



AREAS OF OPERATIONS AND AUTHORITY STATUTES

SOUTH HADLEY DEPARTMENT OF HEALTH

REGULATORY SECTORS



Disease Prevention/Control



State Sanitary Code Enforcement



Food Protection Laws and Regulations



Motels and Public Lodging Places



Environmental Protection



Miscellaneous



DISEASE PREVENTION / CONTROL

- Must report cases of dangerous diseases to the State Department of Public Health within twenty-four hours, M.G.L. c. 111, s. 112-113.
- A list of the diseases required to be reported can be found in the Massachusetts regulations *Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements, 105 CMR 300.000.*
- *Provide anti-rabies vaccine and treatment*
- *May direct the isolation and quarantine of individuals, animals, and property relative to communicable diseases*
- *May require vaccinations of inhabitants of the city or town*

✓ STATE SANITARY CODE ENFORCEMENT

Housing

- Authorized to enforce regulations set in the State Sanitary Code M.G.L. c. 111, s. 127A.
- Has the authority to issue orders reciting the existence of an emergency and requiring action to meet the emergency M.G.L. c. 111, s. 127A.
- Required to enforce all aspects of the housing code, including conducting inspections, issuing correction orders, and enforcing compliance, M.G.L. c. 111, s. 127B.
- Condemn a dwelling which is unfit for human habitation, order the occupants to vacate, order the owner to clean the dwelling or tear it down M.G.L. c.111, s.127B

✓ STATE SANITARY CODE ENFORCEMENT

Recreational Camps for Children

- Chapter IV of the State Sanitary Code sets forth the minimum housing, health, safety and sanitary protection standards for recreational camps for children 105 CMR 430.000
- Must inspect each camp facility before granting a license for the upcoming year M.G.L. c.140 s.32B

✓ STATE SANITARY CODE ENFORCEMENT

Public/Semi-Public Swimming Pools

- Chapter V of the State Sanitary Code sets forth the minimum standards for health and safety of swimming, wading, and special purpose pools 105 CMR 435.000
- Required to inspect and issue annual permits to operate a swimming, wading or special purpose pool 105 CMR 435.000

✓ SANITARY CODE ENFORCEMENT

Medical/Biological Waste

- Chapter VIII of the Sanitary State Code sets forth the minimum requirements for the storage, treatment, disposal, and transportation of medical or biological waste 105 CMR 480.000
- May establish sharps collection centers M.G.L. c. 94C, s, 27A
- Standards for the collection and management of sharps by sharps collection centers are set forth in 105 CMR 480.135
- The town's bylaws on medical sharps can be found at <https://ecode360.com/30821353> Article VII

✓ SANITARY CODE ENFORCEMENT

Retail Food Establishments

- Chapter X of the State Sanitary Code sets forth the minimum requirements to operate a retail food establishment in the Commonwealth 105 CMR 590.000
- Issue permits for operation of retail food establishments, including markets, temporary food events, caterers, food vendors, food pantries, and other charitable and/or church operated food events
- Responsible for inspecting retail food establishments, issuing orders, and under certain circumstances suspending, revoking or not renewing permits or denying an application for an initial permit 105 CMR 590.012
- Regulations pertaining to the responsibility of food establishments concerning allergens can be found at 105 CMR 590.000
- No food establishment shall use disposable food containers made from polystyrene or expanded polystyrene to provide prepared food to customers M.G.L. c.111, s.31
- No retail establishment, retail food establishment, or retail service establishment as defined in § [196-2A](#), Definitions, shall sell or convey merchandise to ultimate consumers in said establishments and shall only use such bags that are reusable bags, biodegradable bags, or compostable plastic bags
- The bylaw pertaining to the use of polystyrene containers in food establishments can be found at <https://ecode360.com/30821600> under Article XIV
- The bylaw addressing food establishments can be found at <https://ecode360.com/36611280> under Article XIX

✓ STATE SANITARY CODE

Lead Poisoning Prevention

- The lead poisoning prevention statutes and regulations relate to housing conditions and authorize the enforcement of violations
- Must inspect residential premises constructed before 1978 in which a child under six resides for compliance with the State Lead Poisoning Prevention law and regulations M.G.L. c.111, s.189A-s.199B and 105 CMR 460.000



FOOD PROTECTION LAWS AND REGULATIONS

Dairy/Milk

- The law covering pasteurization plants, which are licensed by the Board is found at M.G.L. c. 94, s. 48A
- May adopt bacterial standards for milk which are stricter than the standards adopted by the Department of Public Health M.G.L c.94, s. 13E
- May appoint a milk inspector to inspect and license milk producers and dealers M.G.L. c.9



