

## **Town of Millville Board of Health Food Regulations**

- A. 105 CMR 590.000, Chapter 10 of the State Sanitary Code Food Establishment Regulations, as most recently amended, is hereby adopted as a local regulation for the Town of Millville.
- B. All food permits shall expire on December 31.
- C. Every permit holder must possess current copies of the Millville Food Regulations, 105 CMR 590.000, and any other regulations the Board of Health may reasonably require.
- D. Plans and specifications for all new establishments and of all proposed and/or fixed equipment, walls, floors, ceilings, shelving, etc. are considered a part of the application.
- E. All food establishments shall be inspected by the building inspector prior to the opening and at the request of the Board of Health agent anytime thereafter.
- F. Hand wash sinks shall be limited in size to a maximum width of 20 inches and depth of 9 inches and shall not be installed in any counter or with drain boards. Food preparation, serving, or storage areas shall be protected from contamination from the hand wash sink.
- G. Any application for a temporary food permit shall be submitted to the Board of Health no less than fourteen (14) days before the event.
- H. Existing establishments that are transferring to a new owner and there will be no modification of the type of product offered nor modification of the facility may be submitted up to fifteen (15) days prior to the transfer date. Before a transfer can be completed, a full inspection by the Board or its agent must be completed with no critical violations outstanding. Establishments previously grandfathered must be brought into compliance with these regulations.
- I. No food establishment shall add any form of food service without the written approval of the Board of Health. Application for the approval of any such additional service must be done in writing to the Board of Health.
- J. Every food service permit holder other than for a temporary food service establishment shall ensure that there is a minimum of one supervisory full-time person who has successfully completed a course in food safety and sanitation approved by the Board. The Serve Safe Sanitation course provided by a certified education association shall be the type of certification which will be acceptable under this regulation. Documentation of successful completion must be on file in the Board of Health office. This documentation must be on file prior to renewal of a permit or a new permit being issued. One approved

course must be taken every five years. Persons holding a permit at the time that these regulations become effective will have one year to comply with this training regulation.

K. Each establishment having a seating capacity of 25 persons or more shall have on its premises a device approved by the Department of Public Health that is designed and intended for use in removing food which may become lodged in a person's throat, or each such restaurant shall have on its premises, when food is being served, an employee trained in manual procedures approved by the Department of Public Health to remove food so lodged in a person's throat as required by MGL Ch. 94 s. 305D and must file proof of training with the Board of Health with new and renewal applications. Individuals must be retrained annually.

L. All caterers licensed by the Millville Board of Health must maintain a record for a minimum of ninety days of catered functions which include at least the following: date, person (name, address, & telephone number) contracting services, menu, food preparation location, food service location, food preparation staff, wait staff, and approximate number of persons served.

M. All establishments which accommodate catered functions must retain for a minimum of ninety days a record of the name and address of the caterer, date of event, person in charge of the function, and number of people attending.

N. Establishments that primarily accommodate catered functions, and are nonprofit organizations shall be charged an annual fee that is the same as the lowest fee charged a food-service establishment. These establishments must meet the minimum requirements of 105 CMR 590.000.

O. No vehicle used to transport trash, rubbish, garbage or other wastes shall be allowed to transport food intended for human consumption.

P. All food establishments using a fryolator or with ten (10) or more seats, must have their grease traps cleaned at least four times a year. Documentation must be shown at routine inspections.

Q. Routine inspections of food establishments shall be conducted by an agent of the Board of Health twice a year or as deemed necessary by the Board. The food establishment inspection report will be used to report inspections. Orders to correct shall be issued by the Board or their agent. Time permitted for compliance shall depend upon the nature of the violation. Critical violations must be in compliance within five (5) business days.

R. Repeated Violations. Any violation of these regulations that recurs within one year following an inspection shall be considered a repeat violation. Such a violation shall be sufficient cause for revocation or suspension or a permit.

S. Permit fees cover two routine inspections and one follow-up of each said inspection. A \$25.00 re-inspection fee will begin after the first follow-up inspection has been concluded. Any inspections performed from a complaint are not considered a re-inspection. If after a third re-inspection, the same violations remain, a hearing will be held and the establishment will be subject to be closed by the Board of Health. The establishment will be responsible for the re-inspection fee. Payment must be made at the time of the re-inspection or upon renewal of the food establishment permit. No permits will be issued until all fees have been paid.

T. All food service establishments shall be required to contract with a Massachusetts licensed pesticide applicator for pest control services. Said contract shall specify monthly inspection of the establishment by the contractor and elimination of any infestation, if encountered, at a minimum. Each establishment shall make available for review by the Board or its agent a copy of said contract and all receipts of pesticide application undertaken by the licensed applicator.

U. Water from a nonpublic water system shall meet state drinking water quality standards and shall be sampled and tested at least annually and as required by Massachusetts water quality regulations. The most recent sample report shall be retained on file in the food establishment or the report shall be maintained as specified by Massachusetts water quality regulations.

V. Existing food establishments shall have one year from the effective date of these regulations to come into compliance with these regulations.

W. Any violation of these regulations shall be punished by a fine of \$100.00 for the first offense, a fine of \$200.00 for the second offense, and a fine of \$300.00 for subsequent offenses. Each day of the violation shall constitute a separate offense. Violations shall be enforced by the Board of Health or his/her agent through the non-criminal disposition ticketing procedure. In addition, The Board of Health may revoke a permit for failure to comply with the terms of the permit or the provisions of these regulations, following notice to the permit holder of a hearing to be held on said revocation.

### **Frozen Dessert Machines at the Retail Level**

A. 105 CMR 561.000, Frozen Desserts, Frozen Dessert Mixes and Ice Cream Mix Regulations, as most recently amended, is hereby adopted as a local regulation for the Town of Millville.

B. Permits are required for frozen dairy dessert machines at the retail level. The fee is \$25.00 annually per establishment.

C. The permit shall expire December 31.

D. Laboratory tests must be conducted for a standard plate count and a standard coliform count by a certified laboratory during each month that the machine(s) is in use by the 28<sup>th</sup> day of that month. These results are due in the Board of Health office by noon on the second Thursday of the following month. Yogurt machines are exempt from the standard plate count but not the coliform count.

E. Failure to submit this report will result in revocation of the permit.

F. Permission to resume using and selling products from the machine(s) again will not be granted until the laboratory results are submitted to the Board of Health office; and the laboratory results are within acceptable standards; and the Health Agent contacts the establishment and grants permission to re-operate the machine(s).

G. The Board of Health may require a new permit fee for each establishment that has its permit revoked.

Adopted October 1, 2008  
Revised December 3, 20008

Millville Board of Health

Thomas Houle, Chairman\_\_\_\_\_

David Stanley, Vice-Chairman\_\_\_\_\_

Dustin Ciccarelli, Member\_\_\_\_\_