

**TOWN OF MASHPEE  
BOARD OF HEALTH**

**FOOD ESTABLISHMENT INSPECTION  
AND ENFORCEMENT REGULATION**

**SECTION I – AUTHORITY**

In accordance with Chapter 94, Section 305A, Chapter 111, Section 31 of the Massachusetts General Laws and Chapter X of the State Sanitary Code, the Mashpee Board of Health hereby adopts the following regulation.

**SECTION II – FINDINGS AND PURPOSE**

WHEREAS, in the United States approximately 76 million cases of foodborne diseases, resulting in 325,000 hospitalizations and 5,000 deaths, are estimated to occur each year.

WHEREAS, inspections of food establishments are one of the most critical interventions in the prevention of foodborne illness. It assists the food operator in developing a clearer understanding of good food handling practices by identifying areas within their operations that have the greatest potential for the prevention of and spread of food-borne illness.

THEREFORE, to ensure that the community is provided with safe food and to reduce the potential for foodborne illnesses and the spread of communicable disease, the Board of Health hereby adopts the following regulation:

**SECTION III – REGULATION**

**1. Food Establishment Inspection Requirements:**

- A. All core violations listed on the Food Establishment Inspection Report shall be corrected within **ten (10) days** from receipt of the Food Establishment Inspection Report. A follow-up inspection at the end of the 10-day requirement will be conducted to ensure compliance with the “Order of Correction”.
  - i. Failure to comply with any order to abate a core violation within the specified timeframe shall result in the issuance of a \$25.00 fine. The fines shall accrue daily until a re-inspection documents compliance.
- B. All priority foundation violations listed on the Food Establishment Inspection Report shall be corrected within **ten (10) days** from receipt of the Food Establishment Inspection Report. A follow-up inspection at the end of the 10-day requirement will be conducted to ensure compliance with the “Order of Correction”.

- i. Failure to comply with any order requiring abatement of a priority foundation violation during the specified time frame will result in the issuance of a \$25.00. The fines shall accrue daily until a re-inspection documents compliance.

C. All priority violations listed on the Food Establishment Inspection Report shall be corrected within **24-hours** from receipt of the Food Establishment Inspection Report. A re-inspection shall occur after twenty-four (24) hours to document correction of priority violations noted in the "Order of Correction".

- i. Failure to comply with any priority violation during the specified time frame will result in the issuance of a \$50.00 fine. The fines shall accrue daily until a re-inspection documents compliance.

## 2. Probationary Requirements:

A. Food establishment license holders cited as having more than three priority violations noted on the Food Establishment Inspection Report "Order of Correction" shall be placed on the Food Establishment Probation List. The probationary food establishment shall be reinspected monthly thereafter until three (3) successive monthly inspections validate no priority violations whereupon they shall be removed from the Food Establishment Probation List.

B. Any priority or priority foundation violations noted on the Food Establishment Inspection Report during the probationary period shall commence a new three month probationary period.

C. Should a monthly inspection report of a food establishment on the Food Establishment Probation list disclose any priority or priority foundation violations, the food establishment owner shall be issued a \$100.00 fine per violation.

D. Should a second or third monthly inspection report of a food establishment on the Food Establishment Probation list disclose two (2) priority violations, the food establishment permit shall be suspended for a period of three days or a period at the discretion of the board.

E. Should a monthly inspection report of a food establishment on the Food Establishment Probation list discloses three (3) priority violations, the food establishment permit shall be suspended for a period of five days or a period at the discretion of the board.

F. Should a monthly inspection report of a food establishment on the Food Establishment Probation list disclose four (4) or more priority violations, the food establishment permit shall be permanently revoked, upon a hearing of the Board.

G. Any food establishment remaining on the Probation list for a period of twelve (12) months shall appear before the Board for a “show cause” hearing.

3. Posting:

A. At all food establishments, at all times, the most recent Food Establishment Inspection Report shall be conspicuously posted and available for patrons review.

i. Failure to comply with the posting requirement will result in the issuance of a \$50.00 fine. The fines shall accrue daily until a re-inspection documents compliance.

SECTION IV – SEVERABILITY

Each part of this regulation shall be construed as separate, if any section, paragraph, sentence, clause, phrase or word of this regulation shall be declared invalid for any reason; the remainder of this regulation shall remain in full force and effect.

SECTION V – EFFECTIVENESS

This regulation was originally adopted on June 11, 2008 and was effective upon the date of publication (June 20, 2008). This regulation was amended on March 19, 2020 and September 23, 2021 and will be effective upon date of publication.

Per Order Of,  
Mashpee Board of Health

Brian Baumgaertel, Chair  
Ernest Virgilio, Co-Chair  
Kripani Patel, Clerk