



**TOWN OF MASHPEE**  
**BOARD OF HEALTH**  
16 Great Neck Road North, Mashpee, MA 02649  
(508) 539-1400, ext 555 fax: (508) 477-0222

Permit # \_\_\_\_\_

Fee: \$50.00 \_\_\_\_\_

Date: \_\_\_\_\_

**APPLICATION TO OPERATE A TEMPORARY FOOD CONCESSION**

**Event:** \_\_\_\_\_ **Event Date/Time:** \_\_\_\_\_

**Owner:** \_\_\_\_\_ **Operator (if different)** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone** (include a contact # during the event): \_\_\_\_\_

**Certified Person in Charge** (provide copies of certificate): \_\_\_\_\_

**List menu items:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Provide a brief description of menu items are prepared, cooked, held, cooled, etc.:**

(include plans for (a) keeping potentially hazardous foods at or below 40F and (b) frozen foods frozen)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Continue on the back of the application if necessary)

**Please describe how you will prevent bare hand contact with ready to eat food:** \_\_\_\_\_

\_\_\_\_\_

**Water source for cooking/cleaning:** \_\_\_\_\_

**Please describe your hand washing facilities:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Please list type of sanitizer used:** \_\_\_\_\_

**I have received a copy of the federal and local temporary food vending regulations/policies (attached).**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**\*\*A sketch of the concession stand layout/equipment must be submitted with the application.**

105 CMR: DEPARTMENT OF PUBLIC HEALTH  
12/8/00 (Effective 9/29/00) - corrected 105 CMR - 14

(C) Temporary Food Establishments.

- (1) A temporary food operation shall comply with all applicable requirements of the federal *1999 Food Code*, except as otherwise provided in this 105 CMR 590.009(C). The board of health may impose additional requirements to protect against health hazards related to the conduct of the temporary food operation, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of 105 CMR 590.000 pursuant to the provisions of 105 CMR 590.010(H).
- (2) Whenever a temporary food establishment is permitted to prepare exposed foods without complying with all the requirements of 105 CMR 590.000, the 105 CMR: DEPARTMENT OF PUBLIC HEALTH 12/8/00 (Effective 9/29/00) - corrected 105 CMR – 15 following requirements are applicable. Only those foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation of other potentially hazardous foods including pastries filled with cream or synthetic cream, custards, and similar products and salads or sandwiches containing Meat, poultry, eggs or fish is prohibited. This prohibition does not apply to the service of any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of 105 CMR 590.000, is packaged in individual servings, is stored at or below 45°F (7°C)/ 41°F (5°C) or at or above 140°F (60°C) in facilities meeting the federal 1999 Food Code requirements for storage, display and transportation and is served directly in the unopened container in which it was packaged.
- (3) Temporary food establishment operators shall comply with the mandatory food protection management certification requirement in accordance with 105 CMR 590.003, except that the board of health may waive the requirement if the sponsor of a temporary event has employed at least one (FTE) person in charge in accordance with 105 CMR 590.003(A), who is:
  - a. Not a vendor; and
  - b. Responsible for monitoring safe food handling practices and initiating corrective actions to ensure compliance with 105 CMR 590.000.
4. Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of FC 3-202.16 and FC 3-303. The ice shall be in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.
5. A convenient handwashing facility must be available for employee handwashing whenever handling unpackaged foods. This facility shall consist of at least sufficient warm running water, soap and individual paper towels. The board of

- health may approve the use of chemically treated towelettes in lieu of handwashing facilities if:
- a. Only frankfurters, non-potentially hazardous foods or non-perishable foods are prepared and served and there is no bare-hand contact, or
  - b. If other foods are served and there is no bare-hand contact.
6. Equipment.
- a. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the equipment and establishment.
  - b. Food contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.
  - c. Warewashing facilities, when required, shall be available in accordance with federal *1999 Food Code* Chapter 4 for cleaning in-use utensils and food contact surfaces.
7. All temporary food establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the 105 CMR: DEPARTMENT OF PUBLIC HEALTH 12/8/00 (Effective 9/29/00) - corrected 105 CMR – 16 consumer.
8. Enough potable water shall be available in the operation for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
9. Mechanical refrigeration or insulated containers with ice or gel packs must be used to maintain product temperature for pre-packaged, ready-to-eat foods, which are required to be held at or below 41 °F (5 °C)/45 °F (7 °C). The storage of packaged food in contact with water or undrained ice is prohibited. Wrapped ready-to-eat foods such as sandwiches shall not be stored in direct contact with ice.
10. Potentially hazardous food, which is reheated for hot holding, shall be discarded if not used or sold by the end of the day. Temporary food operations designed to dispense hot foods shall be provided with suitable units to rapidly heat foods and to keep such food hot until served.
11. All sewage, including liquid waste, shall be disposed of according to law.
- a. Floors, Walls and Ceilings of Food Preparation Areas.
  - b. Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings or other suitable materials effectively treated to control dust.

