

ORDINANCE NO. 2360

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered 15A; which new Chapter 15A constitutes THE FOOD AND FOOD-HANDLING CODE OF THE CITY OF ALEXANDRIA, VIRGINIA, all of which relates to DEFINING FOOD, ADULTERATED FOOD, POTENTIALLY HAZARDOUS FOOD, FOOD-HANDLING ESTABLISHMENT, COMMISSARY, MOBILE FOOD UNIT, VENDING MACHINE, TEMPORARY FOOD-HANDLING ESTABLISHMENT, EQUIPMENT, UTENSILS, ETC.; PROVIDING FOR THE SALE OF SAFE, SOUND AND PROPERLY LABELED FOOD; ESTABLISHING SANITATION STANDARDS FOR FOOD, FOOD PROTECTION, FOOD-HANDLING OPERATIONS, FOOD-HANDLING PERSONNEL, FOOD-HANDLING EQUIPMENT AND UTENSILS, SANITARY FACILITIES AND CONTROLS AND OTHER FACILITIES; REGULATING MOBILE FOOD UNITS, PUSHCARTS, VENDING MACHINES, COMMISSARIES AND TEMPORARY FOOD-HANDLING ESTABLISHMENTS; REQUIRING PERMITS FOR THE OPERATION OF FOOD-HANDLING ESTABLISHMENTS AND FOOD SERVICE MANAGER CERTIFICATES FOR THE OPERATION OF FOOD SERVICE ESTABLISHMENTS; REGULATING THE INSPECTION OF SUCH ESTABLISHMENTS AND FACILITIES; PROVIDING FOR THE EXAMINATION AND CONDEMNATION OF FOOD; AUTHORIZING THE ADOPTION AND PROMULGATION OF ENFORCEABLE RULES AND REGULATIONS NECESSARY OR CONVENIENT TO AID IN THE ENFORCEMENT OF THE CHAPTER; PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER and ESTABLISHING PENALTIES FOR VIOLATIONS OF THE CHAPTER.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new Chapter 15A to read as follows:

CHAPTER 15A.

FOOD AND FOOD-HANDLING ESTABLISHMENTS.

Article I. In General.

Sec. 15A-1. Title.

This chapter shall be known and may be cited as "The Food and Food-Handling Code" of the City of Alexandria, Virginia.

Sec. 15A-2. Purpose.

This chapter shall be liberally construed and applied to promote its underlying purpose of protecting the public health.

Sec. 15A-3. Applicability of chapter.

Unless otherwise expressly stated or the context clearly indicates a different intention, this chapter and its provisions shall apply to every food-handling establishment located in the city; except that it shall not apply to private homes or private vehicles where food is prepared or served for consumption by owners, occupants or their guests.

Sec. 15A-4. Captions.

The article, division and section captions are intended to be the titles of such articles, divisions and sections and are a part of this chapter.

Sec. 15A-5. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

Adulterated. The condition of a food:

(a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;

(b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerance if one has been established;

(c) if it consists in whole or in part of any filthy, putrid or decomposed substance, or it is otherwise unfit for human consumption;

(d) if it has been processed, prepared, packed or held under insanitary conditions, whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health;

(e) if it is in whole or in part the product of a diseased animal or an animal which has died otherwise than by slaughter; or

(f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Bulk food. A food which when dispensed to the customer is not packaged, wrapped or otherwise enclosed.

Commissary. A catering establishment, restaurant or any other place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Condiment. Any food such as salt, pepper, mustard and catsup that is used to enhance the flavor of other food.

Controlled (limited service) location vending machine. A vending machine which:

(a) Dispenses only nonpotentially hazardous food;

(b) Is of such design that it can be filled and maintained in a sanitary manner by untrained persons at the location; and

(c) Is intended for and used at locations in which protection is assured against environmental contamination.

Corrosion-resistant materials. Those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions and other conditions of the use environment.

Director. The director of public health of the City of Alexandria, Virginia, or his duly authorized delegates.

Easily cleanable. Surfaces that are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

Employee. The permit holder, individuals having supervisory or management duties and any other person working in a food-handling establishment.

Equipment. Stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, dispensers, refrigerators, sinks, dishwashing machines, steam tables and similar items, other than utensils, used in the operation of a food-handling establishment.

Food. Any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food-contact surface. Those surfaces of equipment and utensils with which food normally comes in contact and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.

Food-handling establishment. Any commissary, commissary operation, food processing establishment, food service establishment, food and related supply vehicle, food vending machine, mobile food unit, pushcart or retail food store and any other room, enclosure, space, area, place or facility where food, or food containers or food supplies are held, handled, kept, possessed or stored or where the same are produced, prepared, packaged, cooked or processed or where the same are served, used, consumed, sold, distributed or offered for sale, disposition or other distribution. The term food-handling establishment includes the entire area and related facilities wherein the aforesaid activities, functions or transactions occur, regardless of whether they happen on or off the premises, regardless of whether there is a charge for the food, service or other activity and includes the surrounding premises intended to be used by consumers for the consumption of the food provided, regardless of whether such premises are indoors or out.

Food processing establishment. A commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store or commissary operation.

Food service establishment. Any place where food is prepared and intended for individual portion service and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service.

Hermetically sealed container. A container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

Integral thermometer. A numerically scaled measuring device indicating or recording air temperature permanently installed in or attached to a refrigeration or hot food storage facility, accurate to  $\pm 3^{\circ}\text{F}$  ( $\pm 1.7^{\circ}\text{C}$ ) with the sensing unit so located as to measure the air temperature in the warmest part of a refrigeration facility or the coolest part of a hot food storage facility and with the temperature indicator unit so externally located as to be easily readable.

Kitchenware. All multi-use utensils other than tableware.

Law. Federal, state and local statutes, ordinances, rules, regulations and codes.

