stored in such a manner as to be protected from contamination.

N. Handling of containers and equipment. Between bactericidal treatment and usage and during usage, containers and equipment shall not be handled or operated in such a manner as to permit contamination of the milk. Pasteurized milk or milk products shall not be permitted to come into contact with equipment with which un-pasteurized milk or milk products have been in contact unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come into contact with equipment with which un-graded or a lower grade of milk or milk product has been in contact unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

O. Storage of caps, parchment paper and single-service containers. Milk-bottle caps or cap stock, parchment paper for milk cans, single-service containers and gaskets shall be purchased and stored only in sanitary tubes, wrappings or cartons; shall be kept therein in a clean, dry place until used; and shall be handled in a sanitary manner.

P. Pasteurization. Pasteurization shall be performed as described in the definition of "pasteurization" in § 221-42A.

Q. Cooling. All milk and milk products received for pasteurization shall be cooled immediately in approved equipment to forty degrees (40°F) or less and shall be maintained at that temperature until pasteurized. All pasteurized milk and milk products, except those to be cultured, shall be cooled immediately in approved equipment to a temperature of 40° F. or less and shall be maintained thereat until delivery, as determined in accordance with §221-47.

R. Bottling and packaging. Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.

S. Overflow milk. Overflow milk and milk products shall not be sold for human consumption.

T. Capping. Capping of milk and milk products shall be done in a sanitary manner by approved mechanical equipment. Handi-capping is prohibited. The cap or cover shall protect the pouring lip to at least its largest diameter.

U. Personnel.

(1) Health. The Health Officer may cause to be examined and a careful medical history taken of each person connected with a pasteurization plant or about to be employed by one whose work will bring him into contact with the processing, handling, storage or transportation of milk, milk products, containers or equipment. If such examination or history should suggest that such a person may be a carrier of or infected with the organism of typhoid or paratyphoid fever or any other communicable disease likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the Massachusetts Department of Public Health for such examinations, and, if the results justify, such person shall be barred from such employment. Such persons shall furnish such information, submit to such physical examinations and submit such laboratory specimens as the Health Officer may require for the purpose of determining freedom

from infection. No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers or milk equipment.

(2) Cleanliness. All persons who come into contact with milk, milk products, milk containers or equipment shall wear clean outer garments and shall keep their hands clean at all times while engaged in such work.

V. Vehicles. All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing and from contamination. All vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed thereon.

#### §221-52. Grades of milk products which may be sold.

From the date on which this article takes effect, no milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores or similar establishments except milk -- pasteurized, Grade A milk -- pasteurized, special milk -- pasteurized or certified milk -- pasteurized, provided that when any milk distributor fails to qualify for one of the above grades, the Health Officer is authorized to suspend his permit and/or to institute court action.

#### §221-53. Reinstatement of suspended permits.

A. Any producer or distributor of milk or milk products whose permit has been suspended at any time may make application for the reinstatement of his permit.

B. Upon receipt of a satisfactory application for reinstatement of permit based on correction of a violation of any bacteriological or cooling temperature standard, the Health Officer shall take further samples at the rate of not more than two (2) per week and shall approve the application upon compliance with the grade requirements as determined in accordance with §221-47, provided that if samples are not available because of suspension of permit to operate or for other reasons, the Health Officer may issue a temporary permit upon satisfying himself, by inspection of the facilities and the operating methods, that the condition responsible for the violation has been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or cooling temperature findings. In case the permit suspension had been due to a violation of an item other than bacteriological standards or cooling temperature, the said application must be accompanied by a statement, signed by the applicant, to the effect that the violated item of the specifications has been corrected. Within one (1) week of the receipt of such an application and statement, the Health Officer shall make as many additional re-inspections as he may deem necessary to assure himself that the applicant is again complying with the requirements, and in case the findings justify, shall reinstate the permit.

#### §221-54. Milk containers.

A. Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street or in any vehicle or store or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is hereby prohibited.

B. Milk and fluid milk products sold in the distributor's containers in quantities of one gallon or less shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries and similar establishments to sell or serve fluid milk or fluid milk products except in the individual original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device, provided that

this requirement shall not apply to cream, aerated cream or half-and-half which is consumed on the premises and which may be served from the original bottle or from a dispenser approved for such service. It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital or similar establishment to sell or serve milk or a milk product which has been maintained, while in its possession, at a temperature of forty degrees (40°F) or less. If containers of milk and milk products are stored in water for cooling, the pouring lips of the containers shall not be submerged.

C. It shall be the duty of all persons to whom the milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers.

#### §221-55. Sale of products from out of town.

Milk and milk products from points beyond the limits of routine inspection of the Town of Palmer may not be sold in the Town of Palmer or its police jurisdiction unless produced and/or pasteurized under provisions which are substantially equivalent to the requirements of this article and which are enforced with equal effectiveness, as determined by a milk sanitation rating.

#### §221-56. Conformance by future dairies and plants.

All dairies and milk plants from which milk or milk products are supplied to the Town of Palmer, which are hereafter constructed, reconstructed or extensively altered, shall conform in their construction to the requirements of this article. Properly prepared plans for all dairies and milk plants which are hereafter constructed, reconstructed or extensively altered shall be submitted to the Health Officer for approval before work is begun. In the case of milk plants, signed approval shall be obtained from the Health Officer and/or the Massachusetts State Department of Public Health.

#### §221-57. Notification of diseases.

No person with any disease in a communicable form or who is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him into contact with the production, handling, storage or transportation of milk, milk products, containers or equipment; and no dairy farm or milk plant shall employ in any capacity any such person or any person suspected of having any disease in a communicable form or of being a carrier of such disease. An, producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs or who suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease shall notify the Health Officer immediately.

#### §221-58. Procedure when infection is suspected.

When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the Health Officer is authorized to require any or all of the following measures: the immediate exclusion of that person from milk handling; the immediate exclusion of the milk supply concerned from distribution and sale; adequate medical and bacteriological examination of the person or his associates and of his and their bodily discharges.

#### §221-59. Enforcement.

This article shall be enforced by the Health Officer in accordance with the interpretation thereof contained in the latest Milk Ordinance and Code -- Recommendations of the Public Health Service, a certified copy of which shall be on file in the Town Clerk's office.

§221-60. Violations and penalties.

Any person who shall violate any provisions of this article shall be fined not more than twenty dollars (\$20). Each and every violation of the provisions shall constitute a separate offense.

§221-61. Repealer.

All previously enacted regulations in conflict with this article shall be in full force and effect immediately upon its adoption and its publication, as provided by law.

## **ARTICLE VI, Frozen Desserts, Ice Cream Mix and Ice Milk Products**

§221-62. License requirements.

A. Any person, firm or corporation desiring a license for the manufacture of frozen desserts, ice cream mix or ice milk mix or all three shall make application in triplicate, and such application shall be signed by the owner of the establishment if individually owned, or by all partners if a partnership, or by the president, treasurer or clerk if a corporation. The applicant shall retain one (1) copy of the application for his files; shall mail one (1) copy to the Department of Public Health, State House, Boston, Massachusetts; and shall deliver the third copy, together with the fee provided by statute, to the Board of Health of the Town of Palmer. Applicants may be required to furnish the Board of Health with such additional information as the Board of Health by regulation may require.

B. Within seven (7) days of the receipt of the application, the Board of Health or its authorized representative shall inspect the premises covered by the application, and if the frozen desserts, ice cream mix or ice milk products and such premises and all apparatus used for the production of frozen desserts, ice cream mix or ice milk products are in compliance with the law and with these regulations and if the material to be used in the manufacture of frozen desserts, ice cream or ice milk products appears to be pure and wholesome, the Board of Health, after receipt of the fee provided for by statute, may grant a license to manufacture frozen desserts, ice cream mix and ice milk products or all three for a period not exceeding twelve (12) calendar months ending May 31.

§221-63. Record of production to be filed.

In order to enable the Board of Health to compute the necessary fee for a license, each holder of a license for wholesale manufacture shall keep a record of the quantity of frozen desserts, ice cream mix or ice milk mix produced and shall annually mail to the Board of Health an accurate statement of such quantities, computed as gallons manufactured during the twelve (12) preceding calendar months. This statement shall be made under penalty of perjury.

§221-64. Place of manufacture.

The Board of Health shall not grant any license under this article unless the building in which the plant is so located and constructed as to ensure proper lighting, ventilation and drainage and unless the surroundings are clean and free from refuse. The Board of Health shall not grant a license if any room used for living or domestic purposes communicates directly with any room in which frozen desserts, ice cream mix or ice milk products or the ingredients thereof are processed, manufactured or stored or in which utensils are washed or stored.

§ 221-65. Cleanliness of premises.

Each licensee shall keep the premises under such license clean and free from dirt and flies and accumulation of refuse. Each license shall provide suitable covered receptacles for waste materials and shall cause such receptacles to be removed and cleaned at the close of each day's work.

§221-66. Additional sanitary requirements.

- A. Each licensee shall cause the establishment to be constructed and operated in accordance with the milk regulations of the Town of Palmer pertaining to refrigeration and equipment.
- B. The floors of all rooms where the manufacturing process is carried on shall be kept clean at all times and shall be washed daily.
- C. Suitable toilets not directly connected with any room where frozen desserts, ice cream mix or ice milk products are manufactured or stored or where utensils are washed or stored, a sink with hot and cold running water, preferably not in the toilet room, and soap and towels for the use of the employees shall be provided.
- D. All employees shall wash their hands before beginning work and upon leaving the toilet room whether or not such has been used.

§ 221-67. Pasteurization.

The regulations of the Board of Health of the Town of Palmer pertaining to the pasteurization of milk shall apply to the pasteurization of material to be used in the manufacture of ice cream, ice milk products or to the pasteurization of ice cream mix and shall include in their entirety regulations relative to construction and operation of pasteurization vats, recording thermometers, cleaning of apparatus and sterilization of containers to be used for holding ice cream, ice milk products or frozen desserts. The pasteurization shall be performed as described in the definition of "pasteurization" in §221-42A of the Palmer Board of Heath Milk Regulations.

§ 221-68. Bacterial counts.

- A. No frozen dessert, ice cream mix or ice milk mix or any material used in the manufacture thereof shall be sold which has not been previously pasteurized. Ice cream mix or ice milk mix, before pasteurization, shall not show a bacteria count in excess of two hundred thousand (200,000) colonies per gram.
- B. No person shall manufacture, deliver or have in possession with intent to sell frozen dessert, ice cream mix or ice milk mix which has a standard plate count in excess of fifty thousand (50,000) colonies per gram and which contains more than ten (10) colonies of the organisms of the coliform group per gram as determined by the Standard Methods of the American Public Health Association in use at the time of the examination.
- C. A manufacturer of a frozen dessert shall have a standard plate count and standard coliform count made by an approved laboratory of each flavor manufactured at least once a month. A manufacturer of ice cream mix and ice milk mix shall have a standard plate count and a standard coliform count made of said mix once a month by an approved laboratory. Copies of the results of such tests shall be submitted to the Palmer Board of Health by the approved laboratory upon the completion of the analysis. In instances where the manufacturer maintains an approved laboratory, it will be sufficient that the tests be made in said laboratory and that the files thereof be open to inspection by the Palmer Board of Health.
- D. Each manufacturer of a frozen dessert, ice cream mix or ice milk mix shall notify the Palmer Board of Health in writing if the tests required above are to be made in his own approved laboratory

or by an approved commercial laboratory. Each approved commercial laboratory shall at least once a year submit a list of all manufacturers of frozen desserts, ice cream mix or ice milk mix for whom it has carried out the requirements of these regulations. Said laboratory shall also notify the Palmer Board of Health if and when such services are being terminated.