- c. Walls and ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather, dust and debris.
- d. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.
- e. Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tightfitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counterservice openings shall be kept closed, except when in actual use. 105 CMR 590.009(3)(12)(c) and (d) do not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting conditions.



**TOWN OF MASHPEE  
BOARD OF HEALTH**

**TEMPORARY FOOD VENDING POLICY**

Applicants who wish to serve free samples of food or sell any food at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration shall apply for a temporary food permit from the Board of Health. The application must include the proposed menu and be submitted at least fourteen (14) days prior to the event date. All food concessions must be licensed and inspected prior to opening. Any food concession failing to meet public health standards will be immediately closed and the permit will be revoked.

Applicants who request a permit to serve or sell food from an outdoor booth, table, or cart for more than fourteen (14) consecutive days will not be approved. Also, applicants who request to operate a temporary booth, table or cart which would not be operating in conjunction with a single event or celebration will not be approved. The Board of Health in any particular case may vary this requirement.

Temporary food establishment operators shall comply with the mandatory food protection management certification requirement in accordance with 105 CMR 590.003, except that the board of health may waive the requirement if the sponsor of a temporary event has employed at least one full time employee (FTE) in charge in accordance with 105 CMR 590.003, who is not a vendor. The FTE is responsible for monitoring safe food handling practices and initiating corrective actions to ensure compliance with 105 CMR 590.000.

**FOOD PROTECTION MANAGEMENT CERTIFICATION EXEMPTIONS:** Non-profit temporary food establishments (for events such as bake sales and church dinners), food establishments selling only of prepackaged food and limited preparation of non-potentially hazardous foods (i.e. hot dogs).

**FEE:** The fee is \$25.00/day per cart, table, and booth for profit and non-profit organizations. Organizations selling the food in order to donate the funds to charity are not charged a fee.

Applicants who wish to sell or serve potentially hazardous foods shall demonstrate compliance with the following criteria:

A.) **Sink/Handi-wipes/Sanitizers:** - If there is no handwash or utensil sink on the cart, table or booth; said cart, table or booth shall contain moist sanitizing "alcohol-wipes" and liquid hand sanitizers. A chlorine sanitizing solution of 50 p.p.m. must be used to clean utensils and cleanable surfaces.

- B.) **Floor/Roof:** - All food stands must have a floor and a sloped roof. Roof may be plywood or secured tarpaulin.
- C.) **Tongs/Disposable Napkins/Gloves:** - For preparing and serving "ready-to-eat" foods (without using bare hands).
- D.) **Refrigeration/Coolers:** - Electronic refrigerator or coolers with ice packs and ice to keep potentially hazardous foods below 41 degrees F. Food must be thawed in a refrigerator or cooler or as part of the cooking process.
- E.) **Thermometers (stem-type):** - For testing the internal temperature of potentially hazardous foods.
- F.) **Refuse Container:** - Each stand must have two (2) lined and covered trash cans.
- G.) **Sneeze Guards:** - For the protection of unwrapped foods from the public and patrons during preparation and serving.
- H.) **Covers/Plastic Wrapping:** - To keep unwrapped food covered during storage or display.
- I.) **Potentially Hazardous Food:** - All stands serving potentially hazardous food must have facilities to maintain proper food temperatures. Food items may not be kept longer than four (4) hours unless maintained hot, (above 140 degrees F.), or cold, (below 41 degrees F.) then they must be discarded. Hot foods must be kept in heated chafing dishes, crock-pots or portable steam tables to maintain the 140-degree temperature.

This Policy was adopted on May 16, 2002.

The Board of Health:

John T. Doherty, Chairman  
L. Glenn Santos, Co-chairman  
Steven R. Ball, Clerk