

SECTION 3: DEFINITIONS

3.10: Unless otherwise defined in this Sanitary Code, all terms used shall have the definitions stipulated in Massachusetts Wetlands Regulations 310 CMR 10 and Massachusetts Sanitary Regulations 310 CMR 15. [November 1, 1988]

3.20: The terms listed below used in the Marion Sanitary Code are defined as follows:

ABANDONED WELL

A well that has not been used for water supply for a period of one (1) year or more, unless the owner declares his intention in writing to the Board of Health to use the well again for supplying water within one year. [March 13, 1990]

AS-BUILT PLAN (SEPTIC SYSTEMS)

A stamped and signed plan, submitted by an engineer or sanitarian, showing the Disposal Works Construction Permit number, actual elevations, dimensions, setbacks from lot lines and wetlands of septic tank, distribution box and leaching area of the septic system, established by on-site measurement during construction. This plan shall also locate any clean-out holes, the distribution box and the septic tank by means of two distances taken from the two nearest corners of the foundation of the dwelling to which the septic system is connected.

[March 13, 1990]

AS-BUILT PLAN (WATER SUPPLY WELLS)

A stamped and signed plan, submitted by a qualified engineer, showing actual elevations, setbacks from lot lines, roadways, driveways, septic systems, and any identified source of pollution (see MSC 12.60.3(c)) within two hundred (200) feet, including any analysis of groundwater flow required under MSC 12.60.2(c)). Such as-built plan must show the actual location of the well and septic system, if any, on the lot as cross tie distances from lot and/or foundation corners.

[March 13, 1990]

BEDROOM

Any room, other than a closet, hallway, dining room, living room, kitchen, or bathroom, that affords enough privacy for disrobing and sleeping.

[November 1, 1988]

BMP

BMP, or Best Management Practice, refers to the best design for a management solution to a given problem. (See Controlling Urban Runoff)

[November 1, 1988]

BOARD

The Board of Health for the Town of Marion, acting through its agent, except where a public hearing is provided for, and where otherwise required by law to act as a body. [March 1, 2003]

BOARD OF HEALTH

The Board of Health shall mean the Marion Board of Health unless otherwise specified [March 13, 1990]

COASTAL BANK

A coastal bank shall be defined as a bank of unconsolidated sediment or man-made structure which alters the natural topography, including the seaward face or side of any elevated natural or man-made landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action or flooding or other wetland or watercourse. [November 1, 1988]

COASTAL LANDS SUBJECT TO FLOODING

Coastal lands subject to flooding are defined as those areas bordering or adjacent to coastal dunes, coastal banks, marshes and/or barrier beaches; and are further defined as those areas depicted as AE or VE zones on FEMA flood maps. [December 6, 1988]

COASTAL WETLAND

Coastal wetland shall be defined as a coastal wetland as defined in 310 CMR 10 and 310 CMR 15. This includes, but is not limited to, resource areas specified in 310 CMR 10.27, 10.29, 10.30, 10.32, and 310 CMR 15.01. [November 1, 1988]

CONTROLLING URBAN RUNOFF

Controlling Urban Runoff refers to the publication: Schueler, Thomas R. 1987. Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs; Department of Environmental Programs, Metropolitan Washington Council of Governments, Washington, D.C. [March 13, 1990]

DEEP HOLE TEST

A test performed in conformity with 310 CMR 15.03 (3). [March 13, 1990]

DETENTION POND/BASIN

A Detention Pond/Basin is a BMP for treating storm water runoff designed to detain storm water for a period of time to allow for sediment settling and the prevention of erosive floods downstream. (See Controlling Urban Runoff.) [March 13, 1990]

DEVELOPED PROPERTY

Developed property is defined as a parcel of land with a man-made structure erected upon it which has affixed to it a septic system. [November 1, 1988]

ENVIRONMENTAL HEALTH IMPACT REPORT (EHIR)

An EHIR is a report, drafted by generally recognized competent persons, that may include, but is not limited to, the following:

1. A detail analysis of soil conditions throughout the area of the proposed use.
2. A complete hydrogeologic report of surface and groundwater conditions, including the installation of groundwater monitoring wells.
3. An analysis of surface and groundwater for total and fecal coliforms, nitrates and phosphates, ammonia-nitrogen, and other applicable agents.
4. An analysis of the impact of the proposed use on existing resource areas, including, but not limited to, zones of contribution to public and/or private drinking water supplies, surface water bodies, watercourses, wetlands, coastal fisheries and recreational areas.
5. An analysis of storm water runoff impacts on and off the lot of constructed impervious surfaces, road drainage, parking areas, indicating proposed BMPs to mitigate any adverse impacts on proposed or existing septic system leaching areas and on existing resource areas, including, but not limited to, zones of contribution to drinking water supplies, surface water bodies, coastal fisheries and recreational areas. [March 13, 1990]

