

## **Chapter 405**

### **ABRASIVE BLASTING**

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**[HISTORY: Adopted by the Board of Health of the Town of Wakefield 9-13-1984. Amendments noted where applicable.]**

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#### **§ 405-1. Statutory authority.**

By virtue of the authority granted to the Board of Health of the Town of Wakefield under the provisions of MGL c. 111, § 31C, the following regulations pertaining to abrasive blasting of paint from any interior or exterior surfaces of any structures within the Town of Wakefield are hereby promulgated.

#### **§ 405-2. Permit required; terms and conditions.**

A permit is required for removal of paint by abrasive blasting from any interior or exterior surfaces of any structure within the Town of Wakefield. Such permit shall be granted, in writing, to the owner of the structure by the Board of Health only upon the following general terms and conditions and subject to such special terms and conditions as the Board of Health shall find necessary to protect the public health and welfare.

#### **§ 405-3. Application for permit.**

Application for permit shall be in writing, on a form provided or specified by the Board of Health. Such application shall indicate test results for lead content done by a laboratory approved by the Board of Health.

#### **§ 405-4. Lead content.**

- A. In no case will permits be issued for wet or dry abrasive blasting of the interior or exterior surfaces of a structure if results for lead indicate the presence of lead-based paint.
- B. Lead paint removal may be done with a scraping tool, and all residue shall be disposed of in a proper manner.

**§ 405-10. Variances.**

The Board of Health, upon its own initiative or upon application to it by any person, after due notice and public hearing, may vary any provision of these regulations as it may deem necessary with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice or cause undue hardships, provided that the decision of the Board shall not conflict with the spirit of these regulations. The burden of proof of the manifest injustice or causes of hardship shall be the responsibility of the applicant.

**§ 405-11. Compliance required; violations and penalties.**

- A. The permittee is responsible for compliance with all conditions and terms stated herein.
- B. Whoever violates this regulation shall be punished, for the first offense, by a fine of not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.) and, for a subsequent offense, by a fine of not less than two hundred dollars (\$200.) nor more than five hundred dollars (\$500.). For the purpose of this subsection, each day or part thereof of violation of this regulation, whether such violation shall be continuous or intermittent, shall be construed as a separate and succeeding offense.
- C. Any of the following conditions shall be prima facie evidence of violation of this regulation:
  - (1) Visible emission of particulate matter beyond the vertically extended property line of the owner of the property on which abrasive blasting is permitted.
  - (2) Deposition of visible amounts of particulate matter upon public or other private property.
  - (3) Failure to obtain express written permission from the Board of Health to engage in an abrasive blasting operation or engaging in an abrasive blasting operation after denial of such permission.