

CHAPTER X

Regulations for Eating and Drinking Establishments

Section 1. Definitions.

a. Restaurant - The term "restaurant" shall mean restaurant, diner, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

b. Itinerant restaurant - The term "itinerant" restaurant" shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

c. Employee - The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

d. Utensils - "Utensils shall include any kitchenware, tableware, glassware, cutlery , utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving.

e. Person - The term "person" shall mean and include any individual, firm, corporation, association or partnership.

Section 2. Enforcement.

a. In the event of the violation of any part of these regulations the Board of Health shall serve notice in writing to the owner of the eating or drinking establishment or his agent or other person in charge of the premises, stating the violation or violations, and the time within which same shall be abated.

b. The Board of Health upon finding a condition which requires immediate action to protect the public health may, without notice, issue an order stating such to be an emergency and requiring such immediate action as he deems necessary. Any owner, agent, or person to whom the order is

directed shall comply immediately, but shall be afforded a hearing as soon as possible upon petition to the Board of Health.

Section 3. Sanitation Requirements for Restaurants.

All restaurants shall comply with all the following items of sanitations:

a. Any person who proposed to construct a new building or remodels an old building or portion thereof, to be used as an eating or drinking establishment shall install a three compartment sink for washing purposes.

b. **Floors.** The floors of all rooms in which food or drink is stored, prepared or served, or in which the utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, shall be kept clean and in good repair.

c. **Walls and Ceilings.** The walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

d. **Doors and Windows.** Doors and windows shall be kept clean. They shall be screened when flies are prevalent. Doors should open outward and shall be self-closing, unless other effective means are provided to prevent the entrance of insects.

e. **Lighting.** All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted. The requirements shall be 10 foot candles on working surfaces, and 4 foot candles 30 inches from floor.

f. **Ventilation.** All rooms in which food or drink is stored, prepared or served, or in which utensils are washed, shall have adequate ventilation to prevent condensation upon all interior surfaces. Hoods shall be provided and exhaust fans shall be used to remove odors in establishments where food is prepared and served on the premises.

g. **Toilet Facilities.** Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees, conforming with the ordinances and Building Code of the Town of Natick. In restaurants

hereafter constructed, toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The doors of all toilet rooms shall be self closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand washing signs shall be posted in all toilet rooms used by employees. In case privies or earth closets are permitted or used, they shall be separate from the restaurant building, and shall be of a sanitary type constructed and operated in conformity with the standards of the local board of health.

h. **Water Supply.** Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed and the water supply shall be adequate, and of a safe sanitary quality.

i. **Lavatory Facilities.** Adequate and convenient hand washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

j. **Construction of Utensils and Equipment.** All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned, and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used: however, solder containing lead may be used for jointing.

k. **Cleaning of Equipment.** All equipment, including display cases or windows, counters, shelves, tables, hoods, sinks, refrigerators, stoves, and fixtures, shall be kept clean and free from dust, insects, and other contaminating material.

l. **Cleaning of Utensils.** All multi-use utensils used in the preparation of serving foods and drinks shall be thoroughly cleaned and effectively subjected to an approved bactericidal process. Drying cloths, if used, shall be clean and shall be used for no other purpose.

m. **Bactericidal Treatment of Utensils.** In any establishment selling or dispensing beverages, food or other refreshment for consumption in or about the place of sale or dispensing shall cause all glasses, cups, spoons, forks, and all other utensils and dishes to be cleansed and subjected to an approved bactericidal treatment after each use. The cleansing shall be done with an approved detergent and water maintained at a temperature of not less than 110 degrees Fahrenheit. Immediately following cleansing and rinsing, the dishes and utensils shall be subjected to a bactericidal treatment by (a). Immersion for at least two minutes in a lukewarm chlorine bath containing at least 50 ppm of available chloride or (b). Immersion in hot water of over a temperature of 170 degrees Fahrenheit for at least 2 minutes, or (c). Treatment by an approved chemical sanitizer. The dishes and utensils shall be so arranged as to drain easily and air dry, when atmospheric conditions permit, and shall be stored so as to prevent contamination.