E. Artificial colors or solutions thereof to be used in frozen desserts shall not have a coliform count in excess of ten (10) colonies per gram as determined by the Standard Methods of the American Public Health Association in use at the time of the examination.

F. If an inspector of milk, Board of Health or other officer enforcing these regulations obtains a sample of frozen dessert and finds the bacterial content thereof in excess of that provided for in these regulations, he shall send the results of such analysis to the person from whom the sample was taken or to the person responsible for the condition of the article. If, within a period of not less than seven days nor more than two months thereafter, such inspector of milk, Board of Health or other officer enforcing these regulations obtains subsequent samples, such samples shall be obtained from three containers at substantially the same time or within a period of two (2) weeks. It shall be deemed to be a violation of these regulations if the majority of these subsequent samples exceeds in bacterial count that provided for herein.

#### §221-69. Distribution standards.

All persons engaged in the retail distribution of frozen desserts or ice milk products shall:

- A. Handle such material in a clean, sanitary and healthful manner and under clean, sanitary and healthful conditions.
- B. Protect such products from flies, insects, dust and other foreign bodies.
- C. Keep clean all cabinets and other places in which such products are stored.
- D. Wash scoops in clean and preferably running water immediately prior and subsequent to use, and if such scoops are stored in water, they shall be stored in running water.
- E. Be free from infectious or communicable disease.

#### §221-70. License required to dispense on public grounds.

No person, firm or corporation shall dispense ice cream, ice milk products or frozen desserts of any kind on the public highways or on school grounds in the Town of Palmer, either on foot or from any cart or vehicle whatever, without first securing a license to dispense ice cream, ice milk products or frozen desserts in such manner from the Board of Health. Any member of the Board or its authorized agent shall, if satisfied with the honesty of the applicant and that all reasonable health standards have been met, issue such license for a period not exceeding two (2) months, which license must be shown on request and shall state that the licensee is entitled to dispense ice cream, ice milk products or frozen desserts in such manner.

#### §221-71. License to dispense on premises without public water and sewer connections.

No person, firm or corporation shall dispense ice cream, ice milk products or frozen desserts from any counter or place not supplied with running water from the town water supply and connected into a public sewer except such persons, firm or corporation as shall be licensed by the Board of Health to dispense ice cream, ice milk products or frozen desserts in such place. Such license may be issued by any member of the Board or its agent, but shall be issued only upon application in writing filed with the Board or its agent at least twenty-four (24) hours before the sale of ice cream, ice milk products

or frozen desserts is to be undertaken. No license shall permit such sale or dispensing of ice cream, ice milk products or frozen desserts for a period longer than seven (7) days. There is excepted from this section any person or corporation granted a license under §221-62.

§221-72. Revocation of licenses.

Any license issued under the above sections may be revoked for cause after five (5) days' notice in writing to the licensee and after opportunity for a hearing thereon.

§221-73. Violations and penalties.

Whoever violates any of the foregoing regulations shall be punished as provided in MGL c. 94, §65R.

## **ARTICLE VII, Bakeries and Bakery Products**

§221-74. Permit requirements.

Effective January 1, 1961, it shall be unlawful for any person, firm, corporation or association to conduct, operate or maintain any bakery in the Town of Palmer without a valid and un-revoked permit or temporary operating permit therefor issued by the Board of Health or its duly authorized representative or otherwise than in accordance with said permit and any rules, regulations or orders intended for the protection of the public health issued by the Board of Health or orders issued by the Health Officer or his duly authorized representative. Applications for such a permit shall be made on forms to be provided by the Board of Health. The permits under this article shall be issued annually on or before the first day of January and shall expire at 12:00 midnight, December 31 of each year. No permits issued under this article are transferable.

§221-75. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this article:

**BAKERY:** Any building or part of a building wherein is carried on the production, preparation, packing, storing, display or sale of bread, cakes, pies or other bakery products, including any separate room used for the convenience or accommodation of workers.

**PROPRIETOR:** Owner, corporation, manager or responsible employee in charge of the bakery.

§221-76. Construction drainage and plumbing standards.

The construction, drainage and plumbing in bakeries shall be in accordance with local regulations.

§221-77. Construction of walls, ceilings and floors.

The proprietor of each bakery shall cause all floors to be constructed of a smooth, impervious substance which can be easily cleaned and the walls and ceilings to be smooth and tight. Walls and ceilings shall not be covered with paper or with any substance attached with paste or glue or which cannot be easily cleaned.

§221-78. Provision of hot and cold water and sinks.

The proprietor of each bakery shall provide hot and cold water, together with sinks of sufficient size, for the scalding and cleaning of utensils and equipment.

§221-79. Construction of storage and preparation equipment.

All shelves, racks, bins or other facilities used for the storage of bakery products and ingredients used therein shall be so constructed that they may be easily cleaned. The tables, mixing stands and troughs used in the preparation of bakery products shall be constructed of smooth, impervious material and so constructed that they can be easily and thoroughly cleaned.

§221-80. Cleaning of filling and frosting equipment.

The proprietor of each bakery shall cause to be dismantled and cleaned immediately after use all bags, nozzles and other equipment used in the filling of cream puffs, eclairs or other bakery products containing filling and all equipment employed in the icing or frosting of cakes or other bakery products.

§221-81. Proximity of toilet and lavatory facilities.

When toilet and lavatory facilities are provided in the same building, they shall be located in rooms not directly connected with any room in which bakery products or ingredients thereof are prepared, stored, handled and displayed. The doors of such toilets and lavatory facilities shall be so installed that they remain closed when not in use, and if necessary a spring shall be attached to facilitate such closing. No person shall use such toilet or lavatory facilities for the handling of wearing apparel or storage purposes.

§221-82. Storage and containers standards.

A. The proprietor of each bakery shall not store upon any floor any flour or material in sacks used in the manufacture of bakery products unless such material is stored on portable wooden or metal platforms or racks at least four and one half (4 ½) inches above the floor, provided that such platforms or racks shall be kept in a sanitary condition, and provided further that the room used for such storage shall be kept dry and properly ventilated. That portion of this regulation relating to platforms and racks shall not only apply to such flour or material stored above the street floor, provided that the room in which the material is stored is used exclusively for such storage, and provided further that it is so constructed, kept and maintained as to protect the flour and material from contamination and vermin and to ensure its cleanliness and wholesomeness.

B. No proprietor of a bakery shall receive or use in the manufacture of bakery products or permit to be received or so used any flour or meal in or from, as the case may be, any container except a new single-service container or one which is clean and sanitary and incapable of contaminating its contents. No person, by himself or his agent, shall, for the purpose of distribution or delivery, refill with flour any secondhand or previously used sack, bag, barrel or other container unless such container has been previously used exclusively as a container for flour or meal nor unless such container has been rendered clean and sanitary, free from all filth or other contamination by cleaning or laundering and by subjection to heat sterilization and subsequently protected from contamination until such refilling. No person, by himself or his agent, shall refill any previously used paper or cardboard bag, carton or box as a container for flour or meal for purposes of distribution.

C. The proprietor of a bakery and all other persons having custody of empty containers which are intended for refilling as herein provided shall handle or store such empty containers in such a manner as to keep them free from infestation, dirt, filth and other forms of contamination.

§221-83. Proximity to domestic areas; loitering in bakeries.

The proprietor or manager of each bakery shall not permit rooms used for domestic purposes to be directly connected with the bakery, nor shall he permit any room where the production, storage or baking of products is carried on to be used for domestic purposes. No persons shall congregate or loiter in any bakery. The proprietor of a bakery shall take means to exclude children from all parts of the bakery where production of bakery products is carried on.

§221-84. Protection of products from contamination; vehicles.

A. All persons having custody of bakery products intended, offered or exposed for sale shall cause such products to be stored, handled, transported and kept so as to protect them from contamination, disease or unwholesomeness.

B. No vehicle used for distribution or transportation of bakery products shall be used for any other purpose.

§221-85. Use of tobacco.

No person shall smoke, chew or otherwise use tobacco in any part of the bakery where the preparation or production of bakery products is carried on.

§221-86. Disposal of garbage.

Every owner or proprietor of a bakery shall provide a suitable, properly covered, metal, watertight receptacle for garbage and other waste material of the business and shall cause such receptacle to be frequently emptied and to be cleaned after each emptying.

§221-87. Freshness standards; sale of stale bread.

A. Bakers making daily deliveries of bread and rolls to dealers for resale shall have the right to substitute fresh bread and rolls on the next daily delivery for bread and rolls remaining in the possession of said dealers if it appears that delay in sale by the dealer thereof may cause bread and rolls to reach the consumer in an unsatisfactory condition. No dealer shall return to the baker any moldy bread and no baker shall accept for exchange any moldy bread. No bakery operating a retail store shall return any moldy bread from such store to the bakery.

B. The returned bread and rolls shall be segregated in the plant of the baker, shall have the original wrappings removed and shall not be resold by the baker to dealers as fresh bread and rolls. The returned bread and rolls in wholesome condition may be sold by the baker for human consumption as "stale bread." The stale bread and rolls not in wholesome condition shall be forthwith broken up and made un-salable for human food but may be sold for animal consumption.

C. Each loaf or package of stale bread sold by the bakery for human consumption shall have attached thereto either a label or wrapper upon which is printed the words "stale bread."

§221-88. Establishment of new bakeries.

No person shall establish a new bakery in a cellar or basement. No bakery shall be opened until it has been registered with the Board of Health after plans have been submitted to and approved by the Board of Health. If a bakery now existent shall change ownership, a new registration shall be made before work begins under the new management.

§221-89. Form of closure notice.

The form of notice sent under the provisions of MGL C. 94, § 9L, ordering a bakery to be closed, shall be as follows:

Dear Sir: Your bakery is hereby closed in accordance with the provisions of MGL c. 94, §9L, as follows: §9L. If a bakery is unfit for the production or handing of food or dangerous to the health of its employees, the department or local board may order it closed, provided that any person aggrieved may be heard before said department or board and may also appeal before or after the execution of the order, but within thirty (30) days after its issue, to the Superior Court.

§221-90. Violations and penalties.

Whoever violates any provisions of this article shall be punished by a fine of not more than one hundred dollars (\$100).

## **ARTICLE VIII, Sewage Disposal**

§221-91. Permit required.

