Chapter 143

Food Establishments

§ 143-1 Purpose

The purpose of this regulation is to adopt local requirements for the safe and effective operation of all food establishments permitted to operate in the Town of Williamstown.

§ 143-2 Authority

A. This regulation is adopted under the authority of MGL c. 111, § 31, and any other power thereto enabling.

B. By adoption, this regulation incorporates the provisions of 105 CMR 590.000, State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments.

§ 143-3 New or Upgraded Food Establishments

A. All applicants for new or upgraded food establishments must complete a "Food Establishment Plan Review Application".

B. The "New Restaurant Plan Review Guidelines" will be used when designing new or upgraded food establishments.

C. All menu changes requiring additional use of equipment, or an increase in the size and complexity of the operation, will be considered an upgrade of the establishment.

§ 143-4 Person in Charge (PIC)

In addition to the requirements of 105 CMR 590.000, any temporary food establishment serving potentially hazardous foods on more than one occasion in any calendar year, must have a designated Person in Charge.

§ 143-5 Ventilation Hoods

A. Ventilation Hoods must be designed, permitted and installed in accordance with the Building Officials and Code Administrators International (BOCA) Mechanical Code.

B. Ventilation hoods must be completely cleaned by a professional service as often as necessary, but not less than once every 6 months.

C. Ventilation Hood grease filters will be cleaned as often a necessary to prevent grease and dust build-up, but not less than once per week.

§ 143-6 Grease Traps

A. Grease traps for establishments served by an on-site sewage disposal system shall be designed, permitted and installed in accordance with 310 CMR 15.000, The State Environmental Code, Title 5.

B. Grease traps for on-site sewage disposal systems shall be inspected monthly and must be cleaned by a licensed septage hauler whenever the level of grease is 25% of the effective depth of the trap, but not less than once every three months, whichever is sooner.

C. Grease traps for establishments served by a community sewer system shall be designed, permitted and installed according to 248 CMR 10.00, Uniform State Plumbing Code.

D. Grease traps for establishments served by community sewer shall be inspected weekly, and cleaned and emptied whenever the level of grease is 25% of the effective depth of the trap, but not less than once per month.

E. Chemical grease dissolvers will not be permitted for use in grease traps.

F. Should the community sewer system become affected by grease as a result of inadequate maintenance of a grease trap, the Board of Health, at its discretion, will require the responsible food establishment to install an alternate method for grease interception .

1. Automatic Grease Recovery Unit (AGRU). The AGRU shall meet the following requirements:

   a. The AGRU shall be sized to properly pre-treat the measured or calculated flows for all connected fixtures or drains.

   b. The AGRU shall be constructed of corrosion-resistant material such as stainless steel or plastic.

   c. Solids shall be intercepted and separated from the effluent flow using an internal or external strainer mechanism. This mechanism shall be an integral part of the unit.

   d. The unit shall operate using a skimming device, automatic draw-off, or other mechanical means to automatically remove separated fats and oils. This automatic skimming device shall be either hard wired or cord & plug connected electrically and controlled using a timer or level control. The operation of the automatic skimming device shall be field adjustable. The AGRU shall operate not less than once per day.

   e. The AGRU shall be fitted with an internal or external flow control device to prevent the exceeding of the manufacturer's recommended design flow.

   f. The AGRU shall be located so as to permit easy access for maintenance.

   g. All AGRUs shall be designed and installed in accordance with the manufacturer's specifications.

2. An exterior grease trap designed and installed according to 310 CMR 15.000, but connected to the community sewer. Maintenance and cleaning schedules will be as specified in § 143-6 B.

G. It is the system owner's responsibility to ensure that grease traps are pumped regularly and maintained.

H. The owner of the establishment will keep records of the cleaning of all grease traps and will provide them, upon request, to the Board of Health or its designated representative.

§ 143-7 Reserved

§ 143-8 Reserved

§ 143-9 Reserved

§ 143-10 Variances.

A. An establishment subject to these regulations may make written application to the Board of Health for a variance from these regulations.

B. Every variance is subject to a public hearing. Notice of a hearing upon an original application for a variance shall be posted as part of the public notice of the meeting at which the Board of Health will consider the application. The notice shall be posted not less than one week before the meeting.

C. Vote; conditions.

1. By vote of a majority of its full authorized membership, the Board of Health may vary the application of any provision of these regulations with respect to any particular case in which, in the Board of Health's opinion, both of the following requirements are fulfilled:

   a. The enforcement of the regulations would do manifest injustice; and

   b. The applicant has proved that the same degree of protection of the public health, safety, and welfare can be achieved without strict application of the particular provision. Any alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health.

2. A variance may be granted subject to appropriate conditions.

D. Any variance granted by the Board of Health shall be in writing.

E. An establishment to whom a variance has been granted under this section shall keep a copy available for public inspection.

§ 143-11 Enforcement

A. The Board shall have the authority to enforce this regulation, and licenses and permits issued thereunder by:

1. inspection and investigation;

2. the issuance of violation notices and administrative orders;

3. and/or civil and criminal court actions.

B. Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of this regulation is subject to a fine as stated in Chapter 1, General Provisions, Article II, Non-criminal Disposition, of the Code of the Town of Williamstown. Each day of violation, after written notice, is a separate violation.

C. The Board of Health may suspend, revoke or deny any license or permit for violations of this chapter.

§ 143-12 Severability

If any portion, sentence, clause or phrase of this regulation shall be held invalid for any reason, the remainder of this regulation shall continue in full force and effect.

§ 143-13 Effective Date

The effective date of this regulation is June 1, 2008.