



October 13, 2005

2011 OCT 17 PM 2:23

00000000000000000000

TOWN OF DENNIS REGULATIONS FOR FOOD SERVICE ESTABLISHMENTS

The following regulations are adopted in accordance with provisions of 105 CMR 590.00 of the Massachusetts Sanitary Code, and are being adopted to supplement, clarify, modify, and augment the provisions of Chapter X. Applicants for food service permits shall refer to the State Sanitary Code for basic requirements.

REGULATION 1:

105 CMR 590.00 of the Massachusetts Sanitary Code, Chapter X, requiring food service establishments to obtain a permit from the Board of Health, shall be extended to include all food service establishments in the Town of Dennis listed below, including, but not limited to:

Restaurants...(see Sanitary Code), retail and wholesale markets, bakeries, confectionaries, canneries, butcher shops, food purveyors, distributors, vendors of produce, dairy products, shellfish, and fish processing establishments.

REGULATION 1A:

Retail food establishments shall be registered with the Board of Health, in accordance with provisions of the General Laws.

REGULATION 2:

No bare feet shall be permitted in the interior of any food service establishment. This regulation must be posted on all entrances.

REGULATION 3:

No animals shall be permitted in the interior of any food service establishment, except Seeing Eye dogs.

REGULATION 4:

Outdated prepackaged foods and food products must be removed from the shelves and may not be served or offered for sale

REGULATION 5:

Cream, milk, and milk substitutes must be refrigerated at 40 degrees Fahrenheit or below until served and may be served only in single service containers.

REGULATION 6:

Eggs must be refrigerated at 40 degrees Fahrenheit or below, and while in transport, storage, on sale, or until such time as they are prepared or sold.

REGULATION 7:

Food once served to the public, may not be served again, except for prepackaged foods; the container of which has remained sealed.

REGULATION 7 A:

Employees handling bulk foods, and deli products shall wear protective covering on their hands.

REGULATION 8:

The Dennis Board of Health reserves the right to adopt further regulations as deemed necessary, or restrict or delete any of the above regulations in the best interest of the Town of Dennis. These Board of Health regulations are subject to the variance provisions set forth in 105 CMR 590.00, State Sanitary Code, Chapter X.

REGULATION 9:

These regulations shall take effect on **February 1, 1975**. No regulations shall be enforced retroactively.

REGULATION 10:

If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be judged invalid, for any reason whatsoever, that decision shall not affect any portion of these regulations, which shall remain in full force and effect; and to this end, the provisions of these regulations are hereby declared severable.

REGULATION 11:

The critical food handling violations, as stated by 105 CMR 590: **STATE SANITARY CODE CHAPTER X – MINIMUM SANITATION STANDARDS FOR FOOD ESTABLISHMENTS** and *Food Code, 1999 Recommendations of the United States Public Health Service, Food and Drug Administration*, and other violations determined by the Board of Health to have the potential to seriously affect the public health shall after written notice to the permit holder constitute a critical violation.

REGULATION 11.1:

A copy of the completed inspection form shall constitute written notifications of violations and notification to appear at an administrative or show cause hearing.

REGULATION 11.2:

When violations are reported to have been corrected by the operator, a re-inspection shall be scheduled at the discretion of the Health Department.

REGULATION 12:

Temporary Food Service shall mean any operation that prepares, serves, vends, or otherwise provides food for human consumption at any location for a period less than four (4) days.

REGULATION 12.1:

Any person or organization offering prepared food at any location other than a licensed establishment shall apply for a Temporary Food Service Permit at least **72 hours prior to the event.**

REGULATION 12.2:

Persons offering for sale food not consumed on the premises shall provide bathroom facilities and hot running water for food handlers. Perishable foods shall be refrigerated.

REGULATION 13: MOBILE FOOD SERVICE

REGULATION 13.1:

Pushcart type food service vendors will not be permitted in the Town of Dennis.

REGULATION 13.2:

Mobile food units shall operate from a commissary, or other fixed food service establishment that is constructed and operated in compliance with the State Sanitary Code, and Town of Dennis Regulations.

REGULATION 13.3:

Trucks, wagons, or other vehicles, or mobile stands shall be clean and in a sanitary condition. Mobile food units serving food not packaged for individual servings, and/or involving the use of utensils, shall provide a potable water system, under pressure. The system shall be of sufficient capacity to furnish hot and cold water for food preparation, utensil cleaning and sanitizing and hand washing.

REGULATION 13.4:

All articles of food, and all food shall be served in clean, single-service containers. All sandwiches, pastries, and other items of food shall be wrapped in a clean, sanitary outer wrapping and protected from contamination until served. Straws and sugar shall be individually wrapped.

REGULATION 13.5:

Mobile units garaged outside of the Town of Dennis must furnish written certification from their local Board of Health, verifying that they operate from a licensed food service establishment.

REGULATION 14: VENDING MACHINES

Any establishment with vending machines dispensing food or drink must be licensed by the Board of Health.

REGULATION 15: OUTDOOR DINING AREAS

Outdoor café-type restaurants shall meet the minimum criteria, as set forth by the Health Department. The applicant may apply to the Board of Health for a variance, following rejection by the Health Director.

REGULATION 16:

Massachusetts General Law, Chapter 137 of the Acts of 2004, prohibits smoking in food service establishments.

