



City of Westfield, Massachusetts

Health Department
59 Court St, Westfield, MA 01085
Phone: (413) 572-6210 Fax: (413) 572-6279



Public Health
Prevent. Promote. Protect.
Westfield Health Department

FEE: \$30.00

TEMPORARY EVENT/FESTIVAL

APPLICATION FOR PERMIT TO OPERATE A TEMPORARY FOOD SERVICE ESTABLISHMENT

- Applications for the permit *must be submitted at least two (2) weeks prior to the event.*
- Copies of Food Protection Manager certificate and Allergen Awareness certificate must be submitted with application.
- Copies of Base of Operations Contract, Local and MA Hawkers & Peddlers Certifications for Food Trucks/carts. Westfield Police Department 413.572.5411
- A copy of fire department inspection must be submitted with applications. Westfield Fire Department 413.575.6303
- A temporary food establishment means any site where food is prepared and/or distributed for individual portion service.
- Temporary food service establishment permits are required of each individual temporary food establishment that operates at the same site for a period of time *not to exceed posted dates of event.* Must follow City Ordinance: Article XIII – Mobile Food Vendors.
- All temporary food establishments must be ready for inspection at the start of the event.

PLEASE PRINT CLEARLY

TODAY'S DATE: _____

NAME OF THE EVENT: _____

ADDRESS/LOCATION OF THE EVENT : _____

EVENT DATE: START DATE: _____ END DATE: _____

HOURS OF OPERATION: OPENING: _____ CLOSING: _____

CONTACT PERSON(S): _____

MOBILE/ESTABLISHMENT NAME: _____

NAME OF OWNER: _____ PHONE: _____

MAILING ADDRESS: _____ CITY: _____ STATE : _____

EMAIL: _____

1. LIST THE FOODS TO BE SERVED/DISPENSED AT THE FUNCTION? _____

2. HOW WILL THE FOOD ITEMS BE COOKED? _____

3. HOW WILL THE FOOD ITEM TEMPERATURES BE KEPT?
 A. HOT HOLDING? _____
 B. COLD HOLDING? _____
4. HOW WILL THE FOOD BE PROTECTED? _____

5. DESCRIBE THE TYPE/LOCATION OF HAND WASHING FACILITY WHICH THAT WILL BE USED

6. INDICATE WATER SUPPLY _____
7. WHERE WILL EXCESS FOOD AND SINGLE SERVICE ITEMS BE STORED?

8. HOW WILL CONDIMENTS AND SINGLE SERVE ITEMS BE DISPENSED

9. WHAT METHOD OF TRASH, WASTE WATER & OIL DISPOSAL WILL BE USED?

THE ABOVE INFORMATION IS REQUIRED TO BE SUBMITTED IN ACCORDANCE WITH CHAPTER 10 OF THE STATE SANITARY CODE 105 CMR 590.000. ALL APPLICANTS ARE REQUIRED TO ABIDE BY APPROPRIATE RULES AND REGULATIONS AS IDENTIFIED BY THE STATE SANITARY CODE. I DO HEREBY CERTIFY, UNDER THE PAINS AND PENALTIES OR PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT.

 (PRINT NAME) OF APPLICANT

 SIGNATURE OF APPLICANT

PLEASE SEND THIS COMPLETED APPLICATION AND A \$30.00 CHECK MADE OUT TO THE CITY OF WESTFIELD AND MAIL TO: WESTFIELD HEALTH DEPARTMENT, 59 COURT STREET, RM 220, WESTFIELD, MA 01085. OR, PAY WITH CASH IN PERSON TO THE ADDRESS ABOVE.



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BASE OF OPERATION AGREEMENT

The operator of a Mobile Food establishment is required to have a base of operation; a licensed commissary/food establishment. Residential kitchens will not be approved. The base of operation is an essential part of a mobile food operation and must have facilities for supply storage, potable water, equipment cleaning and sanitizing, food preparation, refuse, water and grease disposal and other servicing activities.

Base of Operation Information:

Name of Business: _____

Address: _____ City: _____ Zip: _____

Contact Person: _____ Phone: _____

Title: _____ Email: _____

Business Hours of Operation: _____

**** **Attach a copy of your current food establishment license** ****

Mobile Unit/Vendor Information:

Name of Business: _____

Address: _____ City: _____ Zip: _____

Contact Person: _____ Phone: _____

Title: _____ Email: _____

Days/Time at Base of Operation: _____

Signatures:

Base of Operation Owner/Agent: _____

Mobile Vendor Owner/Agent: _____

This agreement between the owner of the Base of Operation and the owner/operator of the mobile food establishment signifies that both parties agree to the allowed use of the kitchen as specified. Note that this agreement is not transferable. Should there be a change in ownership of either the kitchen or mobile food unit, or should there be any modification or cancellation of this agreement between parties, then the Mobile Food Establishment Permit may be suspended.