Operator. Any person who by contract, agreement or ownership takes responsibility for furnishing, installing, servicing, operating or maintaining a food-handling establishment, facility or one or more vending machines.

Mobile food unit. A vehicle-mounted food service establishment designed to be readily movable.

Packaged. Bottled, canned, cartoned or securely wrapped.

Person. Any individual, partnership, corporation, company, society, association or other legal entity.

Person in charge. The individual present in a food-handling establishment who is the apparent supervisor of the food-handling establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

Potentially hazardous food. Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity ( $a_w$ ) value of 0.85 or less.

Pushcart. A nonself-propelled vehicle limited to serving nonpotentially hazardous food or commissary-wrapped food maintained at proper temperatures or limited to the preparation and serving of frankfurters.

Reconstituted. Dehydrated food products recombined with water or other liquids.

Retail food store. Any place where food and food products are offered for sale to the ultimate consumer and intended for off-premises consumption.

Safe materials. Articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, they are "safe" only if they are used in conformity with regulations established pursuant to section 409 or section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

Sanitization. Effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Sealed. Free of cracks or other openings that permit the entry or passage of moisture.

Single-service articles. Cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded.

Tableware. Multi-use eating and drinking utensils.

Temporary food-handling establishment. A food-handling establishment that operates at a fixed location for a period of time of not more than fourteen (14) days in conjunction with a single event or celebration.

Utensil. Any implement used in the storage, preparation, transportation or service of food.

Vending machine. Any self-service device which, upon insertion of a coin, paper currency, token, card or key, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation. It shall also include self-service dispensers equipped for coin, paper currency, token, card or key operation and optional manual operation. Unless otherwise stated, vending machine includes controlled location vending machines.

## Article II. Food Care.

### Division 1. Food Supplies.

#### Sec. 15A-6. General.

(a) Food shall be in sound condition, free from spoilage, filth, adulteration or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited.

(b) There shall be no misrepresentation or misleading statements made pertaining to any food which is offered for sale or service.

#### Sec. 15A-7. Special requirements.

(a) Fluid milk and fluid milk products used, sold or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.

(b) Fresh and frozen shucked shellfish (oysters, clams or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker/packer or repacker and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used or sold. Each container for unshucked shell stock (oysters, clams or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock and an interstate certification number issued by the state or foreign shellfish control agency.

(c) Only clean, whole eggs with shell intact and without cracks or checks, or pasteurized liquid, frozen or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged may be used.

(d) Only ice which has been manufactured or packaged according to law shall be used or sold.

(e) Fresh fruits and vegetables which may be eaten without peeling shall be thoroughly washed in potable water prior to being offered to the ultimate consumer and such produce shall be protected from contamination after the washing process; except that fresh raw fruit and vegetables are exempt from this requirement when they are sold or distributed by a produce vendor with the intention that the consumer be responsible for washing same.

#### Division 2. Food Protection.

##### Sec. 15A-8. General.

At all times, including while being stored, loaded, prepared, displayed, served, transported or otherwise handled, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food shall be 45°F (7.2°C) or below or 140°F (60°C) or above at all times, except as otherwise provided in this chapter. Retail food stock shall be properly rotated. Hermetically sealed packages shall be properly handled to maintain container integrity. Spoiled, damaged, returned or detained food items shall be segregated in designated areas pending final disposition.

##### Sec. 15A-9. Emergency occurrences.

In the event of a fire, flood, power outage or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the director. Upon receiving notice of this occurrence, the director shall take whatever action that he deems necessary to protect the public health.

#### Division 3. Food Storage.

##### Sec. 15A-10. General.

(a) Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered container except during necessary periods of preparation or service. Fresh raw vegetables are exempt from this requirement. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean, sanitized hooks if no food product is stored beneath the meat.

(b) Containers of food shall be stored a minimum of six (6) inches above the floor in a manner that protects the food from splash and other contamination and that permits easy cleaning of the storage area, except that:

(1) Metal pressurized beverage containers need not be elevated when the metal food container is not exposed to floor moisture; and

(2) Containers may be stored on dollies, racks or pallets, provided such equipment is easily movable.

(c) Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.

(d) Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

(e) Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

(f) Unless its identity is visually unmistakable, bulk food such as cooking oil, syrup, salt, sugar or flour not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name.

#### Sec. 15A-11. Refrigerated storage.

(a) Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with an integral thermometer.

(b) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45°F (7.2°C) or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period shall not exceed four (4) hours. Potentially hazardous food to be transported shall be held at a temperature of 45°F (7.2°C) or below unless maintained in accordance with section 15A-12 of this chapter.

(c) Frozen food shall be kept frozen and should be stored at a temperature of 0°F (-17.8°C) or below.

(d) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or food utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

#### Sec 15A-12. Hot storage.

(a) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with an integral thermometer. Where it is impractical to install

thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

(b) The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F (60°C) or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140°F (60°C) or above unless maintained in accordance with paragraph (b) of section 15A-11 of this chapter.

#### Division 4. Food Preparation.

##### Sec. 15A-13. General.

Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination.

##### Sec. 15A-14. Raw fruits and raw vegetables.

Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.

##### Sec. 15A-15. Cooking potentially hazardous foods.

Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140°F (60°C), except that:

(a) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F (73.9°C) with no interruption of the cooking process.

(b) Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150°F (65.6°C).

(c) Rare roast beef shall be cooked to an internal temperature of at least 130°F (54.4°C), and rare beef steak shall be cooked to a temperature of 130°F (54.4°C) unless otherwise ordered by the immediate consumer.

##### Sec. 15A-16. Dry milk and dry milk products.

Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products or for cooking and baking purposes. Such products may not be served for drinking purposes.

##### Sec. 15A-17. Liquid, frozen, dry eggs and egg products.

Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.