No cesspool, septic tank or other means of sewage disposal shall hereafter be constructed or installed in the Town of Palmer until a permit has first been obtained from the Board of Health.

§221-92. Permit prerequisite for construction on un-sewered streets.

No dwelling place or public building on an un-sewered street shall be constructed or installed until a permit for a sewage disposal installation has been obtained from the Board of Health.

§221-93. Connection of dwellings to public sewers required when accessible.

The owner or other person or persons having control of any existing building or buildings hereafter erected or converted into a dwelling to be occupied by one or more families and from which a public sewer is accessible shall, in a manner and within a period of time satisfactory to the Board of Health, cause such building to be connected with such public sewer.

§221-94. Connection of stores and other businesses to sewers where accessible.

The owner or other person or persons having control of any existing building or buildings hereafter erected or converted into one or more stores or other places of business and in which one or more persons are employed shall provide sufficient toilet facilities and, wherever a public sewer is accessible, shall, in a manner and within a period of time satisfactory to the Board of Health, cause such stores or other places of business to be connected with such public sewer.

§221-95. System specifications.

A. All sewage disposal works hereafter constructed or installed shall be of approved material and design and, unless otherwise specified by the Board of Health, shall be located not less than twenty (20) feet from any dwelling, not less than ten (10) feet from the line of any street, court or passageway, not less than fifty (50) feet from a private water supply well or suction line therefrom, not less than fifty (50) feet from a public surface water supply source or any of its tributary streams or drains, not less than twenty-five (25) feet from an open stream or watercourse not tributary to a public water supply, not less than twenty-five (25) feet from a subsurface drainage system, not less than ten (10) feet from any drinking water supply line under pressure and not less than ten (10) feet from the line of an adjoining lot, all measurements being taken from the nearest portion of the actual leaching works.

B. Cesspools shall be provided with a safe, suitable, removable cover. Overflow cesspools may be entirely covered with earth. The use of an abandoned well as a cesspool in areas where water supplies are obtained from the ground is hereby prohibited.

C. All septic tanks hereafter constructed or installed shall have an effective capacity of at least five hundred (500) gallons and shall be constructed of approved material. The minimum capacity of the tank shall be seven hundred and fifty (750) gallons where a garbage grinder is installed.

D. The effluent from such tanks must be disposed of by proper subsurface works so as not to cause a nuisance in the vicinity or to pollute any water supply.

§221-96. Inspection required before covering of system.

The owner, person or agent responsible for the construction of local sewage disposal works shall have such construction inspected by the Board of Health or its agent before such construction is covered, and such covering shall thereafter be applied in a manner approved by the Board of Health.

§221-97. Temporary vault privies.

Temporary vault privies for the convenience of persons engaged in construction work may be erected or installed without a permit but only under the following conditions: The vault must be at least two (2) feet in depth and must be so located as to cause no annoyance to persons residing in the vicinity. The owner, contractor or agent shall cause the privy to be maintained in a sanitary manner, and immediately upon completion of the work, he shall remove the privy, shall fill in the vault and leave the premises in a condition satisfactory to the Board of Health.

§221-98. Proper toilets to be installed.

No indoor toilet or water closet except that which is provided with proper means of flushing with water at time of using, where water is available, shall hereafter be installed on any premises in this town.

§221-99. Correction of offensive or obstructed facilities.

Whenever a water closet, privy, septic tank, cesspool or drain becomes offensive or obstructed, the owner, agent or occupant of the premises shall cause the same to be cleaned or otherwise corrected.

§221-100. Permanent vault privies.

No permanent vault privy shall be constructed or maintained on premises which are provided with a public water supply. All permanent vault privies hereafter constructed shall be of approved material, shall be fly-proof and, unless otherwise specified, shall be located not less than twenty-five (25) feet from any dwelling and not less than twenty (20) feet from the line of any street, court or passageway, all measurements being taken from the nearest outer point of the vault.

§221-101. Notice to empty and clean facilities.

Every owner, occupant or agent of premises in which there is any private sewer, drain, vault privy, septic tank or cesspool shall keep the same in a sanitary condition and shall have every vault privy, septic tank or cesspool emptied and cleaned when necessary or at such times as ordered by the Board of Health. No vault privy, septic tank or cesspool shall be emptied except by such manner as shall be especially authorized by the Board of Health. If the owner or occupant fails to comply with such order, the Board may cause the nuisance, source of filth or cause of sickness to be removed, and all

expenses incurred thereby shall be paid by the person who caused or permitted same if he has had actual notice from the Board of Health of the existence thereof.

## **ARTICLE IX, Horses, Cows, Goats, Swine and Poultry**

§221-102. Permit required to keep.

No person shall keep within the limits of this town, in any building or on any premises of which he may be the owner, lessee, tenant or occupant, any horses, cows, goats, swine or poultry without a permit from the Board of Health. All such permits expire annually on December 31 and may be revoked by the Board of Health at any time.

§221-103. Poultry houses.

All poultry houses shall be suitably isolated and maintained in such a manner that no nuisance shall be created thereby.

§221-104. Maintenance of buildings and premises.

The owners or persons in control of any building or premises in which horses, cows, goats, swine or poultry are kept shall keep the buildings and premises clean and free from decaying food, filth, dirt and stagnant water. The buildings and pens shall be whitewashed or disinfected and put in such condition as may be ordered by the Board of Health.

§221-105. Disposal of refuse and manure; connection with sewer.

The owner or other person or persons having control of any existing building or buildings hereafter erected or converted into a barn for the stabling of horses or other domestic animals shall keep their barns, stables and yards clean and shall provide a pit constructed of cement or other suitable material for the reception of manure and other refuse matter. Wherever a public sewer is accessible, the Board of Health will decide as to the advisability of connecting such building with such public sewer.

## **ARTICLE X, Pigs and Piggeries**

§221-106. Permit required to keep.

No individual or individuals, partnership, company or corporation shall keep a pig or swine within the limits of the Town of Palmer without first obtaining a permit from the Board of Health. All such permits shall expire on December 31 of each year unless sooner revoked. Any permit may be revoked at any time by the Board of Health for cause.

§ 221-107. License required to transport garbage and refuse.

A license to transport garbage, offal or other offensive substances along the public highways of the Town of Palmer must be obtained from the Board of Health in accordance with MGL c. 111, §31A, and no such materials shall be transported without such a license. All licenses shall expire on December 31. Any license may be revoked at any time by the Board of Health for cause. Garbage and other offensive material shall be transported only in watertight vehicles or containers and shall be securely covered with wood, iron or canvas cover while the vehicle is in motion.

§ 221-108. Location of pens.

All piggeries shall be suitably isolated and maintained in such a manner that no nuisance shall be created thereby. No pigpen or enclosure shall be located within one thousand (1,000) feet of any public highway.

§ 221-109. Inspection of piggeries.

All piggeries shall be examined frequently by a representative of the Board of Health, who will make such recommendations to the owner as are necessary to maintain the piggery in proper condition.

§ 221-110. Building construction and facilities.

Properly ventilated buildings of substantial construction, preferably painted white or whitewashed, well lighted and so designed that accumulations of offensive material can be readily removed shall be provided. For indoor pens, watertight troughs of cement or metal kept in good repair shall be provided for feeding purposes, and these troughs must be thoroughly cleaned every day.

§ 221-111. Maintenance of buildings.

All buildings used for the housing of swine shall be kept in a clean and satisfactory condition. Brood houses shall be cleaned daily.

§ 221-112. Feeding platforms in outdoor pens.

If outdoor pens or runs are provided, the swine shall be fed from platforms built of heavy watertight material flat on the ground or on skids one (1) foot above the ground so arranged that the platform can be readily moved and the ground at the earlier location plowed in. If the feeding platform is elevated, the space between the ground and the platform shall be clear and clean and no food shall be allowed to accumulate about the platform or on the ground.

§221-113. Garbage bins.

A bin for receiving garbage shall be provided, which shall be covered during the warm weather.

§221-114. Cleaning of garbage receptacles.

Garbage cans, wagons and trucks shall be thoroughly cleaned after the garbage has been removed therefrom.

§221-115. Removal of manure and refuse.

Manure and refuse in outdoor pens shall be cleaned out at least twice weekly and must either be immediately removed from the premises or be so kept that it will not constitute a nuisance and the pigs will not have access to it.

§221-116. Compost piles.

If uneaten garbage, manure and refuse are collected in compost piles, they shall be treated or covered with earth, loam or other suitable material in sufficient amount to eliminate any odor or nuisance. All such piles shall be at least five hundred (500) feet from any highway or dwelling. No garbage, manure or putrescible matter whatsoever shall, except in the cultivation and use of the soil in ordinary methods of agriculture, be put upon the ground within two hundred and fifty (250) feet of the high-water mark of any source of water supply or within two hundred and fifty (250) feet of high-

water mark of any open water flowing directly or ultimately into said source of water supply. In addition, during the fly-breeding season, they shall be sprayed daily with some suitable insecticide.

§221-117. Spreading of manure.

Manure shall be spread upon land only when such land is in condition to plow, and any manure so spread shall be plowed under within forty-eight (48) hours.

§221-118. Removal of wet muck from outdoor pens.

Wet muck in outdoor pens shall be removed and replaced with clean sand.

§221-119. Adequate water supply.

A water supply adequate for cleaning purposes shall be provided.

§221-120. Proximity to milk rooms; milk handlers.

No pigs shall be kept within fifty (50) feet of any room where milk is handled. No person who handles milk shall assist in the maintenance of pigs or the cleaning of pens.

§221-121. Proximity to water supply.

No piggery shall be located, constructed or maintained any part of which is within two hundred and fifty (250) feet of the high-water mark of any source of drinking water supply or any tributary thereof or within two hundred and fifty (250) feet of the high-water mark of any open water flowing directly or ultimately into any source of water supply.

## **ARTICLE XI, Offensive Trades, Occupations and Practices**

§221-122. Certain trades restricted.

The Board of Health may prohibit the exercise of the following trades or employments: those of slaughtering animals or rendering animal matter; of manufacturing fertilizers and soaps; of mixing or storing of refuse of vegetable substances; of smoking fish or meat; of refining oils; of making egg dressing, varnish, glue, gas, gasoline or any burning fluid, except at the place or places where such trades or employments are now lawfully established or which may hereafter be assigned by the Board of Health, such trades or employments being either nuisances or hurtful to the town, attended by noisome odors or otherwise injurious or dangerous to the public health.

§221-123. Storage of certain materials in dwellings prohibited.

No old rags, old papers or other refuse materials shall be brought into or allowed to remain within any building used as a dwelling if gathered from any source outside of such building.

§221-124. Sale of certain household items.

No person shall sell or offer for sale any secondhand wearing apparel, bedding, household furniture or household utensils that have been exposed to any communicable disease or that are infected with vermin until the same have been cleansed and disinfected in a manner satisfactory to the Board of Health.

## **ARTICLE XII, Ice**

§221-125. Sale of certain ice prohibited.