Approved by Health Inspector: _____ Date: _____

MOBILE FOOD REGULATIONS

FC 5-303.13 Mobile Food Establishment Tank Inlet.

A mobile food establishment's water tank inlet shall be: (A) 19.1mm(three-fourths inch) in inner diameter or less; and (B) Provided with a hose connection of a size or type that will prevent its use for any other service.

FC 5-401.11 Capacity and Drainage.

A sewage holding tank in a mobile food establishment shall be: (A) Sized 15 percent larger in capacity than the water supply tank; and (B) Sloped to a drain that is 25mm(1 inch) in inner diameter or greater, equipped with a shut-off valve.

105 CMR 590.009(B) Mobile Food Operations

- (1) Mobile food operations shall comply with the requirements of the federal 2013 Food Code and other applicable provisions of 105CMR590.000 except as otherwise provided in 105CMR590.009(B). The board of health may impose additional requirements and restrictions to protect against health hazards related to the conduct of mobile food operation and may prohibit the sale of some or all potentially hazardous foods.
- (2) Mobile food operations not equipped with an adequate water and waste system to facilitate hand-washing and the cleaning and sanitizing of utensils shall be limited to the preparation and service of frankfurters and non-potentially hazardous foods and to the sale of pre-packaged food prepared at a food processing establishment licensed in accordance with 105CMR500.000, except that pre-packaged food may be prepared by the mobile food operator at a licensed food establishment for which he or she holds a permit in accordance with 105CMR590.000.
- (3) Mobile food operations equipped with an adequate water and waste system to facilitate hand-washing and the cleaning and sanitizing of utensils may prepare potentially hazardous foods requiring limited preparation for immediate service, provided that any advanced food preparation, if necessary, is conducted by the mobile operator in a licensed food establishment.
- (4) Mobile food operations shall provide only single-service articles for use by the consumer.
- (5) Condiments, cream and sugar shall be served only from a sanitary dispenser or in individually wrapped servings.
- (6) 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 41°F (5°C) or below. 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. All mobile food operations selling or distributing ready-to-eat TCS's must be equipped with mechanical refrigeration that can maintain TCS's at 41°F (5°C) or below.
- (7) Bulk food shall not be used unless purchased from an approved source. Bulk TCS's, with the exception of frozen desserts, must be sold or served on the same day as purchased. All hot food shall be discarded if not used or sold by the end of the day.
- (8) A convenient hand-washing facility must be available on site 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 chemically treated towelettes in lieu of handwashing facilities if only frankfurters, non-potentially hazardous foods and non-perishable foods are served and there is no bare-hand contact. Chemically treated towelettes must be made available for use by customers in self-service operations.
- (9) A sign shall be provided at consumer self-service operations, which states that the use of bare hands by consumers for self-service is prohibited by state law.
- (10) 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. Mobile food operations, which cook or reheat unpackaged food for hot holding shall be fully enclosed unless equipped with air curtains to prevent the contamination of food and food contact surfaces with environmental contaminants. (c) Ware-washing facilities, when required, shall be available in accordance with the food code for cleaning in-use utensils and food contact surfaces.
- (11) Operators of mobile food operations shall obtain the use of adequate and suitable toilet facilities where handwashing facilities are available.
- (12) Mobile food operations shall operate from a fixed, licensed food establishment or food processing plant and shall report at least daily to such locations for all food, water and supplies and for all cleaning and servicing operations. Mobile food operators shall retain the list of ingredients and the receipt for all bulk foods, which must indicate the name of the food item, the date purchased and the name of the approved food source licensed in accordance with 105CMR500.000.
- (13) Servicing areas shall be provided with overhead protection except that areas used only for the loading of water, packaged food or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.
- (14) Mobile food operations shall have identification, *i.e.*, person's name and/or business name, city and telephone number in letters not smaller than 3 inches, on the left and right door panels of the vehicle, trailer or pushcart.

ARTICLE XIII. - MOBILE FOOD VENDORS

Sec. 9-495. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board. City of Westfield Board of Health.

Mobile food vendor. Any mobile operation that stores, prepares, packages, serves, sells or otherwise provides for human consumption any prepared or packaged food or beverages from a truck or a cart. This definition does not include "ice cream truck" as defined and permitted under M.G.L.A. c. 270, § 25.

(Ord. No. 1630, 5-21-15)

Sec. 9-496. - Mobile food vendor license required.