##### Sec. 15A-18. Reheating.

Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F (73.9°C) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Sec. 15A-19. Nondairy products.

Nondairy creaming, whitening or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one (1) gallon in capacity and cooled to 45°F (7.2°C) or below within four (4) hours after preparation.

Sec. 15A-20. Product thermometers.

Metal stem-type numerically scaled indicating thermometers, accurate to ±2°F (±1.1°C), shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding or refrigeration temperatures of all potentially hazardous foods.

Sec. 15A-21. Thawing potentially hazardous foods.

Potentially hazardous foods shall be thawed:

(a) In refrigerated units at a temperature not to exceed 45°F (7.2°C); or

(b) Under potable running water of a temperature of 70°F (21.1°C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or

(c) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

(d) As part of the conventional cooking process.

Division 5. Food Display and Service.

Sec. 15A-22. Potentially hazardous food.

Potentially hazardous food shall be kept at an internal temperature of 45°F (7.2°C) or below or at an internal temperature of 140°F (60°C) or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130°F (54.4°C).

Sec. 15A-23. Milk and cream dispensing.

(a) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one (1) pint in capacity or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half (1/2) pint are required for mixed drinks, cereal or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half- (1/2) gallon capacity.

(b) Cream or half and half shall be provided in an individual service container, protected pour-type pitcher or drawn from a refrigerated dispenser designed for such service.

Sec. 15A-24. Nondairy product dispensing.

Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher or drawn from a refrigerated dispenser designed for such service.

Sec. 15A-25. Condiment dispensing.

(a) Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers or from containers protected in accordance with section 15A-29 of this chapter.

(b) Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use shall be provided in individual packages or in pour-type dispensers.

Sec. 15A-26. Ice dispensing.

Ice for consumer use shall be dispensed only by employees with scoops, tongs or other ice-dispensing utensils or through automatic self-service, ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap.

Sec. 15A-27. Dispensing utensils.

To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be stored:

- (a) in the food with the dispensing utensil handle extended out of the food; or
- (b) clean and dry; or
- (c) in running water; or
- (d) either in a running water dipper well or clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

Sec. 15A-28. Re-service.

Once served to a consumer, portions of leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition may be re-served.

Sec. 15A-29. Display equipment.

Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases or by other effective means. Enough hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.

Sec. 15A-30. Reuse of tableware.

Reuse of soiled tableware by self-service consumers returning to the service area for additional food is prohibited. Beverage cups and glasses are exempt from this requirement.

Division 6. Food Transportation.

Sec. 15A-31. General.

During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of this chapter relating to food protection and food storage.

Article III. Personnel.

Sec. 15A-32. Employee health.

(a) No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound or an acute respiratory infection, shall work in a food-handling establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

(b) A first-aid kit, approved by the director, shall be provided, kept stocked and be located in an area readily available to employees at all times.

Sec. 15A-33. Personal cleanliness.

Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean and after smoking, eating, drinking or using the toilet. Employees shall keep their fingernails clean and trimmed.

Sec. 15A-34. Clothing.

(a) The outer clothing of all employees shall be clean.

(b) Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces.

(c) Clothing and shoes shall be of a safe design which will not create a health or safety hazard to the employee. Shoes which cover and protect the foot shall be worn at all times while on the premises.

Sec. 15A-35. Employee practices.

(a) Employees shall consume food only in designated eating areas. An employee eating area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils or other items needing protection.

(b) Employees shall not use tobacco in any form while engaged in food preparation, food-handling operations or service, nor while in areas used for equipment or utensil washing or for food preparation. Employees shall use tobacco only in designated areas. An employee tobacco-use area shall not be designated for that purpose if the use of tobacco there may result in contamination of food, equipment, utensils or other items needing protection.

(c) Employees shall handle soiled tableware in a way that minimizes contamination of their hands.

(d) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food-handling establishment.

(e) When food is being manipulated by hand during any preparation process, all hand jewelry, which cannot be adequately sanitized and all insecure jewelry shall be removed.

#### Article IV. Equipment and Utensils.

##### Division 1. Materials.

###### Sec. 15A-36. General.

Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials, shall be corrosion resistant and nonabsorbent and shall be smooth, easily cleanable and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils and single-service articles shall not impart odors, color or taste, nor contribute to the contamination of food.

###### Sec. 15A-37. Solder.

If solder is used, it shall be composed of safe materials and be corrosion resistant.

###### Sec. 15A-38. Wood.

Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in section 15A-36 of this chapter may be used for cutting blocks, cutting boards, salad bowls and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

###### Sec. 15A-39. Plastics.

Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods and which meet the general requirements set forth in section 15A-36 of this chapter are permitted for repeated use.

###### Sec. 15A-40. Mollusk and crustacea shells.

Mollusk and crustacea shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited.

Sec. 15A-41. Single-service articles.

Reuse of single-service articles is prohibited.

Division 2. Design and Fabrication.

Sec. 15A-42. General.

All equipment and utensils, including plasticware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping and crazing.

(a) Food-contact surfaces shall be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits and similar imperfections and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops and skillets. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.

(b) Equipment containing bearings and gears requiring unsafe lubricants shall be designed and constructed so that the lubricant cannot leak, drip or be forced into food or onto food-contact surfaces. Only safe lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

(c) Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice; provided, that such tubing is fabricated from safe materials, is grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.

(d) Sinks and drain boards shall be self-draining.

(e) All equipment shall be of a safe design. The doors to refrigerators and other equipment of a size capable of accommodating a person shall be provided with a safety release device which will permit the door to be opened from the inside at all times.

(f) Can and bottle openers which come into contact with the food or the food-contact surfaces of the containers shall be constructed of corrosion-resistant, nonabsorbent and safe materials and shall be kept clean. Cutting or piercing parts of multi-use openers which come into contact with the food or food-contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents and other contamination, and such parts shall be readily removable for cleaning.