No person, by himself or by his agent or as the servant or agent of any person, firm or corporation, shall sell, exchange or deliver, or have in his possession with intent to sell, exchange or deliver, any ice from polluted sources or ice which, upon chemical or bacteriological examination, shows evidence of sewage or other objectionable contamination or which is visibly polluted or soiled by dirt, or ice in or upon which there is any visible foreign matter.

§221-126. Violations and penalties.

Whoever violates any provision of this article shall forfeit a sum not exceeding one hundred dollars (\$100) except when otherwise provided by law or by this article.

### **ARTICLE XIII, Garbage, Rubbish and Refuse**

§221-127. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**GARBAGE:** The animal and vegetable or other organic waste resulting from the handling, preparation, cooking and consumption of food.

**REFUSE:** All combustible and noncombustible rubbish, ashes and ordinary commercial wastes. Building or construction wastes are not included under "refuse."

**RUBBISH:** Waste, refuse, broken or rejected matter; hence anything worthless.

§221-128. Storage of garbage; containers.

Garbage is to be well drained of free water and stored in watertight, tightly covered metal containers. The container shall be kept clean and free from deposits of garbage. No broken glass, cans, dead animals, bottles or poisonous matter shall be placed in this container.

§221-129. Location of containers.

Containers for garbage shall be stored in a convenient location where collection men can reach them without undue effort or any hazard. Collectors shall not enter buildings.

§ 221-130. Private collections.

A. Private parties, firms or corporations may be authorized to collect garbage and refuse, provided that such collections are performed in accordance with this article and produce no objectionable conditions in or on the streets.

B. Private collectors, firms or corporations shall, before engaging in such business, be licensed by the Board of Health. There shall be a fee of two dollars (\$2) per year for each vehicle used in such service. Such license may be revoked by the Board of Health upon receipt of evidence that the requirements of this article or such further regulations as may be adopted.

§ 221-131. Dumping of refuse.

A. No public or private premises within the Town of Palmer shall be used as a dump without a permit from the Board of Health.

B. Refuse may be used for filling or grading of land, provided that a permit is obtained from the Board of Health and in accordance with any rules and regulations which the Board may prescribe.

C. All refuse shall be disposed of at a dump designated by the Board of Health and in accordance with regulations prescribed by the Board of Health.

D. Garbage or offensive material shall not be disposed of at or on any dump. When garbage is fed to swine, the hog farm shall be maintained in a sanitary manner and in accordance with regulations prescribed by the Board of Health.

§221-132. Disposal by incineration.

This article shall not prohibit the disposal of combustible refuse and garbage in the home or commercial establishments by incineration if no smoke or odors are produced that are classified as a nuisance or hazard.

§221-133. Grinding of food wastes allowed.

The grinding of food waste into water-carried pulp which is then transported to the household or commercial plumbing system and thence into the municipal sanitary sewer system or private sewer system is permissible.

§221-134. Garbage collection vehicle standards.

All vehicles employed in the collection of garbage shall be watertight and covered at all times. Vehicles employed in the collection of refuse shall be so equipped as to prevent any material from blowing or dropping onto the highways. (Amended Ord. 2007-08, RTCM xx/xx/2007)

§ 221-136. Recycling. (Added 2-17-1990)

The purpose of this section is to establish a community-wide Solid Waste Recycling Program in the Town of Palmer for mandatory separation of certain recyclable materials from garbage or rubbish by the residents of the Town of Palmer.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**RECYCLABLES:**

- (1) **ALUMINUM:** Cans, containers, trays, packaging or other articles made from aluminum, aluminum foil or aluminum wrappers.
- (2) **GLASS:** Unbroken containers used for packaging or bottling of all sizes and colors excluding:
  - (a) Blue and flat glass and glass commonly known as "window glass."
  - (b) Light bulbs.
  - (c) Dishes and crockery.
  - (d) Bottles containing poisons, paint, gasoline or propane, oil, insecticides or herbicides.
  - (e) Pyrex glass.
  - (f) Automotive (safety) glass.
  - (g) Laboratory glass.
  - (h) Mirrors.
  - (i) Drinking glasses.

(3) **FERROUS METAL CANS:** All containers composed in whole of iron or steel and so-called "tin" cans used for the packaging or storing of various food and nonfood items except:

- (a) Aerosol spray cans.
- (b) Cans containing poisons, paint, gasoline or propane, oil, insecticides or herbicides.
- (c) Cans contaminated with food.

(4) **NEWSPAPERS:** Including all newspaper advertisements, supplements, comics and enclosures, except newspapers that have been soiled by poisons, paint, gasoline or propane, oil, insecticides or food.

(5) **CORRUGATED PAPER:** Corrugated boxes, cardboard, cardboard cartons, pasteboard and similar corrugated and Kraft paper materials except materials soiled as defined in Subsection A(4) above.

(6) **OTHER WASTES:** Including plastics, batteries, used crankcase oil, tires, white goods (appliances), scrap metals (copper, brass, aluminum, wire, etc.), mixed paper, excluding newspaper and corrugated, yard wastes and any other item or materials that can be recycled.

B. Separation of recyclables.

(1) All the metals and glass recyclables as defined in the definition of "recyclables," Subsection A(1), (2) and (3), shall be placed together separately from rubbish or garbage. These recyclables shall be rinsed or washed to remove food. Caps, rings and labels can be left on bottles and cans. Metal cans need not be flattened or crushed.

(2) Recyclable newspapers and corrugated paper shall be placed separately from rubbish or garbage. Newspapers shall either be packed in standard grocery or paper shopping bags, be placed in corrugated boxes or be securely tied in flat bundles, none of which shall weigh more than fifty (50) pounds. If not used for packing paper recyclables, corrugated boxes and cardboard cartons shall be collapsed and tied in bundles not weighing more than fifty (50) pounds.

(3) All other recyclable wastes as defined in the definition of "recyclables," Subsection A(6), shall be incorporated into this section of this chapter at a subsequent time or date authorized by the Town Manager. (Amended Ord. 2007-08, RTCM xx/xx/2007)

(4) Recyclables shall not be placed in plastic bags for collection, removal or disposal. Recyclables shall not be placed in the same refuse container as, or otherwise mixed with, other forms of solid waste for collection, removal or disposal.

(5) If no separation of recyclables takes place, none of the household rubbish or garbage shall be accepted for disposal in the Palmer landfill, recycling or transfer station.

C. Ownership of recyclables; offenses.

(1) Any recyclables placed at curbside or in a central collection point in the town shall be transported to and disposed of at the designated materials recovery facility, except as may be otherwise authorized by the Town Manager. (Amended Ord. 2007-08, RTCM xx/xx/2007)

(2) Any violation of this section or any part thereof shall be punished by a fine not to exceed three hundred dollars (\$300) and the violator shall make restitution to the town for the value of any recyclable illegally removed.

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

E. Severability. This section and the various parts, sentences, subsections and clauses thereof are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this section shall not be affected thereby.

F. When effective. This section shall take effect the date that the town enters into an agreement with the Commonwealth of Massachusetts, pursuant to participation in the Springfield Materials Recycling Facility Program. Notice of the commencement date shall be published twice in a local newspaper having circulation in the Town of Palmer.

§221-136.1. Dumpsters. (Added 3-17-1998)

A. Each dumpster must be located at a distance from the lot line as to not to interfere with the safety, convenience or health of abutters or residents. Dumpster location must be approved by the Board of Health.

B. When deemed necessary by the Board of Health, it may be required that a dumpster site be enclosed or screened by the property owner or owner's authorized agent.

C. Dumpster is not to be filled between the hours of 12:00 midnight and 6:00 a.m. for residential property and at the close of business day for commercial property, at which time the lids are to be locked. The lids must be closed when the dumpster is not in immediate use.

D. Each dumpster must be of sufficient size and capacity to eliminate overflowing, and the property owner or owner's authorized agent of the premises must take appropriate action immediately to empty contents when full.

E. Each dumpster must be situated so as not to obstruct the view of flowing traffic.

F. It shall be the responsibility of the property owner or owner's authorized agent to maintain the dumpster area free of odors, scattered debris, overflowing and all other nuisances.

G. The property owner or owner's authorized agent responsible for maintaining dumpster service is required to have a permit from the Board of Health for each dumpster. All permits shall expire at the end of the calendar year in which they are issued but may be renewed annually on application as herein provided. There shall be a fee of ten dollars (\$10) for each dumpster payable yearly for said permit.

H. No contractor, firm or person shall supply a dumpster service in the Town of Palmer for the purpose of storage, removal or transporting of garbage, rubbish, offal or other offensive substances without first obtaining a permit from the Board of Health. All permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application herein provided. There shall be a fee of ten dollars (\$10) payable for said permit.

I. Temporary dumpster permits will be issued to a property owner or owner's authorized agent for a period of time not to exceed thirty (30) days, in connection with construction, demolition, fairs, carnivals or for other similar needs. Said permit may be renewed for an additional thirty (30) days upon application. The property owner or authorized agent shall comply with all of the provisions of these regulations which are applicable to the operation of the dumpster. There shall be a fee of two dollars (\$2) payable for each temporary dumpster permit issued.

J. The dumpster contractor shall have his/her name, business address and business telephone number conspicuously displayed on the dumpster.

K. The dumpster contractor shall have the dumpster deodorized when emptied or, if necessary, washed or sanitized as directed by the Board of Health.

L. These regulations apply to all dumpsters in the Town of Palmer whether for residential, commercial or industrial use.

M. Permits may be suspended or revoked by the Board of Health for failure of the dumpster contractor or the property owner/his or her authorized agent to comply with the requirements of these regulations.

N. The Board of Health will consider, without limitation, the public health, safety and welfare when deciding issues and granting permits.

O. If any provision of these regulations or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of these regulations and the applicability of such provision to other persons or circumstances shall not be affected thereby.

#### §221-137. Violations and penalties.

Whoever violates any provisions of this article shall be punished by a fine of not more than fifty dollars (\$50).

### **ARTICLE XIV, Camps, Cabins, Motels and Trailer Coach Parks**

#### §221-138. Annual camp license required; applications.

The management of every camp shall annually apply for a license in writing to the Board of Health. This application shall state the location and type of camp, the approximate maximum number of persons by whom it is to be used, the probable duration of occupancy, the proposed sources of water and milk supply for the camp and the proposed method of sewage and garbage disposal. If the camp is used the year round, such application shall be made annually not later than January 1 or, if used during only a portion of the year, at least thirty (30) days in advance of the date when the requested license is desired to take effect.

#### §221-139. General campsite standards.

A. The campsite shall be such that it is practicable to provide and maintain proper sanitary facilities. The location shall be in porous, well-draining soil and shall afford facilities for obtaining a good water supply and a safe method of sewage disposal.

B. It shall be of adequate size to prevent overcrowding. Each camping unit shall contain less than four hundred (400) square feet of usable space, and no unit shall be permitted to accommodate more than one (1) overnight cabin or tent.

