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BOARD OF HEALTH

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Medford Board of Health Rules and Regulations Concerning Minimum Standards for Food Establishments

I. Authority

These regulations are promulgated under the authority granted to Board of Health under Massachusetts General Law chapter 111, section 31.

II. Purpose

The Medford Board of Health seeks to enhance the protection of the public's health by improving food safety and in doing so reducing foodborne illness by implementation of a risk and intervention-based food safety program.

III. Minimum Standards and Administration

- A. 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments (State Sanitary Code, Chapter X) is hereby adopted in its entirety in its current form.
- B. Food Code 2013 Recommendations of the United States Public Health Service Food and Drug Administration (2013 Food Code) and the Supplement to the 2013 Food Code is hereby adopted in its entirety in its current form. In instances where the state and federal regulations conflict, 105 CMR 590.000 will prevail.

IV. 105 CMR 590.019.1 Non-Criminal Penalties

Any person who shall fail to comply with any order pursuant to the provisions of 105 CMR 509.000 or the 2013 Food Code may be issued a ticket by the Medford Board of Health through Ticket Enforcement under M.G.L. c. 40 s 21D:

Fine Schedule:

First offense, fifty dollars (\$50.00)

Second offense, one hundred dollars, (\$100)

Third and subsequent offenses, two hundred dollars (\$200)

Each day's failure to comply with an order shall constitute a separate violation.

V. Severability

If any provision of these regulations or the application thereof is held to be invalid by a court competent jurisdiction, the invalidity shall be limited to said provision(s) and the remainder of

these regulations shall remain valid and effective. Any part of these regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.

VI. Effective Date

These regulations shall be effective as of January 1, 2017

Legal Notice: October 6, 2016

Public Hearing: October 18, 2016

Adopted: October 18, 2016

Published:

Certified Copies sent to MassDEP

MEDFORD BOARD OF HEALTH

Regulation 1: Minimum Standards for Food Establishments

105 CMR 590.000 State Sanitary Code Chapter X – Minimum Standards for Food Establishments

A. Purpose

The purpose of this regulation is to legally empower the Medford Board of Health to enforce requirements including and in addition to existing State and Federal laws and regulations for food service establishments. These regulations and laws are adopted by the Medford Board of Health in an effort to protect the health and safety of the Medford community.

B. Adoption of 105 CMR 590.000 State Sanitary Code Chapter X – Minimum Standards for Food Establishments

105 CMR 590.000 State Sanitary Code Chapter X – Minimum Standards for Food Establishments are hereby adopted as most recently amended, and with automatic adoption of future amendments and changes at the state and federal level as a local Medford Board of Health regulation. The addition of the following is added:

590.051 (B) (1) These regulations may be enforced by the Medford Board of Health through Ticket Enforcement under M.G.L. c. 40 s 21D:

Fine Schedule:

Non-critical Violations

First offense, twenty five dollars (\$25.00);
Second offense, fifty dollars (\$50.00);
Third and subsequent offenses, one hundred dollars (\$100.00)

Critical Violations

First offense, fifty dollars (\$50.00);
Second offense, one hundred dollars (\$100.00);
Third and subsequent offenses, two hundred dollars (\$200.00)

Each day that the offense continues shall constitute a separate offense.

Correction of Violations

Each establishment is expected to correct violations in a timely manner. The Medford Board of Health will provide two (2) re-inspections free of charge. A fee of \$50.00 for each