FAILED SYSTEM

A failed system is defined as a septic system in which there is either evidence of sewage flow to the surface, evidence of overload of the system, or evidence that the septic system is in such a state of disrepair that it cannot function as originally intended. A failed system is a danger to the public health. [November 1, 1988]

FEMA FLOOD MAPS

Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Maps (FIRM) of the Town of Marion, community-panel numbers 255213 0001 – 0011, dated 2/17/88, as amended. [December 6, 1988]

FOOD ESTABLISHMENT

1. Food establishment means an operation that stores, prepares, packages serves, vends, or otherwise provides food for human consumption including but not limited to:
 - a) a restaurant; satellite or catered feeding location when these locations are equipped with facilities to prepare, store or serve food; catering conveyance used to transport people; market; retail bakery; vending location; institution; food bank; residential kitchens in bed and breakfast homes and bed and breakfast establishments; residential kitchens for retail sale and,
 - b) an establishment that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

2. Food establishment includes:

An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority;
And an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises;

3. Food establishment does not include:

- a) A produce stand that only offers whole, uncut fresh fruits and vegetables;
- b) A food processing plant;
- c) A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale;
- d) A kitchen in a private home that prepares food for distribution to a charitable facility in accordance with M. G. L. c. 94, § 328;
- e) An area where food that is prepared as specified in 105 CMR 590.002: Food Establishment (3)(c) is sold or offered for human consumption;
- f) A kitchen in a private home, such as a family day –care provider; or a bed and breakfast home that serves only a continental breakfast; or,
- g) A private home that receives catered or home delivered food.^(FC)
(<http://www.mass.gov/Eeohhs2/docs/dph/regs/105cmr590.pdf>) [July 1, 2009]

For more information, please refer to 105 C.M.R. 590.000 State Sanitary Code, Chapter X, Minimum Standards for Food Establishments.

(<http://www.mass.gov/Eeohhs2/docs/dph/regs/105cmr590.pdf>)

FOOD SERVICE ESTABLISHMENT

A place where food and/or beverages are prepared and intended for individual portion service, and includes the site at which individual portions are poured and/or provided, that is in a covered area and/or located within a permanent structure. The term includes such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food and/or beverages. [November 1, 2005]

GOOD SYSTEM

A good system is defined as a septic system that conforms to all current Title 5 and Marion Sanitary Code provisions, and is functioning properly.
[November 1, 1988]

INFILTRATION BASIN/TRENCH

An Infiltration Basin/Trench is a BMP designed to treat storm water runoff by removing soluble and particulate pollutants, recharge the groundwater, and mitigate erosive flows downstream. Infiltration basins/trenches are dry except in storm events. (See Controlling Urban Runoff) [March 13, 1990]

INSTALLER

An individual, partnership or corporation authorized in writing by the Board of Health to install, expand or repair septic systems. [March 13, 1990]

MARGINAL SYSTEM

A marginal system is defined as a septic system having one or several symptoms, including, but not limited to: the system can not be judged because the system has been out of use for such a period of time that it cannot be determined if it operates properly; there are problems with the individual components of the system or with the system's location; records show excessive pumping (more than two (2) times within any ninety (90) day period for residential or commercial property, except for required grease trap maintenance for commercial property); the presence of visible Ferric Sulfide stains; there is evidence that the leaching field separation to groundwater is less than four (4) feet; the system is inadequate to service the structure(s) to which it is connected; system is located within one hundred (100) feet of a domestic drinking water supply well, coastal wetland or coastal bank, or within seventy five (75) feet of a wetland or watercourse. [November 1, 1988 and March 13, 1990]

MARINE SANITARY DEVICE (MSD)

A toilet or head, permanently installed in a boat. [March 13, 1990]

MARION WATERS

All waters within the geographic bounds of the Town of Marion, including ocean waters along the coastal bounds of the town, extending into Buzzards Bay as defined by boundaries depicted on United States Geological Survey Maps (Marion and Onset Quadrangles). [November 1, 1988 and March 13, 1990]

MEAN SEA LEVEL (MSL)

Mean seal level shall be defined as mean sea level as defined by United States Geological Survey (USGS) datum. [November 1, 1988]

MSD INSPECTOR

An individual authorized in writing by the Board of Health to perform inspections of marine sanitary devices. [March 13, 1990]

NON-CONFORMING SYSTEM

A non-conforming system shall be defined as a septic system which functions properly, not in a failed or marginal state, but which does not meet current Title 5 or Marion Sanitary Code Design or performance standards. [November 1, 1988]

OPEN INSPECTION

An open inspection is defined as an inspection where some or all structure(s) are uncovered and a visual inspection conducted by a sanitarian or engineer. [March 13, 1990]

PERSON

Any individual or entity, including, but not limited to, partnerships, corporations, trusts, public bodies or unincorporated associations. [November 1, 1988]

POLLUTION

Adverse effect on water quality created by the introduction of any matter.
[March 13, 1990]