FOOD PROTECTION LAWS AND REGULATIONS

Bakeries and Bakery Products

- Enforce sanitary standards for bakeries and in the preparation, handling, storing, labeling, and transporting of bakery products that don't adhere to the standards M.G/L. c. 94, s.2-10



FOOD PROTECTION LAWS AND REGULATIONS

Seafood and Shellfish

- Permits for retail and wholesale seafood and shellfish operations are issued jointly by the Division of Marine Fisheries and the Department of the Public Health
- The regulations governing seafood and shellfish operations are found at 105 CMR 533.000
- All shellfish must be properly labeled at all times , with the producer, shipper, certificate number, and the place and date where taken M.G.L. c. 94, s. 74-88D



FOOD PROTECTION ON LAWS AND REGULATIONS

Sampling and Seizure of Food

- Authorized to collect food samples pursuant to M.G.L. c. 94, s. 188-189
- Authorized to inspect and to seize tainted, diseased, decayed, unwholesome, or unfit meat, fish, vegetables, produce, fruit or provisions of any kind that are exhibited and exposed for sale as food M.G.L. c. 94, s. 146



MOTELS AND PUBLIC LODGING PLACES

- Responsible for licensing motels and manufactured housing communities M.G.L c. 140, s. 32B
- Have jurisdiction to inspect the premises to determine that the sources of water supply and the works for the disposal of the sewage of such premises are sanitary
- Grant licenses to public boarding houses In accordance with M.G.L. c. 140, s.36
No license shall be granted until the board of health has certified that the building is provided with a sufficient number of water closets and urinals and with good and sufficient means of ventilation

ENVIRONMENTAL PROTECTION

Hazardous/ Solid *Waste and Location of Cemeteries*

- Assign sites for storage, treatment, or disposal of hazardous waste (not including wastewater treatment facilities) M.G.L. c. 111, s. 150B
- Assign sites for sanitary landfills, refuse incinerators, waste storage or treatment plants, and refuse transfer stations, after a public hearing in accordance with M.G.L. c. 111, s. 150A and 150A1/2
- Approve the location of cemeteries M.G.L. c. 114. s. 34
- Periodically examine and evaluate refuse transfer stations 310 CMR 18.00



ENVIRONMENTAL PROTECTION

Septage and Garbage

- Enforce compliance with the standard requirements for on site sewage treatment and disposal systems 310 CMR 15.00
- Authority to make rules and regulations for the removal, transportation, and disposal of offal, garbage, and other offensive substances is given by M.G./L. c. 111, s. 31B
- Issue permits for the removal and transportation of these substances, including permitting waste haulers M.G.L. c. 111, s. 122
- Facilitate the safe collection and disposal of sharps generated by small volume, non-commercial sharp users, specifically residential users 310 CMR 16.06
- The town's bylaws addressing dumpsters can be found at <https://ecode360.com/31507833> under XVI
- The town's bylaws regarding the dumping of rubbish and refuse can be found at <https://ecode360.com/30821267> under Article III
- The bylaws addressing Septic System Inspections can be found at <https://ecode360.com/30821273> under Article IV
- The bylaws regarding refuse and recycling collection can be found at <https://ecode360.com/30821432> under Article XI



ENVIRONMENTAL PROTECTION

Subsurface Disposal of Sanitary Sewage

- Inspect the installation of all sewage disposal systems, and before the sale of a property
- Witness percolation tests, deep observation holes, and perform site examinations for each system
- Review plans for sewage disposal systems and provide permit for installation
- No floor drains shall be allowed to discharge, with or without pretreatment, to the ground, a leaching structure, or septic system in any industrial or commercial facility with restrictions M.G.L. c.111 s.31 and s.122
- The town's bylaws addressing the illegal disposal of wastes into town drainage systems can be found at <https://ecode360.com/30821258> under Article II
- The town's bylaws regarding floor drains can be found at <https://ecode360.com/30821380> under Article IX



ENVIRONMENTAL PROTECTION

Air Pollution and Pesticides

- May adopt and enforce regulations to control air pollution M.G.L. c. 111, s. 31 C
- May make reasonable regulations that are not inconsistent with the Massachusetts Pesticide Control Act M.G.L. c. 132 B
- The use and application of glyphosate-based herbicides by town employees and/or by private contractors for managing lawns. Turf, ornamental beds, and trees is prohibited on all town-owned/operated lands M.G.L c.111. s.31
- Work to control mosquito-borne diseases, such as West Nile Virus and Eastern Equine Encephalitis
- The town's bylaws addressing the use of glyphosate on town and operated property can be found at <https://ecode360.com/36611324> under Article XX