Sec. 15A-43. Accessibility.

Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

(a) Without being disassembled; or

(b) By disassembling without the use of tools; or

(c) By easy disassembling with the use of only simple tools such as a mallet; a screwdriver or an open-end wrench kept available near the equipment.

Sec. 15A-44. In-place cleaning.

Equipment intended for in-place cleaning shall be so designed and fabricated that:

(a) Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and

(b) Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and

(c) The system is self-draining or capable of being completely evacuated.

Sec. 15A-45. Pressure spray cleaning.

Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches and connections.

Sec. 15A-46. Thermometers.

Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled and accurate to  $\pm 2^{\circ}\text{F}$  ( $\pm 1.1^{\circ}\text{C}$ ).

Sec. 15A-47. Nonfood-contact surfaces.

Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections or crevices and readily accessible for cleaning and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

Sec. 15A-48. Ventilation hoods.

Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place. Hoods over cooking equipment shall be provided with a fire protection system in accordance with law.

Sec. 15A-49. Existing equipment.

Equipment that was approved by the director and installed in a food-handling establishment prior to the effective date of this chapter and that does not fully meet all of the design and fabrication requirements of this article shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this chapter shall meet the requirements of this chapter.

Sec. 15A-50. Maintenance of equipment and utensils.

All equipment and utensils shall be maintained in good repair to comply with the requirements of this chapter.

Division 3. Equipment Installation and Location.

Sec. 15A-51. General.

Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines or water lines, open stairwells or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.

Sec. 15A-52. Table-mounted equipment.

(a) Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four- (4) inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

(b) Equipment is portable within the meaning of subsection (a) of this section if:

(1) It is small and light enough to be moved easily by one person; and

(2) It has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

Sec. 15A-53. Floor-mounted equipment.

(a) Floor-mounted equipment, unless readily movable, shall be:

(1) Sealed to the floor; or

(2) Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance; or

(3) Elevated on legs to provide at least a six- (6) inch clearance between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four- (4) inch clearance between the floor and equipment if no part of the floor under the mixer is more than six- (6) inches from cleaning access.

(b) Equipment is easily movable if:

(1) It is mounted on wheels or casters; and

(2) It has no utility connection or has a utility connection that disconnects quickly or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

(c) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space

between it and adjoining equipment units and adjacent walls or ceilings shall be not more than one thirty-second (1/32) inch (0.078cm); or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.

Sec. 15A-54. Aisles and working spaces.

Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. A minimum width of thirty (30) inches (0.75m) shall, for the purposes of this section be deemed sufficient unless otherwise determined by the director. All easily movable storage equipment such as pallets, racks and dollies shall be positioned to provide accessibility to working areas.

Article V. Cleaning, Sanitization and  
Storage of Equipment and Utensils.

Division 1. Equipment and Utensil Cleaning  
and Sanitation.

Sec. 15A-55. Cleaning frequency.

(a) Tableware shall be washed, rinsed and sanitized after each use.

(b) To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

(c) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed and sanitized at intervals throughout the day on a schedule based on food temperature, type of food and amount of food particle accumulation.

(d) The food-contact surfaces of grills, griddles and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day with nonabrasive cleaners, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil. All doors, seals, hinges and latch fasteners (screws and related hardware) shall be kept tight and adjusted in accordance with manufacturer's procedures. Microwave ovens shall be in compliance with applicable safety standards of the U.S. Food and Drug Administration's Bureau of Radiological Health.

(e) Nonfood-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.

Sec. 15A-56. Wiping cloths.

(a) Only cloths or other materials approved by the director shall be used for wiping purposes. In this section the word cloths shall include approved substitute materials.

(b) Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, shall be clean, dry and used for no other purpose.

(c) Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in section 15A-57 of this chapter and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

(d) Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops and shelves shall be clean and rinsed as specified in subsection (b) of this section and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

#### Sec. 15A-57. Manual cleaning and sanitizing.

(a) For manual washing, rinsing and sanitizing of utensils and equipment, a sink with not fewer than three (3) compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.

(b) Drain boards or easily movable dish tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

(c) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

(d) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequence:

(1) Sinks shall be cleaned prior to use.

(2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(3) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.

(4) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in subsections (e)(1) through (4) of this section.

(e) The food-contact surfaces of all equipment and utensils shall be sanitized by:

(1) Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least 170°F (76.7°C); or

(2) Immersion for at least one (1) minute in a clean solution containing at least fifty (50) parts per million of

available chlorine as a hypochlorite and at a temperature of at least 75°F (23.9°C); or

(3) Immersion for at least one (1) minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F (23.9°C); or

(4) Immersion in a clean solution containing any other chemical sanitizing agent allowed under Regulation 178.1010 of the Code of Federal Regulations, 21 CFR 178.1010, that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite at a temperature of at least 75°F (23.9°C) for one (1) minute; or

(5) Treatment with steam free from materials or additives other than those specified in Regulation 173.310 of the Code of Federal Regulations, 21 CFR 173.310, in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

(6) Rinsing, spraying or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under subsection (e)(4) of this section in the case of equipment too large to sanitize by immersion.

(f) When hot water is used for sanitizing, the following facilities shall be provided and used:

(1) An integral heating device or fixture installed in, on or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F (76.7°C); and

(2) A numerically scaled indicating thermometer, accurate to  $\pm 3^\circ\text{F}$  ( $\pm 1.7^\circ\text{C}$ ), convenient to the sink for frequent checks of water temperature; and

(3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware and equipment in the hot water.

(g) When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under Regulation 178.1010 of the Code of Federal Regulations, 21 CFR 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

#### Sec. 15A-58. Mechanical cleaning and sanitizing.

(a) Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with manufacturers' instructions and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers and liquid sanitizer injectors, if any, shall be properly installed and maintained.

