

R:1-4 INDEPENDENT TRASH HAULER REGULATIONS.ⁱ

(a) Pursuant to Massachusetts General Law Chapter 111, Section 31B, all persons collecting residential trash in the Town of Topsfield shall obtain a permit from the Board of Health.

Trash hauling permits shall be valid for one calendar year, renewable annually on the first day of January subject to review and approval by the Board of Health. No permit shall be transferable except with the approval of the Board of Health.

Each applicant shall submit to the Board of Health a list of customers to be served, time of day and frequency of collection, an estimate of tons of solid waste and recyclables to be collected, and a process for resolving residential complaints or permit violations. Any application which fails to include all information requested by these Board of Health regulations shall be deemed incomplete and shall be denied.

(b) All permitted haulers shall provide trash and recycling services equal to the level of Topsfield municipal service, as determined by the Board of Health and in compliance with the State of Massachusetts Solid Waste Plan and DEP regulations and shall charge a flat fee for the collection and disposal of both trash and recyclables. Each permitted hauler shall submit monthly reports listing the tonnage of refuse and recyclables that has been collected, including a list of customers served, time of day and frequency of collection. All permitted haulers are required to provide copies of weight slips or vendor receipts to document tons of both recyclables and trash collected. Said report shall be submitted to the Town Engineering Department beginning one month from the application approval date and continuing each month during which the applicant holds a valid permit. Failure to provide this required information may result in suspension, modification, or revocation of the permit.

(c) Any member of the Board of Health or its agents, Town Engineer or other person designated by the Board of Health may enforce this section. Any violation of this regulation, the Department of Environmental Protection regulations or of the Mass General Laws by the permitted hauler shall be grounds for suspension, modification, or revocation of the permit.

(d) An application fee of \$ 100 shall be submitted with all applications.

R:1-5 RULES AND REGULATIONS FOR BODY MASSAGE, POLARITY THERAPY AND BODY WORK ACTIVITIES.ⁱⁱ

R:1-5.1 Authority. In accordance with the authority granted by Massachusetts General Laws, Chapter 140, Section 51 and 53, as amended, the Board of Health of the Town of Topsfield hereby establishes the following terms, conditions, rules, and regulations for the practice of Body Massage, Polarity Therapy and Body Work Activities.

R:1-5.2 Definitions. For the purpose of these regulations.

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

b. ESTABLISHMENT FOR GIVING BODY MASSAGE: shall mean the office, place of business, or premises where massage is practiced.

c. APPROVED: shall mean approved by the Board of Health of the Town of Topsfield in accordance with accepted standards.

d. APPROVED COURSE OF MASSAGE: shall mean a course on the art and science of massage which included both theory and practice of at least 150 hours culminating in a certificate from a school in accordance with the accepted standards of Education, Training and Experience.

e. MASSAGE THERAPIST: shall mean any person, male/female, who practices massage or equivalent

R:1-5.3 Exceptions and exclusions.

a. PERSONS EXCEPTED: Physicians, Physical Therapists, School Athletic Trainers or Chiropractors (Podiatrists) registered in the Commonwealth are excluded. A person registered as a Barber or an apprentice under the provisions of Section 87H or Section 87I or Chapter 112 of the General Laws or as a Hairdresser, Operator or a student under provisions of Sections 87T to 87JJ inclusive of said Chapter 112 of the General Laws may practice Facial and Scalp Massage without taking out a license.

b. OTHER PERSONS EXCEPTED: A person licensed to practice massage or conduct an establishment in any other city or town in the Commonwealth may, on written orders of a physician, attend patients specified by the physician, in Topsfield. He/she shall submit to the Board of Health copies of his/her license from another community and written confirmation of the physician's request, as well as any other requested information.

c. ESTABLISHMENT EXCEPTIONS: Hospitals, Nursing Homes, Convalescent Homes and other similar licensed institutions where massage may be given are excluded from the definition of establishment.

