



**Town of Framingham  
Board of Health**

**RULES AND REGULATIONS  
RELATIVE TO  
NON-CRIMINAL DISPOSITON**

**These regulations are adopted in accordance  
with the authority granted by the General  
Laws of the Commonwealth of Massachusetts,  
Chapter 111, Section 31**

**FRAMINGHAM BOARD OF HEALTH**  
**NON-CRIMINAL DISPOSITION REGULATIONS**

Pursuant to M.G.L. chapter 111, section 31, the Framingham Board of Health voted at their meetings on November 13, 1991 to adopt the following as regulations of the Board of Health to be enforced by the Non-Criminal Disposition Statute, M.G.L. Chapter 40, Section 21D:

**SECTION 1. FOOD ESTABLISHMENTS**

- A. Failure to store rubbish/garbage in a sanitary manner
- B. Dishwasher not functioning properly
- C. Failure to prevent the entrance of insects into the establishment
- D. Smoking or evidence of smoking in food preparation areas
- E. Failure to provide hot water
- F. Offering for sale outdated infant formulas, fluid milk and nutritional supplements
- G. Operating a food establishment without a permit
- H. Selling dairy-based PHF's past their sell by date
- I. Failure to maintain anti-choking training in food establishments
- J. Failure to bring an establishment into compliance with 105 CMR 590.000 within the required time after an inspection
- K. Failure to exclude animals (except assistance animals) from food establishments
- L. Failure to maintain sanitizer log as required and/or failure to use sanitizer  
\* *Proposed: Repeat violations from prior inspection(s) deemed as of a critical nature and that constitute(s) a public health hazard.*

**SECTION 2. HOUSING**

- A. Failure to provide heat as required
- B. Failure to provide hot water as required
- C. Curtailment of any utility as required by law or lease
- D. Failure to maintain common areas and/or land in a clean and sanitary condition
- E. Failure to maintain smoke detectors as required by law

**SECTION 3. SWIMMING POOLS/WHIRLPOOLS**

- A. Failure to provide lifeguard/attendant as required
- B. Failure to provide or maintain required safety equipment
- C. Failure to maintain chemical standards as required
- D. Failure to provide test kit and/or maintenance logs as required
- E. Failure to close pool if standards are not in compliance

- F. Failure to provide the B.O.H. with copies of lifeguard/attendant certifications prior to the persons first day of employ
- G. Failure to wear lifeguard attire as required

#### **SECTION 4. MISCELLANEOUS**

- A. Failure to maintain rubbish disposal area in a clean and sanitary manner, i.e. dumpsters closed, not overflowing, free from noxious odors and insects
- B. Failure to maintain smoke-free areas as required by state or local statute
- C. Operation of a regulated business/activity without a valid permit/license from the Board of Health
- D. Failure to discard Medical Sharps (needles, syringes, lancets or other sharp medical devices) in the municipal rubbish collection in a safe and proper manner after documented notice from the Board of Health or Department of Public Works.
- E. Feeding animals in/on Town parks, buildings, or other property owned by the Town of Framingham.
- F. Failure to comply with any order of the Board of Health including, but not limited to those set forth in any part of these regulations, shall be assessed as a recurring offence on each day subsequent to said order.
- G. This regulation prohibits illicit connections and discharges to the municipal drainage system. Illicit connections are connections to the drainage system not approved by the Town and illicit discharges include, but are not limited to, litter, pet waste, paint, fertilizer, herbicides, gas and oils.

#### **SECTION 5. ENFORCEMENT**

- A. Enforcement of the above regulations may be by non-criminal disposition (M.G.L.

Chapter 40, section 21D) by the following schedule unless specified by other Board of Health regulations:

1. First Offense: --- \$50

NOTE: At the discretion of the Board of Health or its agents, the first offense within a calendar year from the date of offense may be disposed of as a WARNING.

2. Subsequent Offense --- \$100

NOTE: Each day of violation and each offense shall be considered a separate violation.

**SECTION 6. SEVERABILITY**

A. If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

These regulations shall have a full force and effect from the date of publication.

Michael R. Hugo, Esq., Chairman

REVISED -- JUNE 16, 1992  
APRIL 1, 1996  
AUGUST 18, 1998  
JANUARY 17, 2001  
NOVEMBER 18, 2008