(b) The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than fifteen (15) nor more than twenty-five (25) pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A one-fourth (1/4) inch IPS valve shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

(c) Machine- or water line-mounted numerically scaled indicating thermometers, accurate to  $\pm 3^{\circ}\text{F}$  ( $\pm 1.7^{\circ}\text{C}$ ), shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

(d) Rinse water tanks shall be protected by baffles, curtains or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machines.

(e) Drain boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

(f) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays or baskets or on conveyors in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

(g) Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used, provided that:

(1) The temperature of the wash water shall not be less than  $120^{\circ}\text{F}$  ( $48.9^{\circ}\text{C}$ ).

(2) The wash water shall be kept clean.

(3) Chemicals added for sanitization purposes shall be automatically dispensed.

(4) Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturers' specifications for time and concentration.

(5) The chemical sanitizing rinse water temperature shall be not less than  $75^{\circ}\text{F}$  ( $23.9^{\circ}\text{C}$ ) nor less than the temperature specified by the machine's manufacturer.

(6) Chemical sanitizers used shall meet the requirements of Regulation 178.1010 of the Code of Federal Regulations, 21 CFR 178.1010.

(7) A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

(h) Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the following temperatures:

(1) Single-tank, stationary-rack, dual-temperature machine:  
Wash temperature.....150°F (65.6°C)  
Final rinse temperature .....180°F (82.2°C)

(2) Single-tank, stationary-rack, single-temperature machine:  
Wash temperature.....165°F (73.9°C)  
Final rinse temperature .....165°F (73.9°C)

(3) Single-tank, conveyor machine:  
Wash temperature.....160°F (71.1°C)  
Final rinse temperature.....180°F (82.2°C)

(4) Multi-tank, conveyor machine:  
Wash temperature.....150°F (65.6°C)  
Pumped rinse temperature.....160°F (71.1°C)  
Final rinse temperature.....180°F (82.2°C)

(5) Single-tank, pot, pan and utensil washer (either stationary or moving-rack):  
Wash temperature.....140°F (60°C)  
Final wash temperature.....180°F (82.2°C)

(i) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

(j) Adequate exhaust ventilation systems shall be provided to prevent the accumulation of steam in the area wherein the machine is located when hot water machines are utilized.

#### Sec. 15A-59. Drying.

After sanitization, all equipment and utensils shall be air dried.

### Division 2. Equipment and Utensil Storage.

#### Sec. 15A-60. Handling.

Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives and forks shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

Sec. 15A-61. Storage.

(a) Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

(b) Utensils shall be air dried before being stored or shall be stored in a self-draining position.

(c) Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks and spoons shall be designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for knives, forks and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.

Sec. 15A-62. Single-service articles.

(a) Single-service articles shall be stored at least six (6) inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

(b) Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.

(c) Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his or her hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

Sec. 15A-63. Prohibited storage area.

The storage of food equipment, utensils or single-service articles in locker, toilet, garbage or mechanical rooms or in vestibules is prohibited.

Article VI. Sanitary Facilities and Controls.

Division 1. Water Supply.

Sec. 15A-64. General.

Enough potable water for the needs of the food-handling establishment shall be provided from a source constructed and operated according to law.

Sec. 15A-65. Transportation.

All potable water not provided directly by pipe to the food-handling establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system. Both of these systems shall be constructed and operated according to law.

Sec. 15A-66. Bottled water.

Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

Sec. 15A-67. Water under pressure.

Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water. Heated water shall be supplied in an amount sufficient to meet the demand of all equipment and fixtures requiring hot water.

Sec. 15A-68. Steam.

Steam used in contact with food or food-contact surfaces shall be free from any material or additives other than those specified in Regulation 173.310 of the Code of Federal Regulations, 21 CFR 173.310.

Division 2. Sewage.

Sec. 15A-69. General.

All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law. Nonwater-carried sewage disposal facilities are prohibited, except as permitted by sections 15A-131 through 15A-138 of this chapter (pertaining to temporary food-handling establishments) or as permitted by the director in remote areas or because of special situations.

Division 3. Plumbing.

Sec. 15A-70. General.

Plumbing shall be sized, installed and maintained according to law. There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.

Sec. 15A-71. Nonpotable water system.

A nonpotable water system is permitted only for purposes such as air conditioning and fire protection and only if the system is installed according to law, and the nonpotable water does not contact, directly or indirectly, food, potable water or equipment that contacts food or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

Sec. 15A-72. Backflow.

The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

Sec. 15A-73. Grease traps.

If used, grease traps shall be located to be easily accessible for cleaning.

Sec. 15A-74. Garbage grinders.

If used, garbage grinders shall be installed and maintained according to law.

Sec. 15A-75. Drains.

Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment or utensils are placed. When a dishwashing machine is located within five (5) feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

Division 4. Toilet Facilities.

Sec. 15A-76. Toilet installation.

Toilet facilities shall be installed according to law, shall be the number required by law, shall be conveniently located and shall be accessible to employees at all times. Toilet facilities provided for patrons and/or employees within two hundred (200) feet (61m) in a line of travel and not more than one (1) floor level removed from the dining area or employee center (kitchen) without going outside of the building shall, for the purpose of this section, be deemed conveniently located.

Sec. 15A-77. Toilet design.

Toilets and urinals shall be designed to be easily cleanable.

Sec. 15A-78. Toilet rooms.

Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance, except as provided by law. Toilet rooms shall not open directly to any food-handling area. Toilet rooms shall be mechanically ventilated.

Sec. 15A-79. Toilet fixtures.

Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one (1) covered waste receptacle.

## Division 5. Lavatory Facilities.

### Sec. 15A-80. Lavatory installation.

(a) Lavatories shall be at least the number required by law, shall be installed according to law and shall be located to permit convenient use by all employees in food preparation areas and utensil-washing areas.

