

RESOLUTION NO. 06-01

A resolution adopting regulations governing the inspection and enforcement of food service establishments permitted pursuant to Tennessee Code Annotated 68-14-301 et seq., and the Rules of the Tennessee Department of Health, Chapter 1200-23-1.

Whereas, the Metropolitan Board of Health has a contractual responsibility to regulate food service establishments in Davidson County; and

Whereas, the Metropolitan Board of Health has the authority to adopt regulations for the purpose of sanitation and public health; and

Whereas, the existing regulations do not adequately define the terms "mobile food unit" and "commissary/base of operations" and more thorough definitions are necessary to guarantee appropriate and fair enforcement of the existing regulations; and

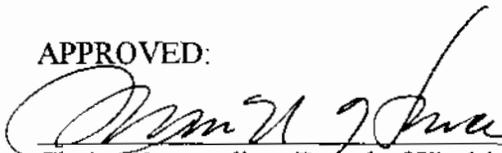
Whereas, the current permit revocation policy does not adequately encourage compliance with the existing regulations, and a more stringent permit revocation policy is necessary to encourage better compliance.

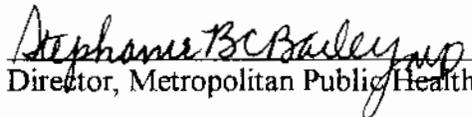
THEREFORE, BE IT RESOLVED by the Metropolitan Board of Health of the Metropolitan Government of Nashville and Davidson County that, in addition to all existing regulations, these regulations shall be adopted to govern the inspection of food service establishments permitted pursuant to Tennessee Code Annotated 68-14-301 et seq., and the Rules of the Tennessee Department of Health, Chapter 1200-23-1:

- 1.1 "Mobile Food Unit" shall mean a food service establishment that is mounted on wheels and readily moveable, and is moved daily from the site of food sales to the base of operations/commissary for servicing and storage.
- 1.2 "Commissary/base of operation" shall mean a licensed restaurant or retail food store, catering establishment or warehouse, located at a site separate from the location of the mobile food unit, that functions as the servicing area for a mobile food unit, includes an adequate storage area for all extra food, equipment, utensils, single service articles and supplies, and is available at the end of each working day and as often as necessary throughout the day for:
 - Cleaning of the mobile food unit and equipment.
 - Waste water disposal and refilling of potable water tanks.
 - Storage of the mobile food unit when not in operation.
- 1.3 Permit Revocation.

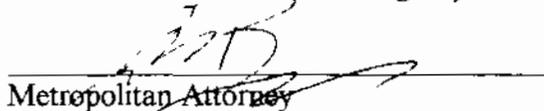
- (a) A food service establishment's permit is subject to revocation if the establishment scores below a 70% on two consecutive complete inspections with the same critical violation debited on each inspection.
- (b) "Critical violation" means violations that pose an imminent threat to food safety or are grossly negligent structural, operational, or employee practices that include but are not limited to: operating without adequate water supply, inadequate waste water disposal, failure to return to commissary as required (if applicable), selling foods from unapproved sources, or operating without a valid food permit.
- (c) An establishment shall receive a warning letter of pending action following an initial complete inspection that scores below 70% and a critical violation is identified. A formal request for participation in Metropolitan Public Health Department food safety training will be included in the warning letter.

APPROVED:


Chair, Metropolitan Board of Health


Director, Metropolitan Public Health Department

APPROVED as to form and legality:


Metropolitan Attorney


Date