

Office of the

Board of Health

City Hall

Fitchburg, Massachusetts 01420

978-829-1870



Regulating Healthy Food and Beverage Sales of Food Vendors in City Parks and Public Places

The Board of Health of the City of Fitchburg, pursuant to the authority of G.L. c.111, section 31 and 122, hereby promulgates and adopts these regulations establishing additional standards for food and beverage vendors who are permitted to operate in City Parks or Public Places.

1. In these regulations, the following terms have the meanings assigned herein:

City Parks- means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

Food Vendors- means Mobile Food Operations and Temporary Food Establishments as per definition in 105 CMR 410.590 of which sales of permitted foods are made in city parks and/or public land or streets. A food vendor for the purpose of this regulation does not include outdoor cafes/outdoor sales as established by City Ordinance. Food vendors for the purpose of these regulations shall also include vending machines and concession stands operated in City Parks.

Permitted- means the document issued by the REGULATORY AUTHORITY that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

1. **"Permit holder"** means the entity that:
 1. (1) Is legally responsible for the operation of the FOOD ESTABLISHMENT such as the owner, the owner's agent, or other PERSON; and
 2. (2) Possesses a valid PERMIT to operate a FOOD ESTABLISHMENT.
2. **"Person"** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency regulated by 105 CMR 410.590 and the Federal Food Code as amended from time to time.

Public Place- Any and all streets, sidewalks, boulevards, alleys or other public ways or passage and any and all public parks, squares, spaces, grounds and buildings.

2. All Permitted Food Vendors must have a valid permit from the Board of Health and must contain on the service menu, no less than 1 (One) healthy food item and 1 (One) healthy beverage item as set forth in the Massachusetts Competitive Foods and Beverage Nutrition Standards and the Vending Machine & Concession Stand Choices as adapted from the Georgia Action for Healthy Kids. The Board of Health reserves the right to refuse any item which in its opinion fails to meet the above criteria.

3. All permit applications shall have attached information identifying the healthy food and beverage item along with nutrition labels for each item. Failure to maintain stock of each healthy food and beverage item represents a violation of this regulation. In the event the healthy food and beverage item changes, the vendor must notify the Board of Health in advance of the change.

4. Any violation of these regulations will constitute a violation of the State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments and the violator may be fined not more than \$1000.00 per G.L. c 111, sec. 31.

These regulations were adopted by the Board of Health at a regular meeting held March 29, 2013.
These regulations become effective April 15, 2013.