

PART II – POLICIES

Section 1 - Local Regulations

- A.** All regulations promulgated by the Board of Health shall be filed with the Town Clerk.
- B.** All regulations promulgated by the Board of Health shall have a Part number, Article number and Section number.
- C.** All revisions, additions or deletions to current regulations shall be proposed in such a way that the Board of Health vote to adopt contains the phrase: “To read as follows” and followed by the ~~full text of the regulation including~~ the revision, addition or deletion.
- D.** All regulations submitted to the Town Clerk must contain:
 - 1. Adoption date
 - 2. Names of Board members voting in favor of adoption
 - 3. Advertising dates in newspaper for Public Hearing and for adopted regulation
- E.** All Board of Health regulations must be posted on the Town website.

Section 2 - Plan Review Requirement

- A.** Prior to submission of an application for any new license, permit or approval, transfer of an existing license, permit or approval to a new location or owner, or an amendment to any license permit or approval, the applicant shall submit a plan of proposed development to the Health Department.
- B.** Unless another time frame is specifically required for the license, permit or approval at issue, said plan shall be submitted to the Health Department at least thirty (30) days prior to submission of a formal application.
- C.** The plan shall include review narratives, site or design plans, material schedules, and other relevant documents pertaining to the relevant codes and regulations under the Board of Health’s jurisdiction.
- D.** The Board of Health may deny any application that is not accompanied by a plan first submitted to the Health Department as required by this section.

Section 2 – Title 5 Reviews

- A.** All engineered plans, requiring variances, will be submitted to the Health Department staff two (2) weeks prior to the scheduled Board of Health meeting.
- B.** Plans are to be submitted with ten (10) copies:
 - 1. One (1) for Health Agent
 - 2. One (1) for Health Inspector
 - 3. Five (5) for Board of Health members

4. One (1) for Water Department

- C. All plans must include water use and septic pumping volumes for the previous three (3) years.
- D. All plans must be accompanied by an accurate sketch of the layout of the building(s) to be served, identifying all rooms and areas of the interior. The property description on the septic plan must reflect the appropriate legal and/or licensed use.
- E. All septic system installations, repairs and upgrades requiring variances from 310 CMR Title 5 and/or local board of health regulations – whether residential or commercial – shall be placed on an agenda to be reviewed by the Board of Health for approval. The Health Agent reserves the right to bring to the attention of the Board of Health, unvarianced septic system plans.

Section 3 – Septic System Repairs

- A. Repair permits shall be granted by the Board of Health or their Agent for existing Board of Health approved Title 5 septic systems. Non-varianced repairs will be granted by the Health Agent, unless the Health Agent feels the plan should be brought to the attention of the Board of Health. Any repairs requiring a variance must be approved by the Board of Health.
- B. Repair permits shall be granted for substandard, non-approved septic systems only if:
 - 1. The public health may be in jeopardy.
 - 2. Such repairs shall be considered as a temporary measure.
 - 3. A letter shall be sent by the Health Agent to the property owner, stating that the repaired system shall be upgraded to a Board of Health approved Title 5 septic system within one (1) year of the date of the issuance of the repair permit.
 - 4. If the owner of the property has an administrative consent order recorded at the Barnstable County Registry of Deeds.

Section 4 – Septic System Installations

All septic system installations must be done in accordance with the approved plan by a septic system installer licensed by the Town of Provincetown.

Any alterations from the approved plan made in the installation must be presented to the Health Agent by the design engineer. The Health Agent will make a determination as to whether the proposed change is substantial and requires Board of Health approval.

Upon discovery any alterations from the approved plan made in the installation without the prior approval of the design engineer and the Health Agent, may be issued a Stop Work Order immediately.

Section 5 – Septic Review: License and Building Permit Applications

A. Health Agent Review

1. If the proposed construction or activity entails any change in use (see definition in Title 5 supplements), the subsurface sewage disposal system must be reviewed in terms of its adequacy for the proposed use of the property. This may include requiring that a septic system inspection be conducted in accordance with 310 CMR Title 5 inspection requirements. Systems determined to be inadequate must be brought into compliance in order for the Health Agent to approve the application.
2. If the existing septic system is known or stated to be cesspools, or if verifiable information is unavailable, then the system must be brought into compliance for the proposed use.
3. If the property file contains an engineered plan and letter of certification from the design engineer, the Health Agent will review the system's adequacy for the proposed use. Systems determined to be inadequate must be brought into compliance in order for the Health Agent to approve the application.
4. **The lack of an approval by the Health Agent of any building permit application constitutes a denial.**
5. Any applicant may appeal the Health Agent's ruling by requesting in writing to be placed on the Board of Health's agenda.

