

Food Service Establishments

Part 6

Section

6.01 Plans and Permits Required

6.02 Disposal Systems Required

6.03 Existing Establishments, Disposal Systems

6.04 Anti-choking procedures in Food Service Establishments

6.01 Plans and Permits Required

No food service establishment shall be licensed to operate by the Board of Health until the operator of such establishment has obtained all permits from the Building Inspector and the Board of Selectmen which are required for legal operation. Prior to licensing by the Board of Health, each applicant proposing a new establishment or an alteration to an existing establishment shall submit a set of plans of the proposed establishment or alteration, drawn to scale, showing the floor layout, equipment, and plumbing locations, ventilation, refuse storage, sewage disposal and other pertinent information. Submission of such plans shall not relieve the operator of the requirement for compliance with the State Sanitary Code.

6.02 Disposal Systems Required

All new food service establishments licensed after June 30, 1990 shall be equipped with a garbage disposal system approved by the Board of Health and the Plumbing Inspector of the Town. Persons requesting relief from this requirement may apply for a variance pursuant to the procedures set forth in Part I of these regulations.

6.03 Existing Establishments, Disposal Systems

Garbage disposal systems are not ordinarily required of food service establishments in operation prior to June 30, 1990. However in the event that the disposal of garbage, kitchen waste or other organic material consistories a nuisance and a written complain thereof is made to the Board of Health, the Board may order the installation of a garbage disposal at such food service establishment after a hearing before the Board at a regularly scheduled meeting. In reaching a decision to order the installation of a disposal system, the Board shall visit the site complained of shall take the testimony of the parties filing the complaint and shall take the testimony of any person affected by the installation of the disposal system. The decision of the Board shall be in writing and shall be filed with the Town Clerk as an administrative decision subject to appeal in the Superior Court.

6.04 Anti-choking Procedures in Food Service Establishments

Each food service establishment having a seating capacity of one or more shall:

(1) Have on its premises, while food is being served, and employee trained in manual procedures approved by the Department to remove food lodged in a person's throat.

*Bolded area is an Amendment to Part 6 Food Service Establishments section adding section 6.04 effective on July 1, 2006.

Rules and Regulations pertaining to Certification of Managers in Food Safety

Section 1 Authority

The Dedham Board of Health, pursuant to the authority granted under Massachusetts General Laws Chapter 111 Sections 31 and 127A hereby adopts the following regulations to protect the public health of the community.

Section 2 Purpose

The Dedham Board of Health recognizes that an ideal food protection program is supported by a partnership effort between industry and food regulatory officials. Together, educated food handlers and effective inspection programs can reduce the incidence of high risk practices which can lead to foodborne disease outbreaks.

Other benefits of food manager training include providing industry with a more professional approach to food safety, improving communication between industry and regulators, increasing consumer confidence in their food supply and avoiding negative economic impacts associated with foodborne disease outbreaks. Food establishments which have trained food handlers are also more likely to be in compliance, resulting in less inspection and enforcement time spent by the Board of Health.

Accordingly, the Board of Health declares that the purpose of this regulation is to improve the general sanitation conditions in Dedham food establishments, this protecting the public health and welfare of the dining public.

Food manager certification will ensure that these managers have knowledge of the principles and practices for food sanitation with the primary purpose of preventing foodborne illness and protecting the public health in accordance with Chapter X of the State Sanitary Code, 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments.

Section 3 Definitions

Board: The Board of Health or its agent or designee.

Certified food manager: An individual employed by the establishment who has passed an exam as described in Section 5 and has supervisory, training or management responsibilities, as well as any other individual working in food establishment who may be in charge of food preparation or service with authority and responsibility to direct or control such activities.

Health Director: The Health Director for the Dedham Health Department or designee.

Compliance risk: A food establishment which has one or more of the following:

1. Failed to correct conditions identified in an inspection process resulting in an administrative hearing or
2. An emergency closure due to sanitary code violations or permit suspension or
3. Has confirmed foodborne illness outbreak.

Food establishment: any place where food is prepared and intended for 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. The term includes but is not limited to restaurants, caterers, nursing and retirement homes, hospitals, private clubs industrial cafeterias, public and private educational institutions and delicatessens in retail food stores that cook and/or offer prepared food individual service portions.

Foodborne illness outbreak: An incident in which two or more persons experience illness after ingestion of common food or one case botulism or chemical food intoxication and an epidemiological investigation or laboratory analysis implicates the food as the source of the illness.

Full time equivalent: An individual, or combination of individuals, who work a total of at least thirty five hours per week.

Person: Any individual, or owner of a business, partnership, company, firm, group, town, county or city.

Susceptible populations: A group of person who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults and in a facility that provides health care or assisted living services; such as hospital or nursing home, or children in a day care facility or elementary school.

Any terms not specifically defined herein are to be construed in accordance with the definitions of Chapter X of the State Sanitary Code 105 CMR 590.001

Section 4 Food Manager Certification Required

All licensed food establishments which prepare and/or serve potentially hazardous food to susceptible populations and any licensed food establishment designated as a compliance risk shall have at least one full-time equivalent on-site person who has a certificate of training as described in Section 5.

In the case of a certified food manager leaving the employment of the food establishment or transferring to another establishment the establishment shall have 90 days to comply with these regulations.

Section 5 Certification

Certification shall be achieved by attending a food safety and sanitation course and attaining a passing grade on a an exam provided by the Educational Testing Services (Food Protection Certification Program) or the Educational Foundation of the National Restaurant Association (ServSafe) an equivalent exam recognized by the Massachusetts Department of Public Health and approved by the Board.

A list of suggested available courses shall be available from the Board/Health Director.

The certificates shall be posted on the premises.

Section 6 Renewal of Certification

The certification shall be valid for **three years**

Section 7 Certificate Not Transferable

A food manager certificate is not transferable from one person to another.

Section 8 Reciprocity

The Dedham Board of Health will recognize prior certification from any course which meets section 5.

Section 9 Variances

The Board/Health Director may vary the application of any provision of these regulations, with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice: provided that the decision of the Board shall not conflict with the spirit of any minimum standard established by these regulations. Any variance shall, while it is in effect be available to the public at all reasonable hours in the office of the clerk of the town of Dedham, or in the office of the Board.

Section 10 Enforcement and Penalties

Any person who violates the terms of these regulations shall be subject to a fine of \$50 per offense. Each day shall constitute a separate offense. Failure to comply within fifteen business days shall result in the process for suspension or revocation of the food service permit. In the case of a suspension or revocation of the food service permit, the procedure as specified in 105 CMR 590.054 and 105 CMR 590.055 shall be used. (For those city/towns which have the ticketing by-law).

These regulations may be enforced by those procedures noted in the Town of Dedham Board of Health regulations. In the event that procedure is followed, the person shall be subject to a fine of \$50 per offense. Each day that the offense continues shall constitute a separate offense.

Section 11 Severability

In the event any section, subsection or provision of the regulations are held to be invalid, each invalidity shall not affect the validity of any other section, subsection or provision thereof.

Section 12 Effective Date

These regulations shall be effective January 1, 1998.

Appendices

1. List of current suggested courses
2. Massachusetts Guideline for Food Protection Management Training and Testing available from Department of Public Health, Division of Food and Drug.

*Boded areas are amendments to Rules and Regulations Pertaining to Certification of Mangers in Food Safety May 8th, 1997