- (a) No person or business entity shall operate as a mobile food vendor in any public, private or restricted space without obtaining a license from the board. Said license shall be conspicuously posted in a place that is visible to all customers.
- (b) The applicant must complete an application form and pay an application fee of \$60.00 in the business license office. All applicants will need a state hawker/peddler license and a City of Westfield hawker/peddler license.
- (c) In the event either the state hawker/peddler license or the City of Westfield hawker/peddler license is revoked, the mobile food vendor license shall automatically become void. Failure to notify the board within ten days that such license has been revoked shall constitute a violation of this article.

(Ord. No. 1630, 5-21-15)

Sec. 9-497. - Renewal.

Every mobile food vendor license may be renewed annually upon payment of the fee, provided that the mobile food licensee is in compliance with the applicable requirements of this article.

(Ord. No. 1630, 5-21-15)

Sec. 9-498. - Conditions of operation.

- (a) Unless otherwise specified, no mobile food vendor may operate between the hours of 10:00 p.m. and 6:00 a.m. on any public property.

- (b) Mobile food vendors shall not be allowed to remain in one location for more than eight hours on any given calendar day.
- (c) The mobile food licensee shall comply with all applicable rules, regulations and ordinances, including but not limited to the board of health regulations, traffic and parking regulations and the noise ordinance.
- (d) Mobile food vendor licenses are not transferable.
- (e) Permitting of mobile food vendors does not supersede approvals required for special events on public property or within the public right of way.

(Ord. No. 1630, 5-21-15)

Sec. 9-499. - Enforcement.

- (a) Any mobile food vendor operating in violation of any provision within this section or any other rules and regulations promulgated by the board may be subject to a fine of \$100.00 per day, enforced by noncriminal disposition under M.G.L.A. c. 40, § 21D. The board or their designee, the police department, fire department or superintendent of buildings may enforce any provision of this article. Each day of violation shall constitute a separate offense.
- (b) The board may revoke, suspend or modify a mobile food vendor license after reasonable notice to the licensee of the grounds for the proposed revocations, suspension or modification and the time and place of the hearing regarding such proposed action.

(Ord. No. 1630, 5-21-15)

Secs. 9-500—9-519. - Reserved.



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Regulation of the Westfield Board of Health Restricting the use of Polystyrene Disposable Food Containers in Food Establishments

A. Statement of Purpose:

Whereas, styrene is a synthetic compound often used to make rubber, plastic, insulation, fiberglass, pipes, automobile parts, carpet backing and disposable food containers.¹

Whereas, published in the National Toxicology Program's 12th Report on Carcinogens (2011), styrene, a key ingredient in polystyrene and expanded polystyrene is reasonably anticipated to be a human carcinogen.²

Whereas, styrene exposure can occur through smoking, inhalation of indoor air, and ingestion of food.²

Whereas, styrene seeps out of polystyrene containers and into warm food and drink, causing a recommendation against microwaving polystyrene food containers.³

Whereas, in a study concerning the migration of styrene in polystyrene cups to hot drinks, it was determined that the concentration of styrene monomer found in the drinks was above the Environmental Protection Agency recommended levels, including the Maximum Contaminant Level Goal (MCLG) standard.⁶

Whereas, the amount of styrene monomer migration from polystyrene into hot drinks was dependent on the temperature and fat content of the drinks.⁶

Whereas, exposure to styrene vapor can cause irritations of the eyes, nose, throat, and skin, as well as toxic effects on the liver, and can act as a depressant on the central nervous system that also causes neurological impairment.⁶

Whereas, potential effects of styrene exposure during its production can cause eye and mucosal irritations and gastrointestinal issues. Possible effects on the central nervous system include headache, weakness, fatigue, depression, general dysfunction hearing loss and peripheral neuropathy.⁴

Whereas, workers with high exposure to styrene showed increased cancer of the lymph hematopoietic system and possibly related mortality, as well as increased levels of DNA adducts and genetic damage to lymphocytes.²

Whereas, occupational studies concerning styrene have shown risks for workers for lymph hematopoietic cancers, such as leukemia and lymphoma, and genetic damage in the white blood cells, or lymphocytes, as well as increased risks for pancreatic and esophageal cancers.²

Whereas styrene has caused lung tumors in mice.²

Whereas, benzene a component of polystyrene is a known carcinogen and enters the body through the respiratory system and skin contact.³

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Whereas, polystyrene is a harm to the environment. It makes up a considerable amount of debris in cities, and is harmful to the marine wildlife that it often arrives in.³

Whereas, the environmental impacts of polystyrene rank second behind aluminum for total environmental impacts especially in energy consumption and greenhouse gas effects.³