R:1-5.4 Applications. No person shall be licensed to practice massage or conduct an establishment for giving massage unless he/she meets the following requirements:

- a. Be twenty-one (21) years of age or older.
- b. Be a high school graduate.
- c. Have had a physical examination, and a Mantoux Test, within two months prior to the application for licensing.
- d. A certificate signed by a physician indicating that the applicant is free from any communicable disease of any nature whatever must be submitted prior to licensing.
- e. Have completed an approved course of massage or have had at least three (3) years of experience in an approved establishment for giving massage or have been previously licensed to practice massage in the Town of Topsfield for the past five (5) years.
- f. Submit a copy of Student's transcript from an approved school.
- g. Submit three (3) references from unrelated persons, who are not affiliated with the school of training.
- h. A clear and recognizable photograph of the applicant must accompany each application.
- i. If the Board determines that any false information has been submitted by the applicant, this shall be sufficient grounds for refusal by the Board to consider such application further, to refuse to issue any license there under, or to revoke any license issued in reliance on such information. If the Board, after issuing a license, determines that any information upon which the Board relied in issuing such license was false, inaccurate, or misleading, the Board may suspend the license forthwith, pending a hearing to be held on the issue of license revocation in accord with the terms and provisions of Section R:1-5.5J.

Applications for establishments giving massage in the town of Topsfield shall conform to the following requirements:

- j. Full name.
- k. Name and place of business, or proposed name and place of business.
- l. Education, training and experience.
- m. Names and addresses of the officers, if incorporated.
- n. Number of potential employees.
- o. Submit three (3) references.
- p. Show proof of insurance coverage for liability.

R:1-5.5 Licenses. Licenses to practice massage in the Town of Topsfield, shall be issued only upon the following terms and conditions:

a. On the approval of an application by the Board of Health, and on the payment by the applicant of the fee for each license, a license will be issued authorizing the licensee to practice massage and the said license shall remain in full force and effect until the thirty-first day of May next following the issue of the license, unless such license be sooner revoked.

b. No license will be issued until the Board of Health is satisfied that the applicant is fit physically, morally, and by experience and training to practice massage, and that the applicant has adequate facilities and equipment.

c. No license will be issued until the Board of Health is satisfied that adequate arrangements have been made for the separation of the sexes.

d. Licenses may be revoked by the Board of Health if, after a written request, a licensee fails to furnish additional evidence of fitness, training, experience, and a good moral character.

e. A license may be revoked by the Board of Health if, in its opinion, a licensee has become unfit to engage in the practice of massage, by reason of the licensee's physical condition, moral character, or fitness to do the work licensed.

f. A license may be revoked by the Board of Health if it is found that any material statement in the application for a license is untrue.

g. A license may be revoked by the Board of Health if any law, ordinance, regulation, order, rule, or condition is violated by the licensee.

h. A license may be revoked by the Board of Health if a licensee refuses to permit any duly authorized officer of the Town or State to inspect the premises or the work of the licensee at any time.

i. The license fee for each establishment shall be fifty dollars (\$50.00) and for each massage therapist shall be ten dollars (\$10.00). A license issued to an establishment or to a massage therapist is not transferable.

j. A person whose license has been revoked may, in writing, request a hearing upon the causes of the revocation, and the Board of Health shall set a time and place for said hearing within thirty (30) days of receipt of said request.

k. A license may be renewed by a written request to the Board of Health and upon payment of the fee, provided that if there are any changes in the information given in the original application, such changes shall be set forth in the written request for renewal.

l. The licenses of all the licensees must be posted conspicuously.

m. The license for an establishment is restricted to the location or locations specified in the application.

n. Must comply with the zoning law of the Town of Topsfield and Town Ordinance.