C. No camp shall be established on the watershed of a public water supply until proper sanitary facilities have been provided, and all sanitary facilities shall be in accordance with the rules and regulations for the sanitary protection of public water supply made by the State Department of Public Health under the provisions of MGL c. 3, §160.

#### §221-140. Plan of water supply sources and sanitary facilities to be available.

Every camp shall have available for inspection a plan or sketch indicating the location of all local sources of water supply and other sanitary facilities, including all toilets, cesspools and receptacles for garbage and refuse, and signs shall be posted indicating the location of such facilities.

§221-141. Water supply standards.

A. Every camp shall have a water supply of safe, sanitary quality and sufficient in quantity for the maximum population using the campsite at any time. Such water supply shall be easily obtainable from its source or from faucets or bubblers on a pipe distribution system. Dipping of receptacles into the source of supply shall not be permitted. Common drinking vessels shall not be provided or permitted.

B. Drinking fountains shall be of sanitary design and construction.

C. Any source of water supply, the water of which is found to be polluted or of questionable quality, shall be posted as unsafe.

§ 221-142. Sewage and wastewater disposal.

A. No camp shall be operated without facilities adequate for the proper disposal of sewage and wastewater. There shall be separate accommodations for each sex, so located as to be easily accessible to all parts of the camp.

B. Camps so located and equipped that water under suitable pressure and public sewers are available shall be equipped with flush toilets and connected with the public sewerage system. Camps not so located shall be provided with equipment adequate for the disposal of the sewage and wastewater in a sanitary manner.

C. There shall be at least one toilet for each fifteen (15) campers when the camp is operating to full capacity and one urinal of vitreous material shall also be provided, with equipment adequate for the disposal of the sewage and wastewater.

D. No privy shall be located within fifty (50) feet of any kitchen or dining room, mess hall or any other place where food is prepared or served.

E. Toilet structures shall be flytight, well lighted and ventilated.

F. In cleaning septic tanks, cesspools, chemical toilets, privy vaults or pits, the contents shall be removed and disposed of in a manner satisfactory to the Board of Health so that they will not become a menace to the public health, create a nuisance or contaminate any water supply or bathing place. Vault contents shall be treated frequently by sprinkling with chloride of lime or a compound equally effective for preventing nuisances.

§ 221-143. Disposal of garbage and rubbish.

A. Every camp shall be provided with metal, tight-covered receptacles for garbage, placed at a suitable point or points at the camp and sufficient in number to contain all such garbage. All garbage shall be deposited in them. The contents of these covered receptacles shall be removed daily when the camp is in use, under proper supervision, and buried or disposed of in a sanitary manner so as not to create a nuisance.

B. Garbage shall not be thrown or deposited in any ravine, ditch or gutter on any street or highway or into any waters or be permitted to remain exposed on the surface of the ground.

C. Garbage receptacles shall be thoroughly washed at frequent intervals.

D. Every camp shall be provided with suitable receptacles with tight covers for rubbish, and all waste papers, bottles and tin cans shall be placed in them. The contents shall be removed at least twice a week when the camp is in use and burned or otherwise disposed of in a sanitary manner, under proper supervision.

§221-144. Food standards.

The quality and handling of all foods sold or offered for sale on the camp premises shall conform to the regulations of the Board of Health and to the Tercentenary Edition of the General Laws as amended or as may hereafter be amended.

§221-145. Bathing places.

No bathing place shall be established or used which is subject to dangerous contamination. Swimming and wading pools and bathing places shall be operated and maintained in accordance with the recommendations of the Joint Committee on Bathing Places of the Conference of State Sanitary Engineers and the American Public Health Association.

§221-146. Showers.

Camps provided with shower baths shall have separate compartments for each sex. A minimum of one(1) shower head for each sex shall be provided for camps up to twenty (20) persons, and one (1) additional head for each additional twenty (20) persons or fraction thereof. Concrete floors and suitable wastewater disposal shall also be installed.

§221-147. Living quarters requirements.

A. Living quarters, including dormitories, dining rooms, kitchens, bath- and toilet rooms, laundries and other shelters, shall be properly screened, well ventilated and lighted, free from vermin and insects, and the floors raised not less than twelve (12) inches from the ground. Screen doors shall be of the self-closing type. The floors of all kitchens, dining rooms, bath, toilet and washrooms and laundries shall be watertight.

B. No windows shall open directly into any enclosed garage space.

§221-148. Plumbing fixtures.

All plumbing fixtures shall be properly trapped and vented and made sanitary in every particular, and all piping conditions shall be in accordance with the plumbing rules formulated by the State Examiners of Plumbers as required by MGL C. 142, § 8.

§221-149. Supervision by caretaker; camp maintenance.

A. The camp shall be supervised by a capable manager or caretaker who shall reside at the camp or visit it every day when it is occupied. It shall be the duty of the manager or caretaker to keep the camp and its equipment in a clean and sanitary condition. The owner or management of each camp shall assume responsibility for maintaining the camp in proper sanitary condition in accordance with these rules and regulations, copies of which shall be posted at a conspicuous place in the camp.

B. The camp, when closed for the season, shall be left clean and in a sanitary condition.

§221-150. Communicable disease.

Whenever a case of disease dangerous to the public is discovered or any unusual amount of illness occurs in any camp, the person in charge shall at once notify the Board of Health. The patient shall be isolated and not removed from the camp except by order of the Board of Health.

§221-151. Additional trailer unit requirements.

The foregoing regulations shall apply to camps, cabins, motels and trailer coach parks. The following special regulations also shall apply:

A. Each trailer unit shall have an area of not less than one thousand (1,000) square feet, with suitable markers set at each corner. No unit shall be permitted to accommodate more than one (1) trailer. The minimum distance between trailers, a trailer and a building or a trailer and a property line shall be ten (10) feet. The minimum distance from a street line to a trailer shall be fifteen (15) feet.

B. No toilet installed in any trailer coach shall, except in case of sickness, be used while the trailer is parked in a trailer camp. Sink and other wastes shall not be discharged onto the ground, but shall be discharged into a suitable receptacle or through a connection with a pipe leading to a sewer, cesspool or other subsurface disposal works.

§221-152. Violations and penalties.

Whoever conducts, controls, manages or operates any camp, cabin, motel or trailer coach park subject to MGL c. 140, §§32A to 32C, inclusive, which is not licensed under MGL c. 140, §32B, shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

**ARTICLE XV, Child-Care Centers**

§221-153. Housing and equipment standards.

- A. Rooms shall be light, dry, well ventilated and warm.
- B. Floors shall be free of splinters and easily cleaned.
- C. There shall be at least one (1) toilet and lavatory of suitable height for every ten (10) children, with soap and individual towels provided.
- D. The house shall conform to existing fire and safety regulations.
- E. Outdoor space shall be adequately protected from hazards.

§221-154. Health standards.

- A. Each child shall have been vaccinated against smallpox.
- B. No license for child care shall be granted each year until a satisfactory chest X ray and Wassermann report has been filed in the Board of Health office covering all personnel connected with the child-care center.
- C. Provision shall be made for emergency first aid.
- D. Kitchens used to prepare food will meet the requirements of the Board of Health.
- E. All food and drink shall be clean, wholesome and free from spoilage.
- F. Water supply and disposal of wastes shall be approved by the Board of Health.

§221-155. Required records.

Adequate records shall be kept of each child.

§221-156. Inspection of premises.

The premises must be available for inspection by the Board of Health or its agents at all times.

§221-157. Violations and penalties.

Whoever violates any provision of this article shall be punished by a fine not less than ten dollars (\$10) nor more than two hundred dollars (\$200).

## **ARTICLE XVI, Miscellaneous Provisions**

§221-158. General penalty.

Whoever violates any of the foregoing regulations shall be punished by a fine of not more than one hundred dollars (\$100) except when otherwise provided by law or these regulations.

§221-159. Severability.

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

## **Chapter 225**

### **TOBACCO**

**HISTORY: Adopted by the Board of Health of the Town of Palmer as indicated in article histories. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-08, RTCM xx/xx/2007)**

## **ARTICLE I, Youth Access Restricted (Adopted effective 7-1-1999)**

§225-1. Findings; purpose.

- A. Tobacco use is a leading public health problem in the Town of Palmer and throughout the United States.
- B. There exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, various cardiac diseases, negative birth outcomes, allergies and irritations to the eyes, nose and throat of both the smoker and nonsmoker exposed to secondhand smoke.
- C. Tobacco use by minors is a continuing problem with grave public health consequences because more than eighty percent (80%) of all smokers begin before the age eighteen (18) and more than three thousand (3,000) people begin smoking every day in the United States.
- D. The United States Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; action is needed to curtail the easy access of tobacco products to minors.

E. Pursuant to MGL c. 111, §31, the Palmer Board of Health enacts the following regulations as strict and enforceable system to prevent access to and the illegal sale of tobacco products to minors.

§225-2. Authority.

This regulation is promulgated under the authority granted to the Palmer Board of Health under MGL c. 111, § 31 that "Boards of Health may make reasonable health regulations."

§225-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**EMPLOYEE:** Any individual who performs services for an employer in return for wages or profit.

**EMPLOYER:** Any individual, partnership, association, corporation, trust or other organized group of individuals, including the Town of Palmer or any agency thereof, which regularly uses the services of one or more employees.

**HUMIDOR:** A case or enclosure (as for storing cigars) in which the air is kept properly humidified.

**INDIVIDUAL:** Any employee, volunteer or any other person who patronizes an area where tobacco products are sold.

**RETAIL STORE:** Any establishment selling goods or articles or personal services to the public.

**SELF-SERVICE DISPLAY:** A display from which individual packs or cartons of tobacco products may be selected by a customer.

**TOBACCO VENDING MACHINE:** Any machine or device designated for or used for the vending of cigarettes, cigars, tobacco or tobacco products upon the insertion of coins, trade checks, swipe cards, slips or any other form of payment.

§225-4. Tobacco sales to minors prohibited; regulations; violations and penalties.

A. Sale to minors. In conformance with MGL c. 270, §6, whoever sells a cigarette, chewing tobacco, snuff, rolling papers or any tobacco in any of its forms to any person under the age of eighteen (18) or, not being his parent or guardian, gives a cigarette, chewing tobacco, snuff or tobacco in any of its forms to any person under the age of eighteen (18) shall be punished according to the fine schedule set forth in Subsection I of this section.

B. Posting state law.

(1) In conformance with MGL c. 270, §7, a copy of MGL c. 270, §6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell cigarettes at retail.

(2) The notice to be posted shall be provided by the Massachusetts Department of Public Health and made available from the Board of Health of the Town of Palmer. Such notice shall be at least forty-eight (48) square inches and shall be posted at the cash register which receives the greatest volume of single cigarette package sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. For all other cash registers that sell cigarettes, a notice shall be attached which is no smaller than nine (9) square inches, which is the size of the sign provided by the Massachusetts Department of Public Health. Such notice must be posted in a manner so that it may be readily seen by a person standing at or approaching the cash

register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet nor more than nine (9) feet from the floor.

