

Part I

Title XVI

Chapter 111

Section 127A

Section 127A. Said department shall adopt, and may from time to time amend, public health regulations to be known as the state sanitary code, which may provide penalties for violations thereof not exceeding five hundred dollars for any one offence or not more than twenty-five thousand dollars or up to two years in a house of correction for violations involving the improper disposal of infectious or physically dangerous medical or biological waste. Said code shall become effective and have the force of law upon filing with the state secretary or at such later date as may be specified by the department. The code shall deal with matters affecting the health and well-being of the public in the commonwealth in subjects over which the department takes cognizance and responsibility, including, but not limited to, standards of fitness for human habitation, housing and sanitation standards for farm labor camps, standards for recreational camps for children, standards for swimming pools, bathing beaches, family type camp grounds, and sanitation standards for food service establishments; provided, however, that single-purpose classes, workshops, clinics or programs sponsored by municipal recreation

departments, or neighborhood playgrounds designed to serve primary play interests and needs of children, as well as affording limited recreation opportunities for all people of a residential neighborhood, whether supervised or unsupervised, located on municipal or non-municipal property, whether registration is required or participation is on a drop-in basis, shall not be deemed to be recreational camps for children. Nothing contained in the code shall be in conflict with any general or special law. This section shall not be deemed to limit the right of any board of health to adopt such rules and regulations as, in its opinion, may be necessary for the particular locality under its jurisdiction; provided, such rules and regulations do not conflict with the laws of the commonwealth or the provisions of the code. Said code may provide for the demolition, removal, repair or cleaning by local boards of health and, in the cities of Boston, Worcester and Cambridge, by the commissioner of housing inspection, of any structure which so fails to comply with the standards of fitness for human habitation or other regulations in said code, as to endanger or materially impair the health or well-being of the public. Said code or a supplement thereto shall designate those conditions which, when found to exist upon inspection of residential premises, shall be deemed to endanger or materially impair the health or safety of persons occupying the premises. This designation shall not be construed as prohibiting an inspector or other authorized person from certifying that any other violation or combination or series of violations of said code or other applicable laws, ordinances, by-laws, rules or regulations may endanger or materially impair the health or safety of said persons when such certification is otherwise appropriate.

Local boards of health shall enforce said code in the same manner in which local health rules and regulations are enforced, but, if any such local boards fail after the lapse of a reasonable length of time to enforce the same, the department may in like manner enforce said code against any violator. The superior court shall have jurisdiction in equity to enforce the provisions of said code and any actions brought to enforce said provisions shall be advanced for speedy trial.