(b) Lavatories shall be accessible to employees at all times.

(c) Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

### Sec. 15A-81. Lavatory faucets.

Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing or metering faucet used shall be designed to provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited. Lavatories in food preparation areas shall be provided with gooseneck faucets.

### Sec. 15A-82. Lavatory supplies.

A supply of hand-cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand-washing facilities.

### Sec. 15A-83. Lavatory maintenance.

Lavatories, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

## Division 6. Garbage and Refuse.

### Sec. 15A-84. Containers.

(a) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food-handling establishment.

(b) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.

(c) Containers stored outside the establishment, dumpsters and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

(d) There shall be a sufficient number of containers to hold all the garbage and refuse.

(e) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

Sec. 15A-85. Storage.

(a) Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Card-board or other packaging material not containing garbage or food wastes need not be stored in covered containers, but shall be stored in accordance with the law.

(b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect-proof and rodent-proof and shall be large enough to store the garbage and refuse containers that accumulate.

(c) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt that is kept clean and maintained in good repair.

Sec. 15A-86. Disposal.

(a) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(b) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration that prevents the escape of particulate matter in accordance with law. Areas around incineration facilities shall be clean and orderly.

Division 7. Insect and Rodent Control.

Sec. 15A-87. General.

Effective measures intended to minimize the presence of rodents, flies, cockroaches and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects, rodents, birds or other animals.

Sec. 15A-88. Openings.

Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, vestibules or other means. Screen doors shall be self-closing and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall not

be less than sixteen (16) mesh to the inch. Self-closing doors shall not be blocked open.

Article VII. Construction and Maintenance  
of Physical Facilities.

Division 1. Floors.

Sec. 15A-89. Floor construction.

Floors and floor coverings of all food preparation, food storage and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of antislip floor covering in areas where necessary for safety reasons.

Sec. 15A-90. Floor carpeting.

Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable and maintained in good repair. Carpeting is prohibited in food-preparation, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas and toilet room areas where urinals or toilet fixtures are located.

Sec. 15A-91. Prohibited floor covering.

The use of sawdust, wood shavings, peanut hulls or similar material as a floor covering is prohibited.

Sec. 15A-92. Floor drains.

Properly installed, trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges or spillage of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used and in areas used for food preparation or utensil-washing purposes. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials and shall be graded to drain.

Sec. 15A-93. Mats and duckboards.

Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design and construction as to facilitate their being easily cleaned. Duckboards shall not be used as storage racks.

Sec. 15A-94. Floor junctures.

In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile or similar flooring materials and where water-flush cleaning methods are used, the junctures between walls and floors shall be covered and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more than one thirty-second (1/32) inch (0.078cm), unless otherwise determined by the director.

Sec. 15A-95. Utility line installation.

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

Division 2. Walls and Ceilings.

Sec. 15A-96. Maintenance.

Walls and ceilings, including doors, windows, skylights and similar closures, shall be maintained in good repair.

Sec. 15A-97. Construction.

The walls, including nonsupporting partitions, wall coverings and ceilings of walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules shall be light colored, smooth, nonabsorbent and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface. All wall surfaces, including concrete masonry walls, in food preparation areas, dishwashing areas and toilet areas, must be smooth to the degree of "plaster." All wall surfaces must be free from all pinholes or indentions and extrusions. If concrete masonry walls are proposed, the joints must be flush and all imperfections filled smooth before applying finish.

Sec. 15A-98. Exposed construction.

Studs, joists and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

Sec. 15A-99. Utility line installation.

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules.

Sec. 15A-100. Attachments.

Light fixtures, vent covers, wall-mounted fans, decorative materials and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

Sec. 15A-101. Covering material installation.

Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

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Sec. 15A-97. Construction.

The walls, including nonsupporting partitions, wall coverings and ceilings of walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules shall be light colored, smooth, nonabsorbent and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface. All wall surfaces, including concrete masonry walls, in food preparation areas, dishwashing areas and toilet areas, must be smooth to the degree of "plaster." All wall surfaces must be free from all pinholes or indentions and extrusions. If concrete masonry walls are proposed, the joints must be flush and all imperfections filled smooth before applying finish.

Sec. 15A-98. Exposed construction.

Studs, joists and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

Sec. 15A-99. Utility line installation.

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules.

Sec. 15A-100. Attachments.

Light fixtures, vent covers, wall-mounted fans, decorative materials and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

Sec. 15A-101. Covering material installation.

Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

### Division 3. Cleaning Physical Facilities.

#### Sec. 15A-102. General.

Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning or the use of dust-arresting sweeping compounds with brooms.

#### Sec. 15A-103. Utility facility.

In new or extensively remodeled establishments at least one (1) utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited.

### Division 4. Lighting.

#### Sec. 15A-104. General.

(a) Permanently fixed artificial light sources shall be installed to provide at least twenty- (20) foot candles of light on all food preparation surfaces and at equipment- or utensil-washing work levels.

(b) Permanently fixed artificial light sources shall be installed to provide, at a distance of thirty (30) inches from the floor:

(1) At least twenty- (20) foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and

(2) At least ten- (10) foot candles of light in walk-in refrigerating units, dry food storage areas and in all other areas. This shall also include dining areas during cleaning operations.

#### Sec. 15A-105. Protective shielding.

(a) Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by or within food storage, preparation, service and display facilities, and facilities where utensils and equipment are cleaned and stored. Fixtures shall be installed in a manner which precludes the accumulation of dust or debris.

(b) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

## Division 5. Ventilation.

### Sec. 15A-106. General.

All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create an unsightly, harmful or unlawful discharge.

### Sec. 15A-107. Special ventilation.

(a) Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt and other contaminating materials.

(b) In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside in accordance with law.

