



TOWN OF HALIFAX

COMMONWEALTH OF MASSACHUSETTS

Board of Health

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Food Establishment Regulations

Preamble

Food-borne illness in the United States is a major cause of personal distress, preventable death, and avoidable economic burden. CDC estimates that each year roughly 1 in 6 Americans (or 48 people) gets sick, 128,000 are hospitalized, and 3,000 die of foodborne illnesses.

There have been numerous recent outbreaks of Hepatitis A spread through food handlers in Massachusetts.

The Town of Halifax is rapidly changing, resulting in a significant increase in food establishments. This increase in food establishments makes it more challenging for the Halifax Board of Health to fulfill its educational responsibilities.

1.01 Purpose

In order to protect the public health, there is a need to provide special regulations for food establishments over and above the State Food Code. The purpose of these regulations is to prevent foodborne illness originating from food establishments in Halifax.

1.02 Scope of Authority

The Town of Halifax Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. C 111 s.31 and s.122 and the State's Sanitary Code. Also, M.G.L. c. 111 s.31 is an unusually broad grant of authority, empowering boards of health to adopt reasonable health regulations. The power of boards of health to adopt regulations under section 31 is extensive and provides a comprehensive, separate, additional source of authority for health regulations (Benes et. al.1995).

1.03 Requirements

- (1) It is the responsibility of the Board of Health to license, inspect and monitor all food establishments, according to Chapter 10 of the State Sanitary Code Chapter X- Minimum Sanitation Standards for Food Establishments, 105 CMR 590, and the FDA Food code. Two inspections per year will be conducted according to said codes. The permit fee is intended to defray the costs of the two required inspections.
- (2) The permit fee includes two routine inspections per year. A seventy five dollar (\$75) fee will be assessed to the permit holder for each additional re-inspection required due to violations. The Board has set this additional fee as a reasonable fee related to the administrative costs of re-inspections. All additional inspection fees will be added to the cost of permit renewal at the end of the year. These fees must be paid in full before a permit will be renewed.

- (3) The Food Establishment Inspection Report shall serve as the Board of Health's Order for Correction of the violations listed. The food establishment permit holder has the right to a hearing regarding the Order for Correction if requested in writing and filed in the Board of Health Office within seven (7) days of the receipt of the Inspection Report.
- (4) A fine of fifty dollars (\$50) per critical violation noted on the Inspection Report, will be charged. All fines will be due within 30 days of the date of the inspection. All fines must be paid in full and in a timely manner in order for the permit to be renewed the following year.
- (5) All violations listed in the Order for Correction must be corrected. Failure to comply with this Order may result in suspension or revocation of the food establishment permit and cessation of food establishment operation
- (6) If, after two re-inspections, the permit holder fails to implement the corrections, as indicated on the Order of Correction, the Board of Health will require the permit holder to attend a hearing and show cause before the Board as to why the said Food Establishment Permit should not be suspended or revoked in accordance with Chapter 10, Section 590.014 of the Sanitary Code. If the Board of Health require a hearing due to violations, a fine of \$100 will be applied. There will be no fine imposed for hearings requested by the permit holder.
- (7) The Food Code requires that each Food Service Establishment has at least one employee who is certified in food safety. This person (or someone who has been assigned and trained by that certified person and can demonstrate knowledge of food safety) must be present at all times of operation. A food establishment will be required to attend a hearing if there is not a person certified in food safety or if the inspections indicate that the food handlers are not demonstrating knowledge of food safety.
- (8) Copies of all Food Safety Certificates shall be submitted to the Board of Health each year with the Food Permit Application.
- (9) Each permit holder shall submit to the Board of Health signed copies of Form 1 – Applicant and Food Employee Interview, and Form 2 – Food Employee Reporting Agreement, for each employee of that Food Service Establishment (see attached). An establishment with more than 3 employees may submit a statement that the following employees have read Form 1 and 2 and agree to follow the guidelines set forth by them, with a list of signatures.
- (10) Employee exclusion from food service is the responsibility of the certified food safety employee or the "Person In Charge" as required in Chapter 2-201.12 of the 2013 National (FDA) Food Code.

