



TOWN OF BREWSTER

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OFFICE OF
HEALTH DEPARTMENT

Supplement to 105 CMR 590.000 Minimum Sanitation Standards for Food Establishments State Sanitary Code, Article X **REGULATIONS FOR THE OPERATIONS OF OUTDOOR CAFES**

The following regulation is promulgated by the Town of Brewster Board of Health, in accordance with the provision of Chapter 111, Section 31, as amended, of the Massachusetts General Laws. The applicant shall refer to the State Sanitary Code for basic requirements.

Definition-Outdoor Café – an open air dining facility that provides wait service. A take-out food establishment with picnic tables is not considered an outdoor café in this regulation.

Section I- Preliminary Review

- A) An application must be submitted and approved by the Building Inspector.
- B) Sufficient restrooms, both for customers and employees, counting the additional outside seating must be furnished. As required by the State Plumbing Code, the number of restrooms furnished must be adequate for employees (and customers) both inside and outside.
- C) The sub-surface sewage system must be determined adequate by the Board of Health for the total seating capacity of the establishment according to 310 CMR 15.00 of the State Environmental Code, Title 5: Minimum Requirements for Sub-surface Disposal of Sanitary Sewage.
- D) Seating capacity shall be determined by the Board of Health or its agent after submission of plans and visual inspection.

Section II – Food Protection

- A) The licensee must comply with all applicable federal, state and Brewster Board of Health regulations and operation of the outdoor dining area shall not be detrimental to the health, safety, or welfare of persons residing or working in the vicinity.
- B) Food and beverages will not be stored outside. No open keeping or storage of used dishes, utensils or food scraps is permitted. Self-closing outside trash containers must be easily accessible to the dining area.
- C) All food preparation areas must be enclosed to protect against the entrance of rodents, flies, roaches, and other vermin. Open air cooking is not allowed.
- D) Food handlers must have easy access to hand wash sinks, clean cloths, and to sanitizing solution.
- E) Effective hair restraints, such as hats covering exposed hair shall be worn by all wait staff. Beards and mustaches must be neatly trimmed.

Section III – Dining Area

- A) The outside dining area must be part of the restaurant property whether leased or owned. The outside dining area must be mentioned on the described premises as in the case of a Common Victualler's License.
- B) Doors from the restaurant to the outdoor dining area must be self-closing.
- C) The outside dining area must be set back ten (10) feet from the property line, sidewalk or public access (parking lots, etc.). A divider, such as a small fence, shrubs, etc. must mark the designated setback.
- D) The floor of the patio or the dining area surface must be of such construction or material as to be readily cleanable and not to be susceptible to inordinate amounts of dust, mud or debris. (brick, tile, concrete or similar type washable surface, would be examples of acceptable material)
- E) A self-contained drainage system will be required for all outside dining areas. Conveniently located hose bibs must be available for washing down the dining area.
- F) Table tops must be so designed and of such material and workmanship as to be smooth, non-porous, easily cleanable and durable and shall be in good condition to be readily maintained in a clean and sanitary condition.
- G) No animals, except service animals, are allowed in the outdoor dining area.
- H) The outdoor dining area must be accessible to the disabled and the licensee must at all times comply with all applicable federal, state and town bylaws concerning accessibility and non-discrimination in the providing of services.
- I) The outdoor dining area cannot obstruct any fire exit, fire escape or other required ingress or egress.
- J) The placement of furnishings for the outdoor seating area and its operation cannot obstruct access to public property such as taxi stands, bus stops, crosswalks, mailboxes, curb cuts or parking spaces, or obstruct necessary access to any fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign.

Section IV – Housekeeping

- A) The establishment shall be responsible for cleanliness of the outside dining area.
- B) Food service personnel must continuously monitor the dining area for paper and other trash. Placement clips, cup holders and other such devices must be utilized to prevent blowing paper.
- C) No electrical appliances or conductors, open flame devices, spillable petroleum, products or other flammable liquids (other than candles or lanterns of a type approved by the Fire Department) may be placed or kept in the outdoor seating area.

Section V – Garbage and Rubbish Storage and Disposal

- A) Trash dumpsters shall be situated no closer than fifty (50) feet from an outside dining area. If such dumpster is in the line of sight from the dining area, it must be hidden from view by a stockade or other such fencing.

Section VI – Penalties

Any person who shall fail to comply with an order issued pursuant to the provisions of these regulations upon correction is subject to the same fines prescribed in Section 595.039 of Article X of the State Sanitary Code.

Section VII – Invalidation

If any section, paragraph, sentence, clause or phrase of the regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portion of these regulations, which shall remain in full force and effect; and to this end the provision of these regulations are hereby declared severable.

Adopted: December 1, 1982

Amended: June 25, 1985

Amended: April 20, 2010

Effective: Upon Publication

Amended: January 22, 2013

Joanne Hughes, Chairman

Lemuel Skidmore, Vice Chairman

Keith Johnson

Mary Chaffee

Annie Sherwood

Town Clerk