## Division 6. Dressing Rooms and Locker Areas.

### Sec. 15A-108. Dressing rooms and areas.

If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage or service or for utensil-washing or storage.

### Sec. 15A-109. Locker areas.

Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

## Division 7. Poisonous or Toxic Materials.

### Sec. 15A-110. Materials permitted.

There shall be present in food-handling establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils and controlling insects and rodents, except those items being held or offered for retail sale.

### Sec. 15A-111. Labeling of materials.

Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.

### Sec. 15A-112. Storage of materials.

(a) Poisonous or toxic materials consist of the following categories:

(1) Insecticides and rodenticides;

(2) Detergents, sanitizers and related cleaning or drying agents; and

(3) Caustics, acids, polishes and other chemicals.

(b) Each of the three (3) categories set forth in paragraph (a) of this section shall be stored and physically located separate from each other. All poisonous or toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

Sec. 15A-113. Use of materials.

(a) Bactericides, cleaning compounds or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

(b) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

Sec. 15A-114. Personal medications.

Personal medications shall not be stored in food storage, preparation, display or service areas.

Sec. 15A-115. First-aid supplies.

First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

Division 8. Premises.

Sec. 15A-116. General.

(a) Food-handling establishments and all parts of property used in connection with their operations shall be kept free of litter.

(b) The walking and driving surfaces of all exterior areas of food-handling establishments shall be surfaced with concrete or asphalt or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and shall be kept free of litter.

(c) Only articles necessary for the operation and maintenance of the food-handling establishment shall be stored on the premises.

(d) The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited.

Sec. 15A-117. Living areas.

No operation of a food-handling establishment shall be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Sec. 15A-118. Laundry facilities.

(a) Laundry facilities in a food-handling establishment shall be restricted to the washing and drying of linens, cloths, uniforms and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

(b) Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Sec. 15A-119. Linens and clothes storage.

(a) Clean clothes and linens shall be stored in a clean place and protected from contamination until used.

(b) Soiled clothes and linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

Sec. 15A-120. Cleaning equipment storage.

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment or linens and shall be stored in an orderly manner for the cleaning of that storage location.

Sec. 15A-121. Animals.

Live animals, including birds and turtles, shall be excluded from within the food-handling operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, shellfish or to fish in aquariums. Patrol dogs accompanying security or police officers or guide dogs accompanying blind persons shall be permitted in dining areas, offices, storage areas, retail sales areas and outside establishment premises; provided, that such areas must be cleaned daily and otherwise maintained in a sanitary and vermin-free condition. Sentry dogs may be permitted to run loose in outside fenced areas on food-handling establishment premises for security reasons.

Article VIII. Mobile Food Units, Pushcarts  
and Vending Machines.

Sec. 15A-122. General.

Mobile food units or pushcarts shall comply with the requirements of this article, except as otherwise provided in this paragraph and in section 15A-123 of this chapter. The director may impose additional requirements to protect against health hazards related to the conduct of the food-handling establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this chapter relating to physical facilities, except those requirements of sections 15A-125 through 15A-129 of this chapter.

Sec. 15A-123. Restricted operation.

Mobile food units or pushcarts serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this chapter, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this chapter pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary. However, frankfurters may be prepared and served from these units or pushcarts.

Sec. 15A-124. Single-service articles.

Mobile food units or pushcarts shall provide only single-service articles for use by the consumer.

Sec. 15A-125. Water system.

A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing and hand washing, in accordance with the requirements of this chapter. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this chapter.

Sec. 15A-126. Waste retention.

If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least fifteen percent (15%) larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

Sec. 15A-127. Commissary; base of operations.

(a) Mobile food units or pushcarts shall operate from a commissary or other fixed food-handling establishment approved by the director and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.

(b) The commissary or other fixed food-handling establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with law.

Sec. 15A-128. Servicing area.

(a) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks.

(b) The surface of the servicing area shall be constructed of a smooth, nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean and be graded to drain.

(c) The construction of the walls and ceilings of the servicing area is exempted from the provisions of sections 15A-96 through 15A-101 of this chapter.

Sec. 15A-129. Servicing operations.

(a) Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.

(b) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with section 15A-69 of this chapter.

Sec. 15A-130. Special requirements.

(a) The dispensing of frozen dessert products shall be in accordance with law.

(b) Milk and fluid milk products and fluid nondairy products (creaming agents) shall not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.

(c) When condiments are provided in conjunction with food dispensed by a vending machine, they shall be:

(1) Packaged in individual portions in single-service containers; or

(2) Dispensed from sanitary dispensers which are cleaned, rinsed and sanitized and filled at the commissary or at the machine location if sanitary facilities are provided; or

(3) Made available from condiment self-service dispensing equipment at those locations having an on-duty attendant.

(d) Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual original container or package into which it was placed at the commissary or at the manufacturer's or processor's plant. Potentially hazardous food shall not be dispensed from bulk food machines.

(e) (1) Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of safe temperatures at all times. Such vending machines shall also have automatic controls which prevent the machine from vending potentially hazardous food until serviced by the operator in the event of power failure, mechanical failure or other condition which results in noncompliance with temperature requirements in the food storage compartment.

(2) Potentially hazardous food that has failed to conform to the time-temperature requirements of this chapter shall be removed from the vending machine, and be denatured or otherwise rendered unusable for human consumption.

(f) The openings into all nonpressurized containers used for the storage of vendible food, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening and shall be sloped to provide drainage from the cover wherever the collection of condensation, moisture or splash is possible. Concave covers or cover areas are prohibited. Any port opening through the cover shall be flanged upward at least three-sixteenths ( $3/16$ ) inch (0.079cm), and shall be provided with an overlapping cover flanged downward. Condensation-, drip- or dust-deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the food container unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of safe materials, relatively stable and relatively nonabsorbent and shall have a smooth surface. All gasket-retaining grooves shall be easily cleanable.

