

Authority

This regulation is adopted by the Seekonk Board of Health under the provisions of Massachusetts General Laws, Chapter 111, Section 31 and 127A in the exercise of its power to protect the health and welfare of the public.

Purpose

The purpose of this regulation is to ensure establish principles and practices of food sanitation to prevent foodborne illness and protect the public health in accordance with Chapter X of the State Sanitary Code, 105 CMR 590.000, Minimum Sanitation Standards for Food Establishments.

Definitions

The following words and phrases, whenever used in this Regulation, shall be construed as defined herein. Any terms not specifically defined herein are to be construed in accordance with the definitions of Chapter X of the State Sanitary Code, 105 CMR 590.000, Minimum Sanitation Standards for Food Establishments.

Board- Refers to the Town of Seekonk Board of Health.

Code- Refers to Chapter X of the Massachusetts State Sanitary Code, 105 CMR 590.000.

Food Establishment

(1) Food establishment means an operation that:

- (a) stores, prepares, packages, serves food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people not including farm trucks; market; conveyance used to transport people; institution; food bank; residential kitchen in a bed-and-breakfast operation; residential kitchen for a cottage foods operation and,
- (b) Relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(2) Food establishment includes:

- (a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a satellite feeding location unless the feeding location is permitted by the regulatory authority; and
- (b)

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Post in Sun Chronicle on: December 18th 2019

Posted in Sun Chronicle on: January 5th 2020

- (c) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.
- (3) Notwithstanding the exclusions set forth in the definition of the Code, the following operations shall be considered food establishments in the Town of Seekonk:
 - (a) An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.

General Requirements

No person shall operate a food establishment, as defined herein, without a permit issued by the Board.

All food establishments defined in this Regulation shall annually submit an application and permit fee and supply all information required by the Board.

All food establishments shall be operated in accordance with and be subject to the Code and this Regulation, as they may be amended from time to time.

Violations & Penalties

This Regulation may be enforced by any agents of the Board.

In addition to the enforcement procedures and penalties set forth in 105 CMR 590.014, whoever violates any provision of this regulation may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then any person who violates any provision of this by-law shall be subject to the following penalties:

First Offense:	Written warning
Second Offense:	\$100 fine
Third Offense:	\$200 fine
Fourth or	
Subsequent Offense:	\$300 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Board may enforce this Regulation or enjoin violations thereof through any lawful process, and the election of one remedy by the Board shall not preclude enforcement through any other lawful means.

SEVERABILITY

If any provision or subpart thereof contained in this Regulation is found to be invalid or unconstitutional by a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

This regulation shall take effect on February 1st, 2020



Jonathan Schiller, Chairman

Date: 9.9.20

Kyle Corbin DC, Vice-Chairman

Date:



Jill DeMello LICSW, Clerk

Date:

Victoria Kinniburgh RN

Date:



Guy Boulay

Date: 9/9/20

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