R:1-5.6 Rules and Regulations. Rules and regulations of the Board of Health of the Town of Topsfield relative to the practice of massage:

a. All rooms used in the conduct of the business of any person licensed to practice massage shall be well lighted and ventilated.

b. No rooms used by a licensee in the conduct of business shall be used or equipped for use as a bedroom provided however, that this section shall not be construed to prevent the massage of any person in his own home or in any hospital or other place for the treatment of the sick.

c. The room or rooms used by any person licensed to practice massage shall be provided with an adequate supply of hot water constantly during hours of business, and every such room and all furniture and equipment therein, shall be kept clean at all times.

d. The salon will be accessible to readily available hand washing facilities.

e. Every room used for the reception or treatment of the patrons shall be so located and arranged as to afford adequate fire protection and means of escape in case of fire, and to be of easy access to any legally authorized officer.

f. There shall be no devices in or upon the premises intended for use as or used for the purpose of giving warnings to patrons and/or employees of any inspection by agent of the Department of Public Health or other law enforcement agencies.

g. Where patrons of both sexes are accommodated, adequate arrangements shall be made for separation of rooms and facilities used by each sex.

h. Change rooms shall be private.

i. All instruments and devices designed or used for direct application to the skin shall be such as can readily be kept clean. Adequate provisions shall be made for cleaning the same, and it shall be cleaned before use on any person.

j. Robes, sheets, blankets, and pillowcases which come into direct contact with the bodies of patrons, and all towels and napkins shall, after having been used, and before being used again, be laundered in such a manner as to insure effective sterilization. Linen should be of a light color.

k. No unsterilized part of a percussor, vibrator, or other mechanical appliance shall be applied directly to the skin of the patron; the part of the body being treated shall be covered with a clean towel, or else the instrument shall be covered in a similar manner.

l. No sponge, stick alum, or any other article liable to convey infection shall be used to make application directly to the skin or to any cut or wound.

m. No person licensed shall treat any person afflicted with any skin eruption or other disease unless such person shall have furnished a certificate from a physician to the effect that the eruption or disease is not of a contagious or transmissible character.

n. Every person licensed to practice massage shall thoroughly cleanse his or her hands by washing immediately before serving a person.

o. No establishment for the practice of massage shall be kept open except between the hours of 7:00 a.m. and 11:00 p.m. unless specially authorized by the Board of Health.

p. No person licensed shall operate under any name or conduct his business under any designation not specified in his license; and in every case in which any person or establishment does operate under any name other than that of the licensed proprietor or manager shall be displayed in all signs and advertisements in connection with the trade or commercial name.

q. A licensee shall not be restricted in the exercise of the license to the place or places as set forth in the license.

r. Every licensee must notify the Board of Health of any changes of address, home or business.

s. Every licensee shall permit a police officer or agent of the Board of Health to inspect his place of business or his work at any time.

t. Any renovation and/or expansion of the licensed establishment shall receive prior approval of the Town Board of Health.

u. All individuals who are engaged in the practice of massage shall be properly clothed within the bounds of decency and propriety. Abbreviated or revealing attire of any kind is prohibited. The Board of Health, its agent, or members of the Topsfield Police Department shall be deemed qualified to make a judgment in regard to what constitutes proper attire.

v. If the Board determines that any person or establishment licensed hereunder has acted in violation of these regulations, or has engaged in any immoral or indecent acts on a licensed premises, such determination shall be sufficient grounds for revocation of the license of that person and/or establishment.

w. No alcoholic beverages shall be permitted on the premises.

R:1-5.7 Enforcement. Unless otherwise specified the provisions of this regulation shall be enforced by the Board of Health, its Agent or Employees.

R:1-5.8 Severability. If any section, paragraph, sentence, clause or phrase of these rules and regulations shall be invalid for any reason whatsoever, such decisions shall not affect the remaining portions of this regulation which shall continue in full force and effect; to this end the provisions of this regulation are hereby declared separate and severable.

R:1-5.9 Penalties. Any person who violates any provisions of these regulations shall, in addition to being subject to license revocation proceedings, be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than six (6) months or both in accordance with Section 53, Chapter 140 of Massachusetts General Law.

ⁱEditor's Note: Approved by the Board of Health following a public hearing on 9-24-1998.

ⁱⁱEditor's Note: Adopted by the Board of Health 9-23-1999.