B. Board of Health Review

1. The Board of Health review of septic systems for License and Building Permit applications are considered to be appeals of the Health Agent determinations.
2. Owners of existing septic systems that are determined to be substandard or insufficient for the proposed use (by the Health Agent) who are appealing this determination to the Board of Health must provide the following for the Board's review (If a permit indicates the system has a septic tank).
 - a) Past 3 years' water use
 - b) Past 3 years' septic pumping records
 - c) Septic system inspection report.
 - d) If the proposal constitutes no increase or a decrease in design flow, whatever sketches are available must be provided.

Section 6 – Correspondence

- A.** Copies of all letters sent by the Health Agent concerning the citizens of Provincetown shall be made available to the Board of Health.
- B.** Copies of all letters sent by governmental agencies concerning Health Department or Board of Health-related matters shall be provided to all Board of Health members in a timely manner.

Section 7 – Emergencies

- A. Emergency septic system repair permits must be approved by the Health Agent with notification made to the Board of Health Chair. The item must be placed on the next Board of Health meeting agenda.
- B. All other emergency situations will be reported to the Chair within twenty-four (24) hours.

Section 8 – News Media Statements

- A. All statements to the news media pertaining to the Board of Health shall be made by the Chair.
- B. If the Chair is not available, the Vice Chair may make statements to the media on behalf of the Board of Health.
- C. The Health Department staff may make statements to the news media on behalf of the Health Department, but not on behalf of the Board of Health unless otherwise instructed.

Section 9 – Communications Between Town Boards

- A. Any Board of Health vote that pertains to a matter or property before another Town of Provincetown Board, officer or commission, shall be relayed to the staff liaison for said board, officer or commission within seven (7) days of the vote, or within such time as is requested by the other board, officer or commission.

Section 10 – Health Department Applications Generally, Staff Responsibilities

- A. Health Department staff will work with all applicants during the application process to assist in properly submitting applications.
 - 1. Applications will be reviewed and a decision promptly rendered or, in the case of a matter for which Board review is required under Sections 2, 5, and 11, a recommendation from the staff will be shared with the applicant prior to the Board of Health meeting at which their application is considered.
 - 2. Other than applications under Sections 2, 5, and 11, or when the Health Department requires clarification from the Board of Health regarding application of a law or regulation, the staff will render a decision on all other applications consistent with applicable federal and state laws and regulations, Town By-laws and Board of Health regulations and policies.
- B. Any party aggrieved by a determination made by Health Department staff may appeal such determination to the Board of Health by filing a Request to Appear Before the Board of Health within ten (10) days of the Health Department's decision. The appeal shall include the basis upon which the party is appealing.
- C. Health Department staff will present a summary of activities in writing at each Board of Health meeting.

- D. In the absence of Health Department staff, any incident or procedure requiring emergency action from the Health Department staff will be referred to the Chair, or their absence the Vice Chair.
- E. In order to obtain feedback from applicants so the Board and staff can ensure a citizen-focused department, the Health Department will make available a brief survey to determine the quality of their experience with Department staff and Board members, if applicable. Aggregate survey data will be reported to the Board of Health twice a year in June and December.

Section 11 - Operating a Board of Health Licensed Entity without a License

- A. No person, business or entity shall engage in any business or activity in the Town of Provincetown without first obtaining any license, permit or approval from the Board of Health as may be required by the Massachusetts General Laws, regulations of the Provincetown Board of Health, or any other federal, state or local law or regulation.
- B. In addition to any fines or penalties assessed for operating without a license, permit or approval required by the Board of Health, any person, business, or entity that engages in any business or activity without the requisite license, permit or approval from the Board of Health shall be required to pay double the application fee(s) assessed for the license, permit or approval, in order to continue or re-engage in the business or activity.

Section 12 – Review of Policies

- A. These policies shall be reviewed annually following the normal annual reorganization of the Board of Health or more often if necessary and dictated by changes in the Board of Health’s composition.

Section 13 – Effective Date

These policies are effective March 1, 2016.