



Town of Oak Bluffs  
Board of Health  
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## SECTION 9.0

## FOOD SERVICE ESTABLISHMENTS

### TABLE OF CONTENTS

9.1	Preamble
9.2	Authority
9.3	Minimum Requirements
9.4	Permit to Operate
9.5	Severability

### **9.1 Preamble**

The purpose of this regulation is to protect the public health, safety and welfare by maintaining safe and sanitary food practices in the Town of Oak Bluffs.

### **9.2 Authority**

The Oak Bluffs Board of Health has adopted these regulations pursuant to its authority under M.G.L. 111, Section 31.

### **9.3 Minimum Requirements**

All persons, firms or corporations that operate a food establishment serving food to the public shall employ at least one full-time owner, manager or operator who is certified and meets the minimum standard for the National Applied Food Service Sanitation Certification pursuant to the National Restaurant Association's Educational Foundation. Said person must be on the premises at all times during preparation and service.

Such requirements shall be met within five (5) years prior to issuance of a Permit to Operate by the Board, and such certification shall be renewed no later than five (5) years from its last issuance.

Establishments with a change of ownership during year-round operation shall operate no more than thirty (30) days without compliance with this regulation.

All food service establishments offering waiter/waitress service shall provide patron restrooms.

Any person found to be in violation of these regulations shall be subject to a non-criminal municipal fine of three hundred dollars (\$300) per day.

#### **9.4 Permit to Operate**

All residential kitchens, including bed and breakfast operations, shall obtain a Permit to Operate from the Board of Health to serve or sell food to the public or guests and shall comply with the substantive provisions of the 105 CMR 590.028 Residential Kitchens for Retail Sale, and 105 CMR 590.034, Residential Kitchen Operation for Bed and Breakfasts. The Permit to Operate is renewable every year.

The owner or manager of these establishments must meet a minimum four (4) hour Food Sanitation-Safety Training Requirement every five (5) years for re-issuance of a Permit to Operate by the Board of Health.

Any person found to be in violation of this regulation shall be subject to a non-criminal municipal fine of two hundred dollars (\$200) per day.

#### **9.5 Severability**

If any provision of these regulations or the application thereof is held to be invalid by a court of 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.