Whereas, over 80% of plastic pollution to the ocean comes from urban litter such as polystyrene.⁵

Whereas, less than 35% of fast food restaurants' waste does not end up in landfills.⁵

Whereas, polystyrene is not biodegradable and does not easily deteriorate in landfills, taking up more space than paper.³

Whereas, programs to recycle polystyrene are expensive, costing thousands of dollars per ton and litter clean-up costs billions.⁵

Whereas, polystyrene is not recycled because it is not economic to wash, degrease, transport, and store in order to recycle.³

Whereas, over 100 American, Canadian, European and Asian cities and towns have enacted a polystyrene ban.³

Therefore it is the intention of the Westfield Board of Health to prohibit the purchase, sale, distribution and use of any polystyrene disposable food container used to serve prepared food in a food establishment.

B. Authority:

This regulation is promulgated to the authority granted to the Westfield Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

Disposable Food Container: Single use disposable containers used for the purpose of serving and transporting prepared and ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays, and hinged or lidded containers. This does not include single-use packaging for unprepared food, nor single-use items such as disposable straws, cup lids, or utensils.

Expanded Polystyrene (EPS): Polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid form.

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Food Establishment: An operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a food establishment for purposes of this Board of Health regulation.

Polystyrene: Can also be referred to as "Styrofoam", a trademarked brand owned by the Dow Chemical Company. A type of expanded polystyrene, a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene also refers to clear or solid polystyrene, also known as "oriented polystyrene".

Prepared Food: Food and beverage prepared on the food provider's premises for consumption using any food preparation or cooking technique. This does not include unprepared food such as uncooked raw meat, fish or eggs unless provided for consumption without further food preparation.

Styrene: A colorless, flammable liquid, characterized with a sweet odor and high volatility. This industrial chemical is used to make polystyrene.

D. Prohibition:

No food establishment shall use disposable food containers made from polystyrene or expanded polystyrene to provide prepared food to customers. No person shall purchase, offer for purchase, sell, give away, or distribute any polystyrene disposable food container from a food establishment.

E. Violations:

It shall be the responsibility of the establishment, food establishment permit holder and/or his or her business agent to ensure compliance with this regulation pertaining to the prohibition of his or her distribution of polystyrene disposable food containers in their establishment. The violator shall receive:

- a. In the case of the first violation, a fine of one hundred dollars (\$100.00).
- b. In the case of a second violation within 36 months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the food establishment permit shall be suspended for seven (7) consecutive business days.
- c. In the case of three or more violations within a 36 month period, a fine of three hundred dollars (\$300.00) and the food establishment permit shall be suspended for thirty (30) consecutive business days.

City of Westfield, Massachusetts

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F. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

G. Enforcement:

Enforcement of this regulation shall be by the Westfield Board of Health or its designated agent(s)

Any person who desires to register a complaint pursuant to the regulation may do so by contacting the Westfield Board of Health or its designated agent(s) and the Board shall investigate.

H. Severability:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

I. Effective Date:

This regulation shall take effect on: September 1, 2016

Date of Board of Health Vote: January 13, 2016

Board of Health Members: Juanita Carnes, FNP- BC Chairperson
Michael Paquette, Pharm.D. Member
Teresa Mitchell, M.D. Member

Director of Public Health: Joseph Rouse

¹ Agency for Toxic Substances & Disease Registry, (2011), *Toxic Substances Portal* (Styrene). Retrieved from: <https://www.atsdr.cdc.gov/substances/toxsubstance.asp?toxid=74>.

² National Toxicology Program, (NTP) (2011), *12th Report on Carcinogens (RoC)* (Substance Profile (Styrene)). Retrieved from: <https://www.ncbi.nlm.nih.gov/pubmed/21822324>.

³ The Way To Go, (2008), *Polystyrene Fact Sheets*. Retrieved from: <http://www.priateliazeme.sk/spz/files/PolystyreneFactSheets.PDF>.

⁴ Environmental Protection Agency, (EPA) (2000), *Styrene*. Retrieved from: <https://www.epa.gov/sites/production/files/2016-09/documents/styrene.pdf>.

⁵ Californians Against Waste, (2014), *The Problem of Polystyrene*. Retrieved from: <https://www.cawrecycles.org/polystyrene-and-other-non-recyclable-plastics>.

⁶ Khaksar, M.-R., & Ghazi-Khansari, M. (2009). Determination of migration monomer styrene from GPPS (general purpose polystyrene) and HIPS (high impact polystyrene) cups to hot drinks. *Toxicology Mechanisms and Methods*, 19(3), 257–261. Retrieved from: <http://doi.org/10.1080/15376510802510299>