

ORDINANCES 2021- CHAPTER 4



CITY OF BOSTON IN CITY COUNCIL

AN ORDINANCE TO ESTABLISH GUIDELINES FOR PERMITTING RETAIL RESIDENTIAL KITCHENS

WHEREAS, Entrepreneurs across the city without access to the capital needed to start a brick-and-mortar business often get started in their home, relying either on the online marketplace for sales and consulting, or in-person services such as hair care and beauty supplies; *and*

WHEREAS, The Boston City Council Committee on Small Business and Workforce Development held a hearing on October 6, 2020, where it was learned that there are currently 22 instances of food businesses being operated out of the home illegally, in neighborhoods like Dorchester, Roxbury, and Mattapan, with potentially many more going unreported; *and*

WHEREAS, We have an opportunity as a city to empower small business owners in all stages and capacities. Most importantly, to help kickstart their businesses, we can provide retail residential kitchen permits, which is a type of business that allows entrepreneurs to prepare certain types of food in their home to be sold for profit; *and*

WHEREAS, Retail Residential kitchens not only help food entrepreneurs get a leg up in an increasingly volatile market, but it also helps supply local, culturally competent food to neighborhoods that too often exist in areas without access to reliable nutritious food; *and*

WHEREAS, Cities across Massachusetts, including Arlington, Concord, and Newton have codified cottage food operations in their city codes, and Cambridge most recently is set to begin to allow for these kinds of operations as well; *and*

WHEREAS, The City of Boston has previously created innovative pathways to entrepreneurship, such as our Food Truck Program. The time has come again for Boston to encourage new and creative ways to start a business;
NOW THEREFORE

Be it ordained by the City Council of Boston as follows:

SECTION 1. The City of Boston Code, Ordinances, Chapter IX, shall be amended by adding at the end thereof, the following new section and subsections:

9-9.15 RETAIL RESIDENTIAL KITCHENS

A. Definitions

- a. *“Cottage Food Operation”* means a person who produces cottage food products only in the home kitchen of that person's primary domestic residence
- b. *“Cottage Foods”* means non-time/temperature control for safety baked goods, jams, jellies, and other non-time/temperature control for safety foods produced in cottage food operations. Retail Residential Kitchens may not prepare finished products that require hot or cold holding for safety, including meat or fish that is raw or heat-treated, certain cut produce including melons, leafy greens, and tomatoes.
- c. *“Retail Residential Kitchens”* is any cottage food operation that sells directly to the consumer, with respect to Zoning Code Article 2A which states that merchandise cannot be sold from the home in person.

B. Permits

- a. A Retail Residential Kitchen permit shall be required for any resident who wishes to prepare cottage foods and other foods deemed to be admissible by Inspectional Services Department (ISD), such as juices or teas. Residents must apply for the permit through ISD.
- b. The annual fee for a Retail Residential Kitchen permit shall be one hundred (\$100.00) dollars.
- c. Applicants shall obtain all necessary permits and regulatory approvals that may be required to safely operate a Retail Residential Kitchen.

C. Training and Information

- a. ISD will ensure that residential kitchen permittees and anyone working in the kitchen is certified through a nationally accredited food safety certification exam organization recognized in Massachusetts and meets Massachusetts Food Allergens Awareness Training certification requirements.
- b. ISD shall ensure all Retail Residential Kitchen permittees receive training and any

other necessary safety information regarding labor laws, fire safety, and other related information as necessary.

- c. The permittee shall sign and return all required certificates, trainings, and informational packets as required by ISD.

D. Health Code Standards for Permitted Residential Kitchens

- a. *General Guidelines.* All Retail Residential Kitchen Operations shall comply with State Sanitary Code 105 CMR 590. A physical copy of these guidelines shall be given to every permittee.

E. Compliance and Enforcement.

- a. *Inspection.* Retail Residential Kitchens shall receive annual inspections through the Health Division of the Inspectional Services Department (ISD), and shall comply fully with their rules and regulations. Retail Residential Kitchen may also be subject to random compliance inspections.
- b. *Requirement to Include Permit Number on Advertisements.* The permit number issued by the Department shall be included on all advertisements promoting the Cottage Food Operation.
- c. *Signage.* No exterior signage shall be allowed unless such signage is permitted under the City of Boston Zoning Code or Chapter 16-33 of the City Code of Ordinances.
- d. *Penalties.* Any person found to be operating a Retail Residential Kitchen in violation of this Section or in violation of the terms of their permit may be subject to a fine of up to three hundred (\$300.00) dollars per day. The Commissioner of Inspectional Services or their designee may issue a written warning, a notice of violation, a fine, and/or suspension or revocation of permits.
- e. *Enforcement.* The provisions of this section may be enforced in accordance with the noncriminal disposition process of M.G.L. c. 40, s. 21D, and M.G.L. Chapter 40U as accepted by the City of Boston.
- f. *Notification.* ISD shall, in coordination with the Office of Neighborhood Services or other related department, give notice to the landlord, or other appropriate entity, that a Retail Residential Kitchen exists at the permittees location.

F. Regulations.

- a. The Commissioner of Inspectional Services shall promulgate rules and regulations necessary to implement and enforce the provisions of this Section.

G. Reporting

- a. ISD shall prepare an annual report detailing the number of applicants, recipients of Retail Residential Kitchen permits, and other relevant information and submit it to the City Clerk. The City Clerk shall docket the report and include the docket on the agenda of the next-occurring meeting of the Boston City Council. This section shall sunset on December 31, 2024.

SECTION 2. Effective Date.

This ordinance shall be effective 30 days after passage.

Filed in City Council: 3/31/2021

In City Council March 31, 2021. Passed; yeas 11, nays 0, Present 1 (Baker)
Approved by the Mayor April 12, 2021.

Attest:



Maureen Feeney
City Clerk