PROBABLE MAXIMUM HIGH GROUND WATER

Probably maximum high groundwater shall be the greatest elevation above Mean Sea Level of ground water that can be anticipated at any site. This elevation will be determined by direct observation of Marion ground water monitoring wells in conjunction with reference to relevant historical ground water data and other pertinent information. The Board of Health may adjust the actual ground water level observed to reflect hydrologic conditions at the time of observation.
[November 1, 1988]

QUALIFIED ENGINEER (Engineer)

A qualified engineer shall be defined as a civil engineer licensed to design and inspect septic systems and/or to design water supply wells and water systems, and related structures in the Commonwealth of Massachusetts and authorized in writing by the Board of Health to practice in the Town of Marion.
[November 1, 1988 and March 13, 1990]

QUALIFIED SANITARIAN (Sanitarian)

A qualified sanitarian shall be defined as a sanitarian licensed to design and inspect septic systems in the Commonwealth of Massachusetts and authorized in writing by the Board of Health to practice in the Town of Marion.
[November 1, 1988 and March 13, 1990]

RENTED OR LEASED PROPERTY

Any dwelling, or portion thereof, used for habitation or business purposes by an occupant other than the owner, for the use of which a fee is paid. This includes, but is not limited to, campgrounds, motels, bed and breakfasts, inns, rooming houses, hotels, motels, and other accommodations used on a transient basis, as well as community-type buildings which are rented to community groups.
[March 13, 1990]

RESOURCE AREA

A resource area shall be defined as a resource area as defined in 310 CMR 10.04
[November 1, 1988]

RETENTION POND/BASIN

See Wet Pond [March 13, 1990]

SANITARY WASTE (SANITARY SEWAGE)

Any water-carried putrescible waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, showers, dishwashers, swimming pools or spas filter backflush, or any other source. [March 13, 1990]

SEASONAL DWELLING

A seasonal dwelling is defined as any dwelling that has not been winterized through the installation of insulation and/or a heating system. A seasonal dwelling is further defined as any dwelling which is not customarily occupied on a continuous basis for at least nine months of the year. [November 1, 1988]

SEPTAGE HAULER

An individual authorized in writing by the Board of Health to remove, transport, and dispose of septage under the provisions of Title 5, 310 CMR 15.02(3) and the Marion Sanitary Code. [November 1, 1988 and March 13, 1990]

SEPTIC SYSTEM

A septic system is a sub-surface sanitary waste disposal system. [November 1, 1988]

TEMPORARY FOOD ESTABLISHMENT

Temporary Food Establishment defined in 1999 food code as a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. [APRIL 14, 2009]

TITLE 5 OR TITLE V

The regulations of the Department of Environmental Protection at 310 CMR 15.000 et seq. [March 1, 2003]

TRANSFER OF PROPERTY

Transfer of property is defined as an act by which title of a property is conveyed from one person to another. [November 1, 1988]

TOXIC OR HAZARDOUS MATERIALS

Toxic or hazardous materials shall be defined as all liquid hydrocarbon products including, but not limited to, gasoline, fuel or diesel oil, and any other toxic or corrosive chemicals, radioactive materials or other substance controlled as being toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts, under the provisions of Massachusetts General Laws, Chapter 21C, Section 1, et. seq. [December 6, 1988]

WATERCOURSE

A watercourse shall be defined as a watercourse as defined in 310 CMR 15.01 [November 1, 1988]

WASTE OIL

Used or surplus engine oil, fuel oil, gear oil, cutting oil, hydraulic oil, transmission fluid, and brake fluid, uncontaminated by anti-freeze or other substance. [March 13, 1990]

WELL

Any pit, pipe, excavation, spring, casing, drill hole, or other source of water to be used for any purpose of supplying water, and shall include dug wells, driven or tubular wells, drilled wells (artesian or otherwise) and springs, gravel packed wells, gravel walled wells, gravel developed and washed borings and as further described in the U.S. EPA Manual of Individual Water Supply Systems. For the purpose of these regulations, it shall include both private potable wells, and non-potable wells. [March 13, 1990]

WELL, POTABLE (INTENDED FOR HUMAN CONSUMPTION)

Any well supplying water for human consumption, bathing, or washing purposes, which is not otherwise regulated as a "public water system" (community or non-community water supply) under 310 CMR 22.00. [March 13, 1990]

WETLAND

A wetland shall be defined as including a wetland as defined in Massachusetts Regulations 310 CMR 10 and 310 CMR 15. This includes, but is not limited to, resource areas specified in 310 CMR 10.02.1(a)(b)(c), and watercourses specified in 310 CMR 15.01 [November 1, 1988]

WELL DRILLER

Any person, firm, or corporation drilling, constructing, or destroying a water supply well. [March 13, 1990]

WET POND

A wet pond, also known as a retention pond or basin, is a groundwater recharge facility for the treatment of storm water runoff. A wet pond's distinguishing characteristic is a permanent pool that supports aquatic life. [March 13, 1990]

YIELD

Quantity of water delivered per unit time which may flow or to be continuously pumped from the well. [March 13, 1990]