REGULATION 17: INSPECTIONS

REGULATION 17.1:

Notwithstanding the other provisions of this code, if the inspector finds unsanitary or other conditions in the operation of facilities of a food establishment, which, in his judgment, constitute a substantial hazard to the public health, or for repeated violations, he may immediately require an Administrative Hearing before the Chief Agent of the Board of Health.

REGULATION 17.2:

A certificate of sanitation, issued by the Health Department, shall be conspicuously posted in the establishment.

REGULATION 18: SURCHARGES AND PENALTIES

REGULATION 18.1: COMPLIANCE-BASED SURCHARGES

Upon application for the renewal of any Food Service Permit, the fee for the renewal shall be determined by the base fee for that food service establishment

plus any applicable surcharge based upon the highest level of compliance effort required during the past year, as shown in the following schedule:

COMPLIANCE EFFORT REQUIRED	SURCHARGE
A. Increased program contact due to: <ol style="list-style-type: none"> 1. Late renewal. 2. Opening without a permit. 3. Complaints. 4. Trash violations. 5. Smoking violations. 	25%
B. Investigation of food-borne illness.	50%
C. Accelerated inspection status due to: <ol style="list-style-type: none"> 1. Two or more reinspections as follow-up to a routine inspection. 2. More frequent "preventative" inspections to ensure compliance. 	60%
D. Order letter for: <ol style="list-style-type: none"> 1. Non-critical violations. 2. Critical violations. 	75% 100%
E. License suspension/Administrative hearing.	150%
F. License revocation.	200%

REGULATION 18.2: PENALTIES

Whoever, himself or by his servant or agent, or as the servant or agent of another person or any firm or corporation violates any provision of these regulations shall be punished by a fine of not more than \$200.00.

Whoever, himself or by his servant or agent, or as the servant or agent of any other person or any firm or corporation fails to comply with any order issued pursuant to the provisions of these regulations shall be punished by a fine of not more than \$200.00. Each day's failure to comply with such an order shall constitute a separate violation.

EXCERPTS FROM THE STATE SANITARY CODE

PERMITS

No person shall operate a food service establishment unless he is the holder of a valid permit granted to him by the Board of Health. Only a person who complies with requirements of these regulations shall be entitled to receive and retain such a permit, which **shall be posted on the premises** of the food service establishment for which it is applicable. **Permits shall not be transferable from**

persons and/ or places. Permits shall be issued for a period of time not to exceed **one year** and may be renewed, provided that the permits for temporary food service establishments shall be issued for a period of time not to exceed **14 days**, and the inclusive dates for such a proposed operation shall be included on the permit.

Permits may be suspended by the Board of Health for failure of the operator of the food service establishment to comply with the requirements of these regulations.

APPLICATIONS:

Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the Health Department. The application shall include:

- A. the applicant's full name, P.O. address, and whether such applicant is an individual, firm, or corporation, the names of the partners or corporation officers, together with their address shall be included;**
- B. the location and type of proposed food service establishment;**
- C. the signature of the applicant or applicants.**

PLAN REVIEW:

When a food service establishment is hereafter constructed or extensively remodeled, or when existing structure is converted for use as a food service establishment, properly prepared plans and specifications for such construction and arrangement materials of work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to the Board of Health for approval, in compliance with these regulations, before a permit is granted.

Approval shall be granted or denied within 30 calendar days after submission.

GARBAGE AND RUBBISH REMOVAL:

The operator shall require that each container, room or area, be thoroughly cleaned after emptying or removal of garbage and rubbish. The operator shall require that all garbage and rubbish be disposed of with sufficient frequency and in such a manner as to prevent the creation of objectionable conditions. All garbage and rubbish containing food waste shall, prior to disposal, be kept in leak proof, nonabsorbent containers and be stored so as to be inaccessible to vermin.

TOILET FACILITIES:

The operator of each food service establishment shall provide adequate, conveniently located toilet facilities for its **employees**. Doors to toilet rooms shall not open directly into areas in which food is handled, served, stored or prepared.

FOOD PROTECTION:

All food, while being stored, prepared, displayed, served or sold at food service establishments, or during transportation between such establishments, shall be protected against contamination. All perishable food shall be stored at such temperatures as will protect against spoilage (eggs shall be refrigerated). All potentially hazardous food shall be maintained at safe temperatures, 40 degrees Fahrenheit or below, or 150 degrees Fahrenheit or above except during necessary periods during preparation and service. Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, stuffed meats, stuffed poultry, and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again, provided that wrapped food has not been unwrapped and which is wholesome, may be re-served. Straws shall be individually wrapped. Poisonous and toxic materials used for cleaning shall not be stored in cabinets where food is stored. If such materials are stored on shelves, they shall be located on the bottom shelf or below that where food products are stored.

DENNIS BOARD OF HEALTH

Paul J. Covell, Chairman
Thomas J. Perrino, Vice-Chairman
Diane Chamberlain, Clerk
Barbara Bird
Curt A. Livingston

Approved: October 13, 2005
Effective: October 20, 2005

APPROVED : January 21, 1975
EFFECTIVE : February 1, 1975
AMENDED: October, 1979
 February 26, 1981
 April 26, 1983
 May 13, 1986
 April 30, 1987
 October 13, 2005