



Office: 508-862-4644  
FAX: 508-790-6304

# Town of Barnstable

## Board of Health

200 Main Street, Hyannis MA 02601



John Norman, Chairman  
Donald Guadagnoli, M.D.  
F.P. (Thomas) Lee, P.E.  
Daniel Luczkow, M.D.  
Paul Canniff, D.M.D.  
Stephen Waller, M.D. (alternate)

January 25, 2023

### NOTICE

**The Board of Health will hold a Public Hearing on Tuesday February 28, 2023 at 3:00 PM, at the Barnstable Town Hall, 367 Main Street Hyannis, within the second floor James H. Crocker, Jr. Hearing Room to hear comments from the public regarding proposed amendments to Section 322-5 of the Town of Barnstable Code, Outdoor Dining, as follows:**

---

**Proposal: To Amend Section 322-5 of the Town of Barnstable Code, Outdoor Dining by replacing the number (14) with the number (10) within Subsection A(1) as follows:**

(1) The applicant shall file a written request for outside dining or for an outside cafe on a form prescribed by the Town and shall submit plans of the proposed dining area. The seating capacity shall be determined by the Board of Health after a determination is made whether requirements of Subsection A(2) through A(10) below will be met and after a visual inspection is conducted by an agent of the Board of Health. A replacement food establishment permit shall be issued by the Board of Health indicating outside dining is permitted and listing the overall seating capacity, only after it is determined by an agent of the Board of Health that all of the requirements Subsection A(2) through A(10) of this section are met.

---

**Proposal: To Amend Section 322-5 of the Town of Barnstable Code, Outdoor Dining by amending Subsection A(6) as follows:**

**To replace Section A6 which currently reads as follows: A(6) All entrance and exit doors used by food service personnel and customers must be screened and provided with air curtains meeting National Sanitation Foundation standards. All windows or openings used for the transfer of food will have a self-closing screen on the window or**

have an air curtain. Food cannot be stored or kept outside. All food must be prepared inside the facility's kitchen and kept inside until served.

with the following replacement wording as follows: **A(6)** All entrance and exit doors used by food service personnel and customers must be screened **or** provided with air curtains meeting National Sanitation Foundation standards. All windows or openings used for the transfer of food **and/or monetary transactions shall be provided with a** self-closing **window or** screen or, **in the alternative shall be provided with** an air curtain. Food cannot be stored **outdoors**. All food must be prepared inside the facility's kitchen and kept inside until served.

---

**Proposal: To Amend Section 322-5 of the Town of Barnstable Code, Outdoor Dining by deleting the following five Sections – A(2), A7, A8, A9, and B:**

**A(2)** A menu shall be submitted to the Board at the time of application.

**A(7)** A drainage system designed to eliminate odors will be required for all outdoor dining areas. Hose bibs with vacuum breakers must be available for washing down the dining area.

**A(8)** Trash dumpsters shall be situated no closer than 50 feet from an outdoor dining area. If such a dumpster is in the line of sight from the dining area, it must be hidden from view. The area around the dumpster and stockade must be kept clean and free of litter. Dumpsters must be closed with adequate covers designed to prevent entrance of rodents and birds and sealed to control odors

**A(9)** The patio or other ground surface must be of constructed of material readily cleanable and not susceptible to dust, mud, or debris. (Brick, tile, and concrete are examples of acceptable materials.)

**(B)** Exemption from doorway air curtain requirement in Subsection **A(6)** above: The Board of Health may waive the requirement to provide air curtains at the doorways only if no waitstaff services will be provided to the outside dining area (self-service only)

---

**Proposal: To Amend Section 322-5 of the Town of Barnstable Code, Outdoor Dining by Adding Subsection (B) as follows:**

**(B)** Exemption from screen door requirement in Subsection **A(6)** above: **The Board of Health may waive the requirement to provide a screen door or air curtain at a doorway if there are two sets of doors provided in series at the doorway which are not propped opened.**

---

If all of the above amendments and deletions are adopted as proposed, Section 322-5 will be amended and renumbered as follows:

**§ 322-5 Outdoor Dining.**

**A.** No person, corporation, or firm shall provide outdoor dining for an outdoor cafe at a food establishment until after all of the following requirements are met:

(1) The applicant shall file a written request for outside dining or for an outside cafe on a form prescribed by the Town and shall submit plans of the proposed dining area. The seating capacity shall be determined by the Board of Health after a determination is made whether requirements of Subsection **A(2)** through **(10)** below will be met and after a visual inspection is conducted by an agent of the Board of Health. A replacement food establishment permit shall be issued by the Board of Health indicating outside dining is permitted and listing the overall seating capacity, only after it is determined by an agent of the Board of Health that all of the requirements Subsection **A(2)** through **(10)** of this section are met.

(2) The dining area must be appurtenant and contiguous to the restaurant property. The dining area must be mentioned on the described premises as in the case of a common victualler's license.

(3) Sufficient restrooms, both for customers and employees, must be furnished counting the additional outside seating as required by the State Plumbing Code and Town of Barnstable Health regulations.

(4) A grease trap shall be of sufficient capacity, based upon 15 gallons per seat, as required by the State Environmental Code, Title V, and Town of Barnstable Health regulations. A grease recovery device may be installed to supplement an existing in-ground grease trap, after receiving the approval of the Board of Health.

(5) All entrance and exit doors used by food service personnel and customers must be screened **or** provided with air curtains meeting National Sanitation Foundation standards. All windows or openings used for the transfer of food and/or monetary transactions shall be provided with a self-closing window or self-closing screen or, in the alternative, shall be provided with an air curtain. Food cannot be stored outdoors. All food must be prepared inside the facility's kitchen and kept inside until served.

(6) Table tops must be smooth, nonporous, easily cleanable and durable, and readily maintained in a clean and sanitary condition.

(7) Food-service personnel must constantly police the dining area for wastepaper, garbage and other trash. Placement clips, cup holders and other such devices must be utilized to prevent blowing paper. Covered trash receptacles must be provided in close proximity to the dining area and must be emptied as needed to prevent overflowing.

(8) Strict cleanup practices must be adhered to. Waitstaff and buspersons must clean up after each patron as in indoor dining. Each establishment must abide by all regulations contained in Article X, Minimum Sanitation Standards for Food Service Establishments, of the Commonwealth of Massachusetts, Department of Health Sanitary Code.

**(9)** Outside food handlers must have easy access to handwash sinks and cleaning cloths. Facilities for preparation and disposal of sanitizing solutions must be accessible.

**(10)** Hair nets or other effective hair restraints, such as hats covering exposed hair, shall be worn by all outside food or drink handlers. Beards and mustaches must be neatly trimmed.

**(B)** Exemption from screen door requirement in Subsection **A(6)** above: The Board of Health may waive the requirement to provide a screen door or air curtain at a doorway if there are two sets of doors provided in series at the doorway which are not propped opened.