No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils. The sanitization of dishes and utensils shall be such as to result in a residual bacterial count of not in excess of 100 colonies per utensil, as determined by the Standard Plate Count.

n. **Storage and Handling of Utensils.** After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service, utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

o. **Disposal of Waste.** All waste shall be properly disposed of and all garbage and refuse shall be kept in separate covered receptacles, in such a manner as not to become a nuisance.

p. **Refrigeration.** All readily perishable foods and drink shall be kept at or below 50 degrees Fahrenheit except when being prepared or served. Waste water from refrigeration equipment shall be disposed of properly.

q. **Wholesomeness of Food.** All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption.

r. **Wholesomeness of Milk Products.** All milk, fluid milk products, ice cream and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device: provided that this requirement shall not apply to cream which may be served from a dispenser approved for such service.

All cream or custard filled puddings, pies and pastries, shall be refrigerated at all times.

s. **Wholesomeness of Shellfish.** All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they are placed at the shucking plant.

t. **Storage of Food and Drink.** All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared, stored, or served. All means necessary for the elimination of flies, roaches, and rodents shall be used.

u. **Display and Serving of Food and Drink.** All food and milk must be protected as found in item "t." Fruits, vegetables, candy, delicatessen products or other food stuffs which cannot be properly washed before consumption shall not be exposed for sale unless such food stuffs are properly protected by glass covers or dust proof containers or wrappers. Ice cream scoops or ladles used for scooping ice cream or frozen dessert, shall be kept in a receptacle of cold running water when not in use. If running water is not available, water in receptacle must be clean at all times.

v. **Cleanliness of Employees.** All employees shall wear clean outer garments and shall keep their hands clean at all time while engaged in handling foods, drink, utensils or equipment. Women shall wear hair nets or

headbands. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

w. **Miscellaneous.** The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with the restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats and aprons shall be kept in containers provided for this purpose.

Section 4. Disease Control.

No person who has an attack of diarrhea or dysentery, or has infected cuts or sores on any part of the body; or who is inflicted with a sore throat, cold or other respiratory infection or any communicable disease, or who is known to be a carrier of such disease organisms, shall work as a food handler without the permission of the Board of Health. It shall be the duty of the owner, proprietor or manager of any food establishment to notify the Board of Health of any affliction or attack of such disease among any of his employees.

a. The Board of health officer at his discretion may require a food handler to submit a certificate of freedom from venereal disease. All food handlers shall be required to submit report of chest x-ray on employment and every three years thereafter.

Section 4.1 Food Handler's Certification

3. All Food establishments as defined in Article 10 of the State Sanitary Code 105 CMR 590.000 shall be required to have certain employees certified in the Applied Food Handler's Certification Course offered by the National Restaurant Association or any equivalent certification approved by the Board of Health.
4. The following employees must obtain certification: sole proprietors, managers, shift managers, retail food stores department managers, or any other employee required by the Board of Health.

c. Sub-sections a and b of this regulation become effective as of January 1, 1995.

Section 5. Separability.

So far as the Board of Health may provide each section of these rules and regulations shall be construed as separate to the end that 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.

Adopted Oct. 20, 1953. Published Oct. 29, 1953.

BOARD OF HEALTH

Natick, Mass.

Joseph P. Foley

Thomas F.J.Keighley,M.D.

Stuart C. Peterson

Section 6. Penalty.

(a) Criminal Complaint - Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.

(b) Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: \$50.00 for the first offense; \$100.00 for the second offense; \$200.00 for the third offense; and \$300.00 for the fourth and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

Amended February 12, 2002

Summary published March 29, 2002

BOARD OF HEALTH
Natick, Mass.

Chairman
Chairman.

Peter A. Delli Colli, D.M.D.,
Donald J. Breda, P.E., Vice
Michael D. Bliss, J.D., Clerk

The Board of Health of the Town of Natick acting under the authority of the General Laws (Ter. Ed.) Chapter 111, Sections 128B through 128F, and by any other power thereto enabling, and acting thereunder and in accordance therewith, have in the interest of and for the preservation of the public health, duly made and adopted the following rules and regulations on Minimum Standards of Fitness for Human Habitation. Notice to all persons deemed interested was made by paid advertisement in the Natick Bulletin and the Natick Herald on September 17 and September 24, 1959. A public hearing, as announced in said Notices, was held at office of Board of Health, Natick at 7:45 p.m. on October 5, 1959. Rules and regulations adopted on October 19, 1959.

Board of Health, Natick, Mass

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