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SECTION 9.2

FOOD ESTABLISHMENT INSPECTIONS

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9.2.1 Preamble

The purpose of this regulation is to ensure that food establishments comply with the standards of the State and Federal Food Codes by submitting to regular inspections of the premises and correcting deficiencies in a time period determined by the Board of Health.

9.2.2 Authority

The Oak Bluffs Board of Health has adopted this regulation pursuant to its authority under M.G.L. Chapter 111, Section 122 and 123.

9.2.3 Enforcement

The Board of Health or its agent(s) will enforce the provisions of this regulation by performing regular inspections of food establishments.

9.2.4 Penalties

The initial visit for inspection will be unannounced. Violations will be documented on an inspection report form approved by the Massachusetts Department of Public Health, and a deadline for corrective action will be given. If needed, a second visit will be arranged with the establishment. If a third visit is necessary and if on that visit compliance is not achieved, a fine of four hundred dollars (\$400.00) will be imposed, due and payable within 21 days. If upon the fourth visit compliance is not achieved, the Permit to Operate will be suspended and the establishment will be closed until compliance is achieved.

9.2.5 Severability

If any provisions of this regulation or the application thereof are held to be invalid by a court of competent jurisdiction, invalidity shall be limited to said provision(s) and the remainder of this regulation shall remain valid and effective. Any part of this regulation 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.

Adopted by the Oak Bluffs Board of Health on March 24, 2009