

FOOD SERVICE

09.5 Food Service Regulations

Policy Statements

Non-Profit organizations which supply retail products to the general public, or who rent their "residential licensed kitchens" for commercial enterprise will not be granted the fee waiver for food establishment permits. The exception will be to the occasional benefit(s) for specific cause.

Waivers for food establishment licensing payment will not be considered prior to October 1st in any given year. After October 1st waivers will be considered for pro-rating on a quarterly basis.

12/12/89

09.5.1 COMPLIANCE SURCHARGES

In order to properly place some of the increased cost of gaining compliance on the food establishments which require more frequent inspection visits or present the need for enforcement actions, a graduated series of surcharges will be assessed at the time of the next annual license renewal. To determine the fee for the renewal of the Food Service Permit, the basic charge will be applied and applicable surcharges will be determined by the highest level of compliance effort required during the past year, as shown on the following schedule:

25% Surcharge

Validated consumer complaints

Trash violations

Smoking violations

50% Surcharge

Late Permit Renewal/Operating without a Permit in Place

Investigation of Food-Borne Illness when the establishment is found to be responsible

Citation/Order Letter to Correct Non-Critical Violations of Food Code

75% Surcharge

Two or more re-inspections as follow up to routine inspections

More frequent 'preventive' inspections to assure compliance

100% Surcharge

Citation/Order Letter to Correct Critical Violations of Food Code

150% Surcharge

Show Cause Hearing

200% Surcharge

License Suspension or Revocation

4/11/06

09.5.2 Mandatory Food Handlers Training and Certification Program

The Board of Health, Town of Tisbury, in accordance with and under the authority granted by section 31 of chapter 111 of the Massachusetts General Laws, promulgated the following regulation on 9/12/89:

All persons, firms or corporations that operate a food establishment* in the Town of Tisbury shall maintain in employment at least one full-time equivalent owner, manager or operator who is certified as having completed all requirements of the Board of Health's mandatory Food handlers Certification Program. The licensee shall be responsible for the costs incurred for compliance with this regulation. The success of any operation's sanitation program rests with the employees. Proper training in the sanitation aspects of each position must be part of any program. The adoption of regulation 09.5.2 of the Tisbury Board of Health will benefit the consumer and the food service operator by assuring effectiveness of sanitation and food protection.

09.5 Food Service Regulations

09.5.2 Mandatory Food Handlers Training and Certification Continued

* Food Establishment – any place where food is prepared and intended for individual portions service, and includes the site at which individual portions are provided. the term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food.

Effective January 1, 1990, food service establishments shall be in compliance with this regulation. After January 1, 1990 no food service establishment shall be in operation or open for business without having an owner, operator or manager in its employment who has completed the Mandatory Food Handlers Training Program. Establishments with a change of ownership shall operate no more than sixty (60) days without compliance with this regulation.

09.5.3 Temporary Food Service Fees

Non-Profit establishments No Charge

Profit establishments in town with valid food permit No Charge

Profit enterprise in town without valid food permit \$20.00

Profit enterprise out of town \$35.00

The Board of Health will inspect temporary food kitchens for clean, sanitary conditions, food handling procedures, transportation procedures and for fresh wholesome products purchased from approved sources.

3/27/90

09.5.4 Food Service Violation(s)

Violation of the minimum sanitation standards for food establishments as adopted and described in 105 CMR 590 of the State Sanitary Code Title 10 can be resolved by Board of health decree via the non-criminal disposition. Said violations will be resolved by the fine schedule adopted under 09.0.7 Board of health Fine Schedule. the adoption of this regulation does not preclude the person or persons charged with the right to a hearing s described in 105 CMR 590.056(a). Nor does the adoption of this regulation preclude the Board of Health the right to proceed with said violation(s) through criminal proceedings/penalties as described in 105 CMR 590.062.

09.5.5 Residential Kitchen Operations

A food service inspection by the Board of health is required for residential kitchens serving breakfast to the public or offering overnight accommodations to the public. If the aforementioned do not meet the criteria for definition as a Bed and Breakfast Home or an Inn or as a Lodging House, said establishment serving food or offering overnight accommodations to the public shall file for a food service license with the Board of Health annually. Such establishments shall comply with the requirements of 105 CMR 590.028(B). Only non-potentially hazardous foods shall be prepared in a residential kitchen for service to the public. Such establishments shall comply with 105 CMR 590.0349b):

- Foods which do not comply with the requirements of 105 CMR 590.002 shall not be served to the public and shall either be stored separately or labeled for private use.
- Pets may be present on the premises but shall be kept out of food preparation and dining areas during food preparation and serving.
- Laundry facilities may be present in the kitchen but shall not be used during food preparation and service.
- Cooking facilities in the kitchen shall not be available to guests.