C. Permit for location and sales of tobacco.

(1) After the effective date of this regulation, the Board of Health of the Town of Palmer will issue a permit for location and sale that will specify the name, address and approved location per the Board of Health of the Town of Palmer or their designated agent(s) for retailers who sell tobacco products.

(2) After the effective date of this regulation, all retailers who are required to hold a state license to sell cigarettes or other tobacco products will be required to hold and maintain a valid permit for location and sales from the Town of Palmer for each location at which tobacco products are sold.

(3) After receiving the permit, the merchant will receive signs that state "Sale of cigarettes or any tobacco products to persons under age eighteen (18) is illegal, MGL c. 270, §§ 6 and 7." Any merchant not posting said signs will be in noncompliance of this regulation and subject to penalties per Subsection I of this section.

(4) The term of the permit shall be one (1) year.

(5) The fee for the one (1) year tobacco retailer's permit for location and sale is \$75.00 for each tobacco retail location. (Amended Ord. 2007-08, RTCM xx/xx/2007)

(6) A permit for location and sales is nontransferable, except a new permit will be issued to a tobacco retailer who changes locations.

(7) During such time that a permit for location and sales of tobacco products has been suspended for violations of this regulation, all tobacco products must be removed from the premises. Any person or entity selling any tobacco products without said permit shall be fined according to Subsection I until said permit is reinstated by the Board of Health of the Town of Palmer or its designated agent(s).

D. Tobacco vending machines. After the effective date of this regulation, it shall be unlawful to sell or distribute any tobacco product through a cigarette vending machine or any other device used in the sale or distribution of tobacco products within the Town of Palmer, unless said cigarette vending machine is located in a facility where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

E. Out-of-package sales prohibited. No person or entity may sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes.

F. Self-service display restrictions. No retailer shall sell or offer for sale tobacco products by means of a self-service display. All humidors, including, but not limited to, walk-in humidors must be locked.

G. Free distribution of tobacco products. No retailer shall cause to be distributed any free samples of tobacco products.

H. Sales by employees.

(1) In the event of a prospective purchase of cigarettes or other tobacco products at retail by a person age twenty-six (26) years old or younger, the employee responsible for completion of the sale shall request and examine photographic identification establishing the purchaser's age as eighteen (18) years or greater.

(2) No commercial entity selling tobacco products at retail shall allow any employee to sell cigarettes or other tobacco products until such employee reads the Palmer Tobacco Control Regulation and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation.

I. Penalties; fines; suspension and/or revocation of permit. It shall be the responsibility of the permit holder and/or his or her agent to ensure compliance with all sections of this regulation pertaining to their place of business. The permit holder and/or his or her agent or persons involved in violation of any of the provisions of this regulation may receive:

(1) In the case of a first violation, the permit holder and/or his or her agent or persons not in compliance with the provisions of this regulation shall receive a fine of one hundred dollars (\$100).

(2) In the case of a second violation within one (1) calendar year, the permit holder and/or his or her agent or persons not in compliance with the provisions of this regulation shall receive a fine of two hundred dollars (\$200), and the permit shall be suspended for seven (7) consecutive calendar days.

(3) In the case of three (3) or more violations within one (1) calendar year, the permit holder and/or his or her agent or persons not in compliance with the provisions of this regulation shall receive a fine of three hundred dollars (\$300), and the permit shall be suspended for thirty (30) consecutive calendar days.

(4) The Board of Health of the Town of Palmer shall provide written notice to the Permittee of the intent to suspend a permit for location and sales of tobacco. The notice shall contain the reasons for the suspension and establish a date and time for a hearing. The date of the hearing shall be no earlier than seven (7) days after the date of said notice. The Permittee shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and reasons in writing.

#### §225-5. Enforcement.

A. Enforcement of this regulation shall be implemented by the Board of Health of the Town of Palmer or its designated agent(s).

B. Any citizen who desires to register a complaint of noncompliance under the regulation may do so by contacting the Board of Health of the Town of Palmer or its designated agent(s).

#### § 225-6. Severability.

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

### **Chapter 230**

## **BOARD OF PARK COMMISSIONERS RULES AND REGULATIONS**

**(HISTORY: Adopted by the Board of Park Commissioners of the Town of Palmer 9-18-1979. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-08, RTCM xx/xx/2007)**

## GENERAL REFERENCES

Alcoholic beverages -- See Ch. 49.

### §230-1. Prohibited activities.

A. The Board of Park Commissioners of the town, by virtue of the authority delegated to it under MGL C. 45 and every other power thereto enabling, hereby makes the following rules and regulations.

B. Within the limits of the land under the control of the Parks Department of said town it is forbidden:

- (1) To operate any motor vehicle at a rate of speed exceeding fifteen (15) miles per hour.
- (2) To ride or drive any bicycle or animal elsewhere than on ways provided for such purpose.
- (3) To operate a motorized vehicle in parklands under the control of the Board of Park Commissioners except on marked ways or paved roads provided for such purpose.
- (4) To be in any park when closed. All parks shall be closed to persons or motor vehicles during the period beginning at 9:00 p.m. and ending at 6:00 a.m. This shall apply to all parklands under the control of the Board of Park Commissioners, except upon written permission.
- (5) To wash, clean or do any routine services to a motor vehicle on lands under the control of the Board of Park Commissioners.
- (6) To cut, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or any other property without written permission of the Board of Park Commissioners.
- (7) To distribute any handbills or circulars or to post any bills, notices or advertising matter of any kind and nature without written permission of the Board of Park Commissioners.
- (8) To carry or discharge any firearms, firecrackers, rockets, torpedoes or any other fireworks without written permission from the Board of Park Commissioners.
- (9) To make or kindle a fire for any purpose except in places provided therefor.
- (10) To camp or lodge in any park without written permission from the Board of Park Commissioners.
- (11) To behave oneself in a rude or disorderly manner or use any indecent or profane language or solicit the acquaintance of, follow or otherwise annoy other visitors.
- (12) To sell or offer for sale any merchandise, article or articles whatsoever without written consent of the Board of Park Commissioners, or to practice, carry on, conduct or solicit any trade, occupation, business or profession.
- (13) To gamble, bet or have in one's possession any instrument of gambling.

(14) To publicly consume any alcoholic beverage or intoxicating liquor in any town park, cemetery, common, school, public building or on any public way in the Town of Palmer except at public gatherings for which a permit has been previously obtained from the Board of Selectmen. Anyone violating this regulation shall be subject to a fine of not more than fifty (\$50) and may be subject to arrest without a warrant by a police officer.

(15) To play any game on any land under the control of the Board of Park Commissioners except in such areas as are designated for said games.

(16) To suffer or permit a dog under the control or care of any person to enter or remain in a public park unless on a leash of suitable strength not more than six (6) feet in length under the direct control of the keeper.

(17) To swim, bathe or wade in any fountain, pond, lake or stream excepting at such places as shall be specifically set apart for that purpose.

(18) To deposit or leave the waste of food, lunchboxes, paper or other refuse (in the grounds except in containers provided therefor, or to throw refuse, stones or missiles in any lake, stream, swimming pool or fountain.

(19) To disobey any legal request or order of park rangers, police or any legal agent of the Board of Park Commissioners.

(20) To fish or hunt in any park property except at such places and times as shall be specifically set apart and authorized by the Board of Park Commissioners.

(21) To operate any amplification system or play any musical instrument in any park without prior permission of the Board of Park Commissioners.

(22) To operate any type of snow machine with engine (snowmobile) on any parklands under the jurisdiction of the Board of Park Commissioners except in such places as are designated.

(23) To excavate for any purpose. (Added 6-1-1985)

(24) To hit golf balls or play the game of golf on any land under the control of the Board of Park Commissioners except in such areas as designated for said game. (Added 11-18-1986)

(25) To use a metal detector or any device that causes or leads to damage to any land under the control of the Board of Park Commissioners. (Added 11-18-1986)

C. There shall be no exception to the above rules without prior permission of the Board of Park Commissioners.

#### §230-2. Reservation of facilities by organizations.

Organizations may secure from the Board of Park Commissioners or its lawful agent reservations of dates for picnics, ballgames, athletic meets, pageants and all recreational, social, educational and patriotic assemblages, provided that no one is deprived of the ordinary use of the grounds.

#### §230-3. Power of police to direct traffic.

The police shall have the power to direct traffic and to close any roads whenever they may deem it necessary upon approval of the Board of Park Commissioners or emergency situations.

#### §230-4. Violations and penalties.

Any person violating any of the rules and regulations of the Board of Park Commissioners of the Town of Palmer shall be punished as provided by MGL C. 45, § 24. Compliance with the rules and regulations of the Town of Palmer shall be a condition precedent to the use of any park premises.

§230-5. Severability.

If any provisions of these rules and regulations are held invalid, the other provisions of these rules and regulations shall not be affected thereby. If the application of these rules and regulations or any of their provisions to any person or circumstance is held invalid, the application of these rules and regulations and their provisions to other persons and circumstances shall not be affected thereby.

## Chapter 233

### EARTH REMOVAL OPERATIONS

**(HISTORY: Adopted by the Planning Board of the Town of Palmer 9-15-1980. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-08, RTCM xx/xx/2007)**

#### GENERAL REFERENCES

Zoning -- See Ch. 171.

#### §233-1. Definitions.

As used in these rules and regulations, the following terms shall have the meanings indicated:

**APPLICATION:** A written request filed with the Planning Board for issuance of a special permit; it shall include the application fee, operating plans and a list of abutters within three hundred (300) feet of any point on the perimeter of the proposed site.

**EARTH REMOVAL:** The extraction or removal of sand, gravel, loam, topsoil, stone, clay or shale from the deposits from any tract of land.

**OPERATING ACREAGE:** The maximum number of acres which have been or will be stripped of topsoil/vegetation and/or which have not been graded and replanted in conjunction with the approved closeout plan.

**OPERATING PLANS:** A series of topographic plans showing the existing, interim and closeout contours, drainage schemes, etc., as defined hereinafter.

**TOTAL ACREAGE:** The total number of acres within the property lines of the proposed site.

#### §233-2. Applications.

A. All applications for the issuance or re-issuance of a special permit shall be accompanied by a certified check in the amount of one hundred dollars (\$100) to cover the Planning Board's preliminary expenses.

B. The Planning Board shall require that the applicant retain a consulting engineer acceptable to the Planning Board and that the applicant pay all fees and expenses relative to such engineer.

Failure to retain said engineer and to pay such fees and expenses shall constitute a default by the applicant under the covenant, causing the revocation of the special permit. The consulting engineer to be retained shall submit reports to the Planning Board in form and substance acceptable to it. Project engineers shall be excluded as consulting engineers to avoid a conflict of interest.

§233-3. Purpose.

These regulations are adopted pursuant to the authority granted by MGL c. 40 for the purpose of promoting the health, safety and overall aesthetic quality of life for the inhabitants of the town by effecting uniform regulations for all earth removal operations.

§233-4. Permit required.