- (11) All Food Service Establishments having a seating capacity of 25 persons or more shall, as required by 590.009(E).
- (a) Have on its premises, while food is being served, an employee trained in manual procedures approved by the Department to remove food lodged in a person's throat (anti-choking); and
 - (b) Make adequate provision for insurance to cover employees trained in rendering such assistance.
- (12) Every Food Service Establishment shall have a written emergency plan approved by the Board of Health. This plan shall outline the procedures to be followed in case of fire, power outage, discontinuation of water service, failure of refrigeration units, septic system back up, or any other emergency that could affect the safe operation of a food service business. This plan should be kept in an easily accessible location at the food service establishment and filed with the Board of Health. Permit holders shall review the emergency plan with all employees at least once a year. The Board of Health will supply a questionnaire to guide the emergency plan.
- (13) All Food Service Establishments who prepare and/or serve ready to eat foods shall display, in plain sight of the public, at least one poster supplied by the Board of Health which states that Massachusetts General Law prohibits bare hand contact with ready to eat foods. One poster will be displayed in each dining/serving area. Replacement and/or additional posters will have to be purchased from the Halifax Board of Health at a cost determined to be reasonable.
- (14) All Food Service Establishments must maintain their grease traps with a permitted septage hauler at least every 3 months as required by Title V 310 CMR 15.351(2), or whenever the level of grease is 25% of the effective depth of the grease trap/tank, whichever is sooner. If the septage hauler determines that a cleaning is not necessary, the monitoring record stating so will still be submitted to the Board of Health.
- (15) Food Service Establishments who use dumpsters for disposing of trash must keep the dumpsters closed at all times except when opened for adding rubbish.
- (16) So that they may be familiar with the State's laws, all Food Service Establishments are encouraged to obtain a copy of the National Food Code, which was adopted by Massachusetts in 2000. The Food Code can be obtained from the National Technical Services by calling 1-800-553-6847. Refer to report number PB2013-110462 ISBN 978-1-935239-02-4 or online at

<https://www.fda.gov/downloads/food/guidanceregulation/retailfoodprotection/foodcode/ucm374510.pdf>

- (17) So that they may be familiar with the State's laws, all Food Service Establishments are encouraged to obtain a copy of the revised State Sanitary Code pertaining to food service establishments, 105 CMR 590, by calling the State Book Store at 617-727-2834 or by visiting the MDPH website at <http://www.mass.gov/eohhs/docs/dph/regs/105cmr590.pdf>

1.04 Penalties

Failure to comply with provisions of this regulation will result in levy of fines of not less than \$50.00, but no more than \$1,000.00. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

Note: Effective 1992, under Chapter 111: Section 31 (violation of health regulation) maximum fines increased from \$100 to \$1,000.

1.05 Waivers/Variations

(1) When full compliance with the Halifax Food Establishment Regulations is not feasible, and when, in its opinion, the strict enforcement would do manifest injustice and does not jeopardize public health or the environment, the Halifax Board of Health can issue variances.

(2) Process for Seeking a Variance from Halifax Regulations for Food Establishments:

(a) Every request for a variance shall be in writing, shall make reference to the specific provision of the Halifax Regulations for Food Establishments, for which a variance is sought.

1.06 Severability

Each provision of this regulation shall be construed as separate to the end that, if any provision, or sentence, clause or phrase thereof, shall be held invalid for any reason, the remainder of that section and all other sections shall continue in full force and effect.

Adopted December 1, 2004 by the Town of Halifax Board of Health

Revised 10-23-06

Revised 4-19-17

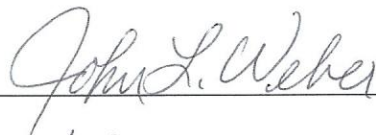
Revised 5-3-17

Signed

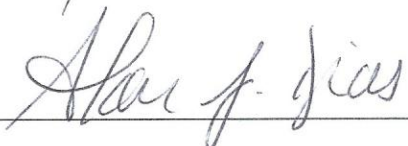
Chairman, John Delano

 May 5, 2017

Co-Chairman, John Weber

 May 3, 2017

Clerk, Alan Dias

 May 3, 2017