MISCELLANEOUS

Nuisances

- Required to examine into all nuisances, sources of filth and causes of sickness within the city or town M.G.L. c. 111, s. 122
- May determine any area infested by mosquitoes, or likely to produce mosquitoes within the limits of any such town to be a public nuisance
- Required to remove or destroy the nuisance or cause of sickness, or prevent the nuisance or cause of sickness.
- Required to make regulations related to the removal and destruction of such nuisances and clean or tear down a nuisance M.G.L. c. 111, s. 125
- May condemn all nuisances and clean or tear down a nuisance M.G.L. 111, s. 125
- The town's bylaws addressing nuisances and noisome trades can be found at <https://ecode360.com/37340085> under Article XXI

MISCELLANEOUS

Use of Traps and Subdivision of Land

- May authorize the use of traps to capture furbearing mammals to minimize threats to human health and safety associated with activities of these mammals M.G.L. c. 131. s. 80A
- Must approve or disapprove definitive plans for the subdivision of land M.G.L. c. 41, ss.81S-81V

MISCELLANEOUS

Death Certificates/ Burial Permits and Funeral Directors

- Responsible for issuing, receiving, and recording death certificates and burial permits M.G.L. c.114, s. 45
- License funeral directors who are certified to them by the Board of Registration of Funeral Directors and Embalmers M.G.L. c. 114, s
- The town's bylaws addressing funeral establishments can be found at <https://ecode360.com/30821649> under Article XV

MISCELLANEOUS

Tanning Facilities and Public Sanitary Stations

- Issue licenses to tanning facilities 105
CMR 123.000
- Must inspect tanning facilities, enforce regulatory requirements, hold hearings, and may issue variances
- Must establish public sanitary stations with separate water closets for the use of each sex M.G.L. c. 111, s. 33



MISCELLANEOUS

School Physicians/Nurses and Drinking Water

- May be responsible for appointing school physicians and nurses
- Upon determination that drinking water in a dwelling or food establishment is unsafe, may order discontinuance of use or order provision of a new source M.G.L. c. 71, s. 53
- Annually monitor water quality in municipal buildings and facilities, assure compliance with the minimum standards for lead and copper levels in drinking water
- The town's bylaws regarding private wells can be found at <https://ecode360.com/32389713> under Article XVII
- The town's bylaws addressing water testing in public buildings and municipal facilities can be found at <https://ecode360.com/36611259> under Article XVII

MISCELLANEOUS

Smoking

- Enforce the Smoke-Free Workplace Act M.G.L. c. 270, s.22(m)(1)
- Receive written complaints regarding the will failure or refusal to comply with the Indoor Clean Air Act regarding restaurants, supermarkets or retail food outlets M.G.L. c.270 s.22
- Initiate investigations regarding the failure to comply with the Smoke Free Workplace Act M.G.L. c. 270, s. 22(m)(3)
- The town's bylaws addressing smoking in membership associations and private clubs can be found at <https://ecode360.com/30821328> under Article VI
- The town's bylaws regarding smoking in workplaces and public places can be found at <https://ecode360.com/30821456> under Article XII



MISCELLANEOUS

Tobacco

- Cigarette vending machines or any other device for the sale/distribution of tobacco products are prohibited
- No retailer shall sell, or permit to sold, cigarettes or any other tobacco products to an individual without requesting and examining state-approved photo identification establishing the purchaser's age as 21 years or older
- Unlawful for a retailer to sell cigarettes or other tobacco products unless that retailer holds and maintains an annual valid permit
- Owner/person in charge of shop used to sell tobacco products, shall conspicuously post signage that discloses current laws and referral information about smoking cessation
- No person shall sell or distribute or cause to be sold or distributed and flavored tobacco product
- The town's bylaws addressing the sale of tobacco products and nicotine delivery products can be found at <https://ecode360.com/30821510> under Article XIII

MISCELLANEOUS

Woodstoves

- A permit is required to operate an existing outdoor wood burning boiler
- Boilers located less than 400 ft from a dwelling other than the one being served must have a smokestack height of at least 50% of the height of the eaves line of the highest abutting residence plus 2 ft
- Manufacturer's recommendations for the installation and use of the unit must be followed
- Only untreated wood fuel may be burned in the boiler unit
- The use of an existing outdoor wood burning boiler not permitted within 60 days of the effective date of these regulations is prohibited
- The town's bylaws addressing outdoor wood-burning boilers can be found at <https://ecode360.com/30821358> under Article VIII

MISCELLANEOUS

Records, Recordkeeping, and Reports

- Submit an annual report to the town Administrator concerning the sanitary condition of the city M.G.L. c.111, s.28
- Maintain numerous records and retain them for required minimum retention periods