No earth removal operation shall be conducted without a covenant's having been consummated between the town and the applicant and a special permit for the same having first been issued by the Planning Board. The special permit shall expire on December 31 of each year. The Planning Board reserves the right to deny the issuance of any special permit if in its judgment the earth removal operator has not developed or has failed to conform to the approved operating plan.

§233-5. Permit fee.

The permit fee shall be a certified check in the amount of twenty-five dollars (\$25) per operating acre, and the applicant shall reimburse the town for all other expenses exceeding the application fee prior to the issuance of the special permit.

§233-6. Hours of operation.

A. Earth removal operations may only be conducted during the following hours:

- (1) Weekdays, Monday through Friday, 7:30 a.m. to 4:00 p.m.
- (2) Saturdays, 8:00 a.m. to 12:00 noon.
- (3) Holidays and Sundays, none.

B. Earth removal operations during prohibited times or days may be authorized by the issuance of a special exception by the Planning Board.

§ 233-7. Notice of special permit application.

The Planning Board shall give fourteen (14) days' prior notice to the applicant and abutters within three hundred (300) feet of any point on the site perimeter of any public meeting during which an application for an earth removal special permit shall be considered and discussed. Said notice shall be published in a newspaper of general circulation in the town.

§233-8. Failure of Permittee to comply.

If a Permittee fails to comply within thirty (30) days of a written notice from the Planning Board of any deviation from the approved operating plan, the Planning Board may take such action as is necessary to correct the deviations. In the event of such an undertaking by the Planning Board, the owner of the land shall reimburse the town for expenses incurred in connection therewith and such expenses shall constitute a lien upon the entire tract of land approved in the permitting process.

§233-9. Operating plan requirements.

- A. A plan indicating the property lines of the parcel or parcels under consideration, drawn on a scale of approximately one (1) inch equals two hundred (200) feet, which has been prepared by a registered land surveyor registered in the Commonwealth of Massachusetts, shall be furnished.
- B. A topographic plan showing, the contours of the overall site as they currently exist and as they will exist upon the phasing out operation of any portion of the site or upon ultimate closeout of the site shall be furnished.
- C. An effort shall be made to identify and/or differentiate naturally wooded areas from pasture or otherwise denuded land.
- D. All building structures, existing or proposed, shall be shown and suitably differentiated.
- E. A sufficient number of interim plans showing the proposed work areas throughout the life of the soil banks shall be developed. An effort shall be made to project the approximate time frames when an area will be phased out and the next one opened.
- F. The maximum slope on any operating phase shall not exceed three to one (3:1); the maximum slope on phase-out shall not exceed four to one (4:1). Notwithstanding any of the foregoing, the final slope upon phase-out of any portion of the site shall not exceed the natural angle of repose of the on-site surface material.
- G. Provisions shall be made to ensure that all runoff from the site is collected and conveyed via drainage channels to a properly sized siltation pond. It is the intent of this requirement to minimize siltation of natural waterways within the town.
- H. The maximum anticipated runoff for a two (2) year design storm with a rainfall intensity of one and one tenth (1.1) inches per hour shall be calculated. Retention ponds may be required by the Board.
- I. Subsurface borings to a depth of at least five (5) feet below the ultimately anticipated operating level shall be made during the high-groundwater period of the year (April and May). Results of these borings, including a detailed log of soil types, groundwater, etc., shall be furnished. On large tracts of land, a minimum of at least one (1) bore hole per acre will be required. In smaller tracts, the Planning Board reserves the right to require more extensive subsurface exploration.
- J. No earth removal operation shall be conducted within a distance of fifty (50) feet of the boundary of any tract of land upon which earth removal is to be carried out, within fifty (50) feet of a public way nor within one hundred and fifty (150) feet of any building.
- K. In residential areas, fencing, as may be required by the Planning Board, shall be furnished.
- I. All suitable topsoil which exists at the beginning of the earth removal operation shall be held in reserve. At the time of phase-out, a minimum thickness of three inches of fertile topsoil shall be placed over all faces to support growth of vegetation. Plantings of a suitable type, as determined by the Planning Board and the Conservation Commission, shall be furnished and maintained upon the phase-out of any portion of the site to effectively control wind and water erosion.
- M. Calcium chloride or oil shall be applied to all non-hardened surfaced roads used for the vehicular ingress or egress to any tract of land upon which earth removal is conducted and to all regularly traveled roads within any such tract of land.

§233-10. Revocation of permit.

The Planning Board, upon petition or its own motion, may revoke any special permit for violation of any provision herein. The Planning Board shall give the Permittee seven (7) days' written notice of any hearing to consider revocation of a special permit.

§233-11. Restraining order.

The Planning Board may bring suit in the name of the Town of Palmer to restrain any violation of or noncompliance with the provisions of these regulations.

§233-12. Exceptions.

A. Basic. These rules and regulations are not applicable to:

- (1) Any project undertaken by the Town of Palmer either directly or by its authorized agents.
- (2) Construction of a single or duplex residence(s) on a lot with an area of 43,560 square feet (one acre) or less.

B. Special. Upon special application and after a showing that the enforcement of these regulations will create an undue hardship, the Planning Board may grant an exception to any provision of these regulations upon finding that such exception will not result in a depreciation of surrounding property or degradation of the general aesthetic quality of the community.

§233-13. Issuance of letter of credit or bond.

Prior to the issuance on an earth removal permit, the Permittee shall issue an irrevocable letter of credit from a bona fide bank or a performance bond (on a form recommended by the special permit granting authority, a copy of which is attached) to the town from a surety company licensed to operate in Massachusetts, in the amount of at least one thousand dollars (\$1,000) for each operating acre of said portion of land which will be operated or otherwise have an open face during the succeeding year.

§233-14. Applicants to provide certificate of insurance.

All applicants are required to provide the Town of Palmer with a hold harmless agreement along with a certificate of insurance, naming the Town of Palmer as an additional insured, for bodily injury and property damage in an amount to be specified in the covenant, subject to a minimum of five hundred thousand dollars (\$500,000) single limit.

§233-15. Compliance with other rules and regulations.

Notwithstanding any of the foregoing rules and regulations, the applicant shall comply with all other applicable local, state and federal laws, regulations, rules and guidelines.

## Chapter 244

### SUBDIVISION OF LAND

**HISTORY. Adopted by the Planning Board of the Town of Palmer 1-24-1966. Amendments noted where applicable. Removed in total from Code of Ordinances and placed in the Town Policy Handbook, Ord. 2007-08, RTCM xx/xx/2007)**

## GENERAL REFERENCES

Numbering of buildings -- See Ch. 63.

Sewers -- See Ch. 143.

Streets and sidewalks -- See Ch. 152.

Zoning -- See Ch. 171.

## ARTICLE I, General Provisions

### §244-1. Authority.

Under the authority vested in the Planning Board of the Town of Palmer by MGL c. 41, §81-G, said Board hereby adopts these rules and regulations governing the subdivision of land in the Town of Palmer.

### §244-2. Definitions.

As used in these rules and regulations, the following terms shall have the meanings indicated:

**PRELIMINARY PLAN:** A plan of a proposed subdivision or re-subdivision of land, drawn on tracing paper, or a print thereof, showing the subdivision name, boundaries, North point, date, scale, legend and title "Preliminary Plan"; the names of the record owner and the applicant and the name of the designer, engineer or surveyor; the names of all abutters, as determined from the most recent local tax list; the existing and proposed lines of streets, ways, easements and any public areas within the subdivision, in a general manner; the proposed system of drainage, including adjacent existing natural waterways, in a general manner; the approximate boundary lines of proposed lots, with approximate areas and dimensions; the names, approximate location and widths of adjacent streets; and the topography of the land in a general manner. (MGL C. 41, §81-L)

**SUBDIVISION:** The division of a tract of land into two (2) or more lots, and shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two (2) or more lots shall not be deemed to constitute a "subdivision" within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on a public way or a way which the Clerk of the city or town certifies is maintained and used as a public way, a way shown on a plan theretofore approved in accordance with the Subdivision Control Law or a way in existence when the Subdivision Control Law became effective in the city or town in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or ordinance, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty (20) feet. Conveyances or other instruments adding to, taking away from or changing the size and shape of lots in such manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two (2) or more buildings were standing when the Subdivision Control Law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a "subdivision." (MGL C. 41, §81-L)

§ 244-3. Plan believed not to require approval.

A. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit his plan and application Form A to the Planning Board, accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or registered mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application. If the notice is given by delivery, the Town Clerk shall, if requested, give a written receipt therefor.

B. If the Planning Board determines that the plan does not require approval, it shall, without a public hearing and without unnecessary delay, endorse on the plan the words "Approval under the Subdivision Control Law not required," which shall be signed and dated the Clerk of the Planning Board. The Planning Board may add to such endorsement a statement of the reason why approval is not required. The plan will be returned to the applicant, and the Planning Board shall notify the Town Clerk of its action.

C. If the Planning Board determines that the plan does require approval under the Subdivision Control Law, it will so inform the applicant and return the plan. The Planning Board will also notify the Town Clerk of its action.

D. If the Planning Board fails to act upon a plan submitted under this section within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.

§244-4. General plan requirement.

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the town, or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein, unless and until a definitive plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided.

**ARTICLE II, Procedure for Submission and Approval of Plans**

§244-5. Preliminary plan.

A. General.

(1) A preliminary plan of a subdivision may be submitted by the subdivider to the Planning Board and to the Board of Health for discussion and approval, modification or disapproval by each Board. The submission of such a preliminary plan will enable the subdivider, the Planning Board, the Board of Health, other municipal agencies and owners of property abutting the subdivision to discuss and clarify the problems of such subdivision before a definitive plan is prepared. Therefore, it is strongly recommended that a preliminary plan be filed in each case. A properly executed application Form B shall be filed with the preliminary plan submitted to the Planning Board.

(2) The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval of a Preliminary Plan and accompanied by a copy of the completed application (Form B).

B. Contents. The preliminary plan shall be drawn on tracing paper with pencil at a suitable scale, and two prints shall be filed at the office of the Planning Board and one print at the office of the Board of Health. Said plan shall be identified as a preliminary plan and shall show all the

information described under the definition of the preliminary plan so as to form a clear basis for discussion of its problems and for preparation of the definitive plan. During discussion of the preliminary plan, the complete information required for the definitive plan (§244-6B, Contents) and the financial arrangements (§244-6E, Performance guaranty) will be developed.

C. Approval. The Planning Board may give such preliminary plan its approval, with or without modification. Such approval does not constitute approval of a subdivision.

#### §244-6. Definitive plan.

##### A. General.

(1) Any person who submits a definitive plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(a) An original drawing of the definitive plan and three contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.

(b) A properly executed application Form C.

(c) Fees. (Amended 4-11-1988; 2-25-1991)

[1] A filing fee of six hundred and seventy-five dollars (\$675) to cover advertising and processing costs will be charged for submission of definitive plans and a hearing.

[2] An additional fee, known as an "application review fee," will be charged at the time of filing the definitive plans with the Planning Board for review of plans and consultant and engineering costs. A bank check is required at the time of filing. Please see the Application Review Fee Regulation (adopted 1-28-1991) for the correct fee.

