Article III: Installers

[Adopted 5-20-1996]

252-4 Authority.

This article is adopted pursuant to MGL c. 111, § 31 and 310 CMR 15.00 et seq.

252-5 Purpose.

A properly functioning septic system is required for the protection of public health. Correct installation, in addition to siting, design and maintenance, is an important component of ensuring properly functioning subsurface sewage disposal systems. The purpose of these regulations is to ensure that septic system installers permitted by the Belchertown Board of Health are knowledgeable regarding septic system construction, materials used and governing state and local regulations. The purpose of these regulations is also consistent with the requirements of 310 CMR 15.019, which provides that the local approving authority shall issue disposal system installer's permits only to those persons who have demonstrated capacity or knowledge of the proper construction and installation of septic systems.

§ 252-6 References; written exam; disposal works installer's permit.

A. Any person or business wishing to obtain or renew a disposal works installer's permit from the Town of Belchertown shall submit two references to the Board of Health or its agents. These references shall be in written form, prepared by area health officials or system designing professionals (no more than one reference from a designing professional) and contain a statement that the bearer has satisfactory knowledge and at least two years’ experience or the equivalent in the field of septic installation. An installer’s permit issued by another municipality in Massachusetts shall be acceptable as one of the required references. This subsection may be waived by the Board of Health for a permitted installer wishing to renew a permit who has previously submitted valid references to the Board.

B. In addition to presenting the above-required references, any person or, in the circumstance of businesses with a number of employees, the foreman or other on-site supervisor engaged in installing septic systems within the Town of Belchertown shall take and pass with a grade of 75% a written exam prepared and administered by the Belchertown Board of Health or its agents. Re-examination is possible at the next available test date, should a passing grade not be achieved at first or subsequent sitting. Alternative testing methods will be made available to those applicants with special needs. This subsection may be waived by the Board of Health for a permitted installer wishing to renew a permit and who has previously taken and passed the written examination administered by the Board of Health.

C. As required by Title V of the State Environmental Code, no person or firm shall engage in construction, alteration, installation or repair of an individual sewage disposal system without first obtaining a disposal works installer's permit from the Belchertown Board of Health. The permit shall expire on December 31 of the year in which it was issued, unless otherwise revoked for cause or renewed by the Board of Health. The fee for the permit is established annually by the Board of Health in its schedule of fees.

§ 252-7 Enforcement; violations and penalties.

A. For violations of any of the requirements of these regulations, the Board of Health may temporarily suspend or permanently revoke the disposal works installer’s permit after the Board of Health has provided the permit holder with the opportunity for a hearing on the matter. The Board of Health shall notify the permit holder, in writing, stating the reasons for which the permit is subject to suspension or revocation and providing the date and time of the hearing.

B. In addition to suspension or revocation, the Board of Health may enforce the provisions of these regulations through civil or criminal court action or noncriminal disposition pursuant to MGL c. 40, § 21D and Chapter 1, General Provisions, § 1-2, Noncriminal Disposition, of the Code of the Town of Belchertown, approved at the Special Town Meeting of March 20, 1995, with the following penalties:

(1) First offense: fine of $25 in addition to obtaining the required permit.

(2) Second offense: fine of $50 in addition to obtaining the required permit.

(3) Third or subsequent offense: fine of $100 in addition to obtaining the required permit.

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