

## **North Andover Board of Health**

### **Proposed Addendum to State Food Code (CMR 590.000)**

#### **I Authority**

Massachusetts General Law (MGL): Chapter 111, Section 31. Health regulations; summary publication; hearings; filing sanitary codes and related rules, etc.

#### **II Purpose and Scope**

The purpose of this proposed addendum is to supplement The State Sanitary Code, Chapter X - Minimum Sanitation Standards For Food Establishments (105 CMR 590.000), Acting in accordance with MGL, chapter 111, section 31, the North Andover Board of Health hereby adopts the following food service sanitation and safe food handling requirements, as an addendum to 105 CMR 590.000, for the protection and promotion of all consumers and producers in food service facilities.

#### **III Food Storage Facilities**

In an effort to maintain all foods in storage with consistent time and temperature to prevent microbial growth, assure unadulterated quality, and secure from tampering, the Town of North Andover's food storage areas shall have the following requirements:

- 1) A year round food storage area must be attached to the principal structure exterior or be located within a food distribution center or serving establishment. If attached to the principal structure exterior, the unit must maintain the above stated criteria and comply with the local building, health and fire codes. If the access to the storage area cannot be provided internally, the access to the primary distribution center or establishment shall have a weather proof travel path for protection of the food. The storage area may not be an unattached or adjacent shed, truck, or other storage unit. All components of the storage area must meet minimum standards set by a certifying agency, such as NSF, or be equivalent to NSF. Food storage areas that are not attached to or located within the structure are subject to local board approval and may be approved or denied at the discretion of the Health Department.
  
- 2) Temporary Food Storage areas, for an existing food establishment, that do not meet the criteria for year round storage area listed above shall require a permit from the Health Department. A temporary food storage unit permit can be issued for a period of time, which shall not exceed 14 days, and shall be a one time allowance. The application must be received 10 days prior to the date needed to utilize the storage. The permit shall state the inclusive dates, location, and any restrictions in the allowed operation. Temporary food storage areas are subject to the approval of the Board of Health and may be approved or denied at the discretion of the Health Department, and are subject to inspection by the Department prior to storing food.

3) An emergency storage unit may be utilized in the event of a natural or man made disaster, if a written request is submitted to the Health Department. Upon identification of need, the approval of the emergency storage shall not exceed fourteen (14) calendar days. The emergency storage unit is subject to inspection prior to the initiation of food storage. The utilization of a storage unit for greater than the specified time and without a specific extension waiver to this regulation may result in the immediate embargo of the stored goods. Procedure for the embargo process shall be as found in 105 CMR 590.016.

**IV Variances** A variance from the requirements of these regulations shall be at the discretion of the Board of Health. All requests shall be made in writing to the Board of Health. In the request, the establishment's owner shall demonstrate the reason for the hardship and why compliance with this regulation would substantially harm the establishment.

**V Fines**

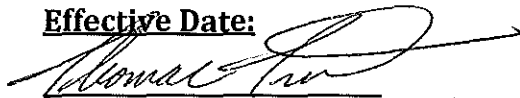
(A) Any person who violates any provision of these regulations or fails to comply with any order issued pursuant to these regulations shall, upon conviction, be fined not more than \$100 for the first offense and not more than \$300 for a subsequent offense. Each day's offense shall constitute a separate offense.

(B) The Board of Health may also enforce these regulations under the noncriminal procedures set forth in M.G.L. c. 40s. 21D.

**VI Severability**

(A) If any section, sentence, clause or phrase shall be held invalid for any reason, the remainder of the Rules and Regulations shall continue in full force.

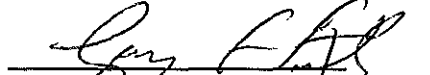
**Effective Date:**



North Andover Board of Health

2/24/11

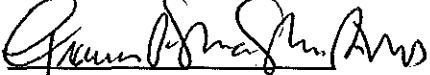
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