[3] Any definitive subdivision plans which are denied prior to any engineering costs being incurred will be refunded the additional fee only.

(2) The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed application Form C.

B. Contents. The definitive plan shall be prepared by a registered land surveyor. If the definitive plan shows proposed drainage structure and other engineering data, then it must bear the seal of both a registered land surveyor and engineer. The plan shall be clearly and legibly drawn in black India ink upon tracing cloth or Mylar. The plan shall be at a scale of one inch equals forty (40) feet or such other scale as the Planning Board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed twenty-four by thirty-six (24 x 36) inches. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The definitive plan shall contain the following information:

(1) Subdivision name, boundaries, North point, date and scale.

(2) Name and address of record owner, subdivider and engineer or surveyor.

(3) Names of all abutters as they appear in the most recent tax list.

(4) Lines of existing and proposed streets, ways, lots, easements and public or common areas within the subdivision. (The proposed names of proposed streets shall be shown in pencil until

they have been approved by the Planning Board.) Street names cannot be duplicated from one precinct to another.

(5) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line and to establish these lines on the ground.

(6) Location of all permanent monuments, properly identified as to whether existing or proposed.

(7) Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision.

(8) Indication of purpose of easements.

(9) A suitable space to record the action of the Planning Board and the signatures of the members of the Planning Board (or officially authorized person).

(10) Existing and proposed topography at a suitable contour interval if required by the Planning Board.

(11) Existing profiles on the exterior lines and proposed profile of the center line of proposed streets at a horizontal scale of one inch equals 40 (1:40) feet and vertical scale of one inch equals four (1:4) feet, or such other scales acceptable to the Planning Board.

(12) Proposed layout of storm drainage, water supply and sewage disposal systems.

C. Review by Board of Health as to suitability of the land. At the time of filing of the definitive plan, the subdivider shall also file with the Board of Health two (2) contact prints of the definitive plan, dark line on white background. The subdivider shall furnish the Board of Health with all such data as required by said Board's rule. The Board of Health shall, within forty-five (45) days after filing of the plan, report to the Planning Board, in writing, approval or disapproval of said plan. If the Board of Health disapproves said plan, it shall make specific findings as to which, if any, of the lots shown on such plan cannot be used for building sites without injury to the public health, and include such specific findings and the reasons therefor in such report, and, where possible, shall make recommendations for the adjustment thereof. Every lot so located that it cannot be served by a connection to the municipal sewer system shall be provided with a cesspool or septic tank and drain field satisfactory to the Board of Health.

D. Public hearing. Before approval, modification and approval or disapproval of the definitive plan is given, a public hearing shall be held by the Planning Board, notice of the time and place of which and of the subject matter, sufficient for identification, shall be given by the Planning Board, at the expense of the applicant, by advertisement in a newspaper of general circulation in the Town of Palmer once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing, or if there is no such newspaper in such town, then by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list.

E. Performance guaranty. Before endorsement of its approval of a definitive plan of a subdivision by the Planning Board, the subdivider shall agree to complete the required improvements (construction of ways and its installation of municipal services) specified in Article IV for any lots in a subdivision, such construction and installation to be secured by one, or in part by one and in

part by the other, of the following methods, which may from time to time be varied by the applicant:

(1) Final approval with bonds or surety. The subdivider shall either file a performance bond or deposit a sum of money or negotiable securities in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements specified in Article IV not covered by a covenant under Subsection E(2) hereof. Such bond or security, if filed or deposited, shall be approved as to form and manner of execution by the Town Counsel and as to sureties by the Town Manager and shall be contingent on the completion of such improvements within two (2) years of the date of the bond. (Amended Ord. 2007-08, RTCM xx/xx/2007)

(2) Final approval with covenant. The subdivider shall file a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services as specified in Article IV not covered by bond or deposit under Subsection E(1) hereof shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed.

F. Reduction of bond or surety. The penal sum of any such bond or the amount of any deposit held under Subsection E(1) above may, from time to time, be reduced by the Planning Board and the obligations of the parties thereto released by said Board in whole or in part. If release is by reason of covenant, a new plan of the portion to be subject to the covenant may be required.

G. Upon the completion of improvements required under Article IV, security for the performance of which was given by bond, deposit or covenant, or upon the performance of any covenant with respect to any lot, the subdivider may orally request and agree on terms of release with said Planning Board or he may send by registered mail to the Town Clerk a written statement, in duplicate, that the said construction or installation in connection with which such bond, deposit or covenant was given has been completed in accordance with the requirements contained under Article IV, such statement to contain the address of the applicant, and the Town Clerk shall forthwith furnish a copy of said statement to the Planning Board. If the Planning Board determines that said construction or installation fails to comply with the requirements contained under Article IV, failure of the Planning Board to act on such application within forty-five (45) days after the receipt of the application by the Town Clerk, all obligations under the bond shall be returned and any such covenant shall become void. In the event that said forty-five (45) day period expires without such specification or without the release and return of the bond or return of the deposit or release of the covenant as aforesaid, the Town Clerk shall issue a certificate to such effect, duly acknowledged, which may be recorded.

H. Certificate of approval.

(1) The action of the Planning Board in respect to such plan shall be by voice, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Planning Board modifies or disapproves such plan, it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the definitive plan by the signatures of a majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board) but not until the statutory twenty (20) day appeal period has elapsed following the filing of the certificate of the action of the Planning Board with the Town Clerk and said Clerk has notified the Planning Board that no appeal has been filed. After the definitive plan has been approved and endorsed, the applicant shall furnish the Planning Board with three prints thereof.

(2) Final approval of the definitive plan does not constitute the laying out or acceptance by the town of streets within a subdivision.

### **ARTICLE III, Design Standards**

#### §244-7. Streets.

##### A. Location and alignment.

(1) All streets in the subdivision shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular travel. Due consideration shall also be given by the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivision.

(2) The proposed streets shall conform, so far as practicable, to the Master or Study Plan when adopted in whole or in part by the Planning Board.

(3) Reserve strips prohibiting access to streets or adjoining property shall not be permitted except where, in the opinion of the Planning Board, such strips shall be in the public interest.

(4) Provision satisfactory to the Planning Board shall be made for the proper projection of streets or for access to adjoining property which is not yet subdivided.

(5) Street jogs with center-line offsets of less than one hundred twenty-five (125) feet should be avoided.

(6) The minimum center-line radius of curved streets shall be one hundred (100) feet. Greater radii may be required for principal streets.

(7) Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty degrees (60°).

(8) Property lines at street intersections shall be rounded or cut back to provide for a curb radius of not less than thirty (30) feet.

B. Width. The minimum width of street rights-of-way shall be fifty (50) feet. Greater width shall be required by the Planning Board when deemed necessary for present and future vehicular travel.

C. Grade. Grades of streets shall be not less than one half percent (0.5%). Grades shall not be more than six percent (6.0%) for principal streets nor more than twelve percent (12.0%) for secondary streets.

##### D. Dead-end streets.

(1) Dead-end streets shall not be longer than five hundred (500) feet unless, in the opinion of the Planning Board, a greater length is necessitated by topography or other local conditions.

(2) Dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least one hundred (100) feet and a property line diameter of at least one hundred and fifteen (115) feet.

#### §244-8. Easements.

A. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least twelve (12) feet wide.

B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Planning Board may require that there be provided a stormwater easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainageway, channel or stream and to provide for construction or other necessary purposes.

§244-9. Open spaces.

Before approval of a plan, the Planning Board may also in proper cases require the plan to show a park or parks, suitably located, for playground or recreation purposes or for providing light and air. The park or parks shall not be unreasonable in area in relation to the land being subdivided and to the prospective uses of such land. The Planning Board may, by appropriate endorsement on the plan, require that no building be erected upon such park or parks without its approval for a period of three years.

§244-10. Protection of natural features.

Due regard shall be shown for all natural features, such as large trees, watercourses, scenic points, historic spots and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

**ARTICLE IV, Required Improvements for Approved Subdivisions**

§ 244-11. Streets, roadways and driveways.

A. The entire area of each street or way shall be cleared of all stumps, brush, roots, boulders, like material and all trees not intended for preservation.

B. All loam and other yielding material shall be removed from the roadway area of each street or way and replaced with suitable material.

C. All roadways shall be brought to a finished grade as shown on the profiles of the definitive plan, with at least the top twelve (12) inches consisting of well-compacted binding gravel to a width of at least thirty-two (32) feet, to be located, insofar as practicable, centrally within the street right-of-way.

D. The total width, fifty (50) feet, shall be approximately level from side to side and under no circumstances be more than twelve (12) inches higher or lower than the finished center-line grade opposite it.

E. All roadways in a subdivision or elsewhere in town shall be paved with Type I bituminous paving material for a total width of thirty-two (32) feet, said width to include a berm to be installed on both sides of the roadway for the total length of the roadway according to specifications of the Superintendent of Streets and/or the Town Engineer. All work must be completed or covered by a bond, deposit or covenant before acceptance by the town.

F. Driveways.

(1) Berm or curb cuts for residential or private driveway accesses shall be limited to a maximum of fifteen (15) feet.

(2) Business or industrial. Driveway cuts for business and industrial purposes shall be determined after a consultation with the Director of Public Works. (Amended Ord. 2007-08, RTCM xx/xx/2007)

(3) Abutting driveways. Driveways shall have a four (4) foot setback from the side or rear lot line of abutting properties. A divider berm or curb shall be provided at the street line of said abutting properties.

§244-12. Utilities.

A. Sewer pipes and related equipment, such as manholes and connecting Y's, shall be constructed according to standards acceptable to the Director of Public Works. (Amended Ord. 2007-08, RTCM xx/xx/2007)

B. Adequate disposal of surface water shall be provided. Catch basins shall be built in conformity with specifications of the Director of Public Works on both sides of the roadways on continuous grades at intervals of not more than three hundred (300) feet, at low points and sags in the roadway and near the corners of the roadway at intersecting streets. (Amended Ord. 2007-08, RTCM xx/xx/2007)

C. Water pipes and related equipment, such as hydrants and main shutoff valves, shall be constructed to serve all lots on each street in the subdivision in conformity with specifications of the governing water department or district commissioners in each precinct.

§244-13. Monuments.

Monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall be at least forty-five (45) inches long, six (6) inches square at bottom and four (4) inches square at top, to be set in well-compacted, clean, gravelly material free of stones larger than four (4) inches. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

**ARTICLE V, Administration**

§ 244-14. Variances.

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

§244-15. Statutory regulations.

For matters not covered by these rules and regulations, reference is made to MGL C. 41, §§ 81K to 81GG, inclusive.

§244-16. Limit on dwellings per lot.

Not more than one building designed or available for use for dwelling purposes shall be erected or placed or converted to use as such on any lot in a subdivision or elsewhere in the town without the consent of the Planning Board.

§244-17. Permit required.

No building shall be erected within a subdivision without written permission from the Planning Board.