

**TOWN OF MASHPEE
BOARD OF HEALTH REGULATION**

UPGRADING SYSTEMS CONSISTING OF ONE OR MORE CESSPOOLS

SECTION:

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19.1 PURPOSE

Protection of our coastal water resources has increasingly become a priority for Massachusetts's oceanfront communities. Drinking water supplies, shellfish beds and surface water bodies are endangered. This regulation is promulgated to ensure groundwater quality is protected for its highest use for present and future generations.

19.2 AUTHORITY

In order to further clarify the State Environmental Code Title V, subsection 310 CMR 15.303 Septic Systems Failing to Protect the Public Safety and the Environment, the Mashpee Board of Health, acting under the authority of Chapter 111, Section 31 and Chapter 21A, Section 13 of the Massachusetts General Laws, the Board of Health hereby adopts the following regulation.

19.3 REGULATION

Upon publication of this regulation, all cesspools shall be deemed automatically failed and shall be upgraded to conform with 310 CMR 15.00 of the State Environmental Code, Title V, "Minimum Requirements for the Subsurface Disposal of Sanitary Sewage" and Town of Mashpee Board of Health regulations at the following thresholds:

1. Prior to transfer of property title or;
2. A septic inspection, completed by a state licensed septic inspector.

PART IX, SECTION 19.00 – **Cesspool Regulation**

3. Prior to the issue of a certificate of occupancy for a proposed expansion in the existing footprint of a residential dwelling or commercial structure.

19.4 ENFORCEMENT

The Town of Mashpee, Board of Health, as permitted under the provision of Chapter 111, Section 31 and under Title 1 (310 CMR 11.00) authorizes the Board of Health to require compliance with this regulation.

19.5 SEVERABILITY

If any provisions of this regulation or the application thereof are held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision and the remainder of the regulation shall remain valid and effective. Any part of this regulation subsequently invalidated by state law shall automatically be brought into conformity with the new or amended law and shall be deemed effective immediately, without recourse to a public hearing.

19.6 PENALTIES

Failure to comply with this regulation will result in the levy of fines of not less than \$100.00 per day per offense but not more than \$300.00 per day per offense. Each day's failure to comply with the provision of this regulation shall constitute a separate violation.

19.7 EFFECTIVENESS

This regulation will take effect upon majority vote by the Board of Health.

Per Order Of,
Mashpee Board of Health

L. Glenn Santos, Chairman
Steven R. Ball, Co-Chairman
Lucy B. Burton, Clerk