



CHAPTER I FOOD REGULATIONS

1.00 The Wellesley Board of Health has adopted the following regulations to supplement any existing state laws or regulations. In case of conflict with any state regulation the more stringent regulation shall apply.

2.00 Renewal of an existing food establishment permit is the sole responsibility of the permit holder. Any holder of a valid food establishment permit who fails to file for renewal of a permit at least thirty (30) days before its expiration, and continues to operate after expiration of a permit, shall be responsible for payment of all costs of the Board of Health relative to obtaining compliance.

2.01 Public Handwashing Facilities. All new food establishments offering seating for the consumption of food on site must provide a handwashing sink for customers. Any establishment without handwashing facilities for customers that does any major renovations shall provide a handwashing sink whenever reasonably possible.

2.02 Reserved

3.00 Fees. The Board of Health shall annually establish fees for food establishment permits.

a. A fee shall be charged to anyone submitting a plan for construction, remodeling or alteration of a food establishment.

3.01 Reinspection Fee. A reinspection fee may be charged for each follow-up inspection caused by a food establishment failing to comply with an order to correct a violation.

3.02 Reserved.

4.00 Mobile Food Establishments. All mobile food units shall be required to provide the Wellesley Health Department with a listing of sites to be serviced within the Town of Wellesley. The listing shall also provide the time(s) the mobile unit is serving at any location within the Town. The licensee must notify the Health Department within 48 hours of any changes of locations.

4.01 All operators of mobile food establishments shall provide the Health Department with a listing of toilet facilities utilized within the Town of Wellesley. Such facilities must be equipped with warm running water, soap, and paper towels, and be available for inspection by the Health Department.

4.02 Dispensing utensils must be used for serving any food that is not prepackaged. Consumers are prohibited from self-service unless the food is prepackaged.

4.03 Sanitizing solutions that comply with 105 CMR 590.000 must be used in appropriate concentration for the sanitizing of all utensils. Such sanitizing solution must be present and in use whenever prepared foods are being served or available for consumption.

4.04 There shall be adequate mechanical refrigeration provided on every mobile food service unit that stores, serves, or prepared potentially hazardous foods.

4.05 All mobile food servers shall present their mobile food service unit at the office of the Wellesley Health Department for inspection every six months. A pre-operational inspection must be made if the mobile food unit is changed. It shall be the responsibility of the licensee to request such inspections at least two weeks in advance.

4.06 Permits for mobile food units are not transferable from one operator to another, nor from one unit to another..

5.00 All food shall be so stored, displayed, and served as to be protected from dust, flies, degradation by rodents, pollution, unnecessary handling, droplet infection or any other form of contamination.

5.01 All openings to the outside shall be effectively protected against the entry of insects, rodents, or other threats to food safety. Every food establishment, lacking a closed interior door and having a single door that opens directly to the outdoors, must have a self-closing screen door or other type of protective mechanism approved by the Director of Public Health.

5.02 Manual cleaning and sanitizing of equipment and utensils must be done in a three compartment sink. Sink compartments must be large enough to accommodate the immersion of most equipment and utensils used, or reasonably expected to be used, within the establishment. Two compartment sinks are not permitted except for existing facilities where space is limited and written procedures are developed in accordance with 105 CMR 590.000 and approved by the Health Department

5.03 Licensed caterers may not use residential kitchens to prepare food for sale or service to any segment of the public. Separate facilities are required and must be approved by the Board of Health for use.

6.00 Seasonal Food Establishments. All establishments that operate on a seasonal basis or discontinue operations for twelve (12) consecutive weeks or longer shall require an inspection by the Health Department prior to reopening.

6.01 It is the responsibility of the permit holder to request such inspection at least ten (10) days in advance.

6.02 Reserved.

7.00 Grease Interceptors. A grease interceptor shall be installed in the waste disposal line of the sinks and drains of all food service establishments and retail food establishments. This requirement shall apply to all establishments that begin operations after the effective date of these regulations. Existing establishments shall not be required to install a grease interceptor unless extensive remodeling is done after the effective date of the regulations. All grease interceptors must be cleaned as often as necessary for efficient use of the unit or at least every six months. Documentation of the cleaning must be kept on file at the establishment for review by the Health Department.

7.01 Chemical or bacterial treatment of grease interceptors is prohibited.

8.00 Food Manager Certification Requirements. It shall be mandatory for anyone owning or operating a food establishment to employ at least one individual on each shift who has satisfactorily completed an approved foodhandling certification program. Said individual must be in a supervisory status at the establishment, must be a full-time on-site employee of the establishment, shall normally be present during operating hours, and be directly responsible for overseeing all foodservice operations. All food-handling certifications must be renewed every five (5) years and a copy sent to the Health Department as well as posted in the establishment next to the Food Establishment permit.

9.00 Failure to comply with any provisions of this regulation shall be considered sufficient cause for revocation or suspension of the food establishment permit.

9.01 Reserved.

10.00 Tobacco Ban in Restaurants. Whereas conclusive evidence exists that tobacco smoke causes serious adverse health effects; and whereas the harmful effects of tobacco smoke are not confined to smokers the Wellesley Board of Health establishes this regulation to protect and improve the public health and welfare by prohibiting smoking in all restaurants.

a.. Authority. This regulation is promulgated under the authority granted by Massachusetts General Laws, Chapter 111, Section 31 that states "Boards of Health may make reasonable health regulations."

b.. Definitions. For the purposes of this regulation, the following works shall have the meanings respectively ascribed to them by this paragraph:

Bar: an establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages.

Restaurant: any coffee shop, cafeteria, delicatessen, private or public school cafeteria, or any other form of food service establishment which gives or offers food in individual service portions for sale to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

Smoking: inhaling, exhaling, burning or carrying any lighted cigar, cigarette or other tobacco product in any form.

c. Posting Notice of Prohibition. Every person having control or premises upon which smoking is prohibited by and under the authority of this regulation shall conspicuously display upon the premises "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

d. Smoking Prohibited. No person shall smoke, nor shall any person, employer, or other person having control of the premises upon which smoking is prohibited by this regulation, or the agent or designee of such person, permit a person to smoke in any part of a restaurant, including a bar area within said restaurant. Additionally, no person shall smoke in any place in which a sign conforming to the requirements of Paragraph D of this regulation is posted. No person shall remove a sign posted under the authority of Paragraph D of this regulation.

e. Conflict with Other Laws or Regulations. Nothing in this regulation shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

f. Violations. Any person who violates this regulation shall be subject to a fine in an amount of one hundred dollars (\$100) for a first offense, two hundred dollars (\$200) for a second offense and three hundred dollars (\$300) for a third or subsequent offense.

g. Enforcement. As an alternative to initiating criminal proceedings, violations of this regulation may be enforced in the manner provided in M.G.L. c. 40, Sect. 21D, by the Board or its agents. Any fines imposed under the provisions of this regulation shall ensure to the Town of Wellesley for such use as the town may direct.

h. Severability. If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions being in force.

11.00 Effective Date. These regulations were adopted by vote of the Town of Wellesley, Massachusetts Board of Health, at their regularly scheduled meeting held on September 23, 2003 and are to be in full force and effect on and after November 1, 2003. Before said date, these regulations shall be published and a copy thereof be placed on file in the Office of the Board of Health. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.