(g) The delivery tube or chute and orifice of all bulk food vending machines shall be protected from normal manual contact, dust, insects, rodents and other contamination. The design shall divert condensation or moisture from the normal filling position of the container receiving the food. The vending stage of such machines shall be provided with a tight-fitting, self-closing door or cover which is kept closed except when food is being removed. The cup-filling area or platform of controlled location vending machines shall not require a door or cover if there is no opening into the cabinet interior at that point other than for dispensing tube(s) or trapped waste tubing. The dispensing compartment of prepackaged candy and similar product vending machines shall be equipped with a self-closing lid at vending locations where insect or rodent entry into the machine may occur.

(h) The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention shall be self-draining or equipped with a drain outlet which permits complete draining. In vending machines designed to store cartoned beverages, diversion devices and retention pans or drains for leakage shall be provided. All such drains, devices and retention pans shall be easily cleanable.

(i) In order to prevent seepage underneath the machine and to promote cleaning, free standing vending machines shall have one or more of these elevation or movability features:

- (1) Be light enough to be manually moved with ease by one person; or
- (2) Be elevated on legs or extended sidewalls to afford, with or without kickplates, an unobstructed vertical space of at least six (6) inches (15.24cm) under the machine; or
- (3) Mounted on rollers or casters which permit easy movement; or
- (4) Be sealed to the floor.

(j) Where used, kickplates shall be easily removable or be capable of being rotated. These kickplates shall be designed and installed to make the area under the machine easily accessible for routine cleaning without unlocking the cabinet door.

(k) (1) Containers shall be provided within all vending machines dispensing liquid food in bulk for the collection of drip, spillage, overflow or other internal wastes. Such machines shall be equipped with an automatic shut-off device at the waste pail or other devices or valves which will place the machine out of operation before the waste pail overflows. Such devices shall prevent water or liquid product from continuously running in the event of the failure of any single control, high level control, or other flow control device in the liquid product or water system.

(2) Controlled location vending machines not connected to a water supply system and which generate no internal liquid wastes, may be equipped with easily removable drip pans at the dispensing platform in lieu of internal waste containers and automatic shut-off devices.

(3) Controlled location vending machines that are connected to a water supply and have no internal waste containers, shall be equipped with at least two independently operated controls to prevent the continued flow of water in the event of failure of any single-flow control device.

#### Article IX. Temporary Food-Handling Establishments.

##### Sec. 15A-131. General.

A temporary food-handling establishment shall comply with the requirements of this chapter, except as otherwise provided in this article. The director may impose additional requirements to protect against health hazards related to the conduct of the temporary food-handling establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this chapter.

##### Sec. 15A-132. Restricted operations.

(a) These provisions are applicable whenever a temporary food-handling establishment is permitted, under the provisions of section 15A-131 of this chapter, to operate without complying with all the requirements of this article.

(b) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods,

including pastries filled with cream or synthetic cream, custards and similar products, and salads or sandwiches containing meat, poultry, eggs or fish is prohibited. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this chapter, is obtained in individual servings, is stored at a temperature of 45°F (7.22°C) or below or at a temperature of 140°F (60°C) or above in facilities meeting the requirements of this chapter and is served directly in the unopened container in which it was packaged.

Sec. 15A-133. Ice.

Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this chapter. The ice shall be obtained only in chipped, crushed or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

Sec. 15A-134. Equipment.

(a) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

(b) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.

Sec. 15A-135. Single-service articles.

All temporary food-handling establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

Sec. 15A-136. Water.

Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment and for hand washing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

Sec. 15A-137. Wet storage.

Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

Sec. 15A-138. Waste.

All sewage, including liquid waste, shall be disposed of according to law.

Sec. 15A-139. Hand washing.

A convenient hand washing facility shall be available for employee hand washing. This facility shall consist of, at least, warm running water, soap and individual paper towels.

Sec. 15A-140. Floors.

Floors shall be constructed of concrete, asphalt, tight wood or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings or other suitable materials effectively treated to control dust.

Sec. 15A-141. Walls and ceilings of food preparation areas.

(a) Ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors or windows shall be at least sixteen- (16) mesh to the inch.

(b) Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

Article X. Compliance Procedures.

Division 1. Permits or Certificates.

Sec. 15A-142. Permits for food-handling establishments.

No person shall operate a food-handling establishment who does not have a valid permit issued to him by the director. Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit shall be posted in every food-handling establishment in a conspicuous place.

Sec. 15A-143. Permits for vending machines.

(a) No person shall operate one or more vending machines, other than controlled-location vending machines, without a valid permit issued by the director. Persons who do not comply with the requirements of this ordinance shall not be entitled to receive or retain such a permit. Permits are not transferable.

(b) The operator's company name and service telephone number shall be displayed on each vending machine or conspicuously adjacent to the vending machine bank.

(c) All operators of vending machines shall:

(1) Comply with the requirements of this chapter.

(2) Maintain at the operator's headquarters or at some other designated location within the city a list of all vending machines operated by such operator within the city and the complete address of each machine location and of all commissaries or other establishments from which his or her machines are serviced. This information shall be available to the director upon request, and shall be kept current.

(3) Notify the director of each new vending machine location at which potentially hazardous food or hot or cold cup beverage vending machines have been placed in operation.

(4) Notify the director of any change in operations involving new types of vending machines or conversions of existing machines to dispense products other than those for which the machines were built.

Sec. 15A-144. Food-handling manager's certificate and responsibility.

(a) After June 30, 1980, no person shall operate a food-handling establishment unless it is under the immediate control of a person holding a valid food-handling manager's certificate issued by the director.

(b) The certified food manager shall be responsible for training food-handling personnel in sanitary food-handling procedures and in proper methods of food protection. The certified food manager shall also be responsible to ensure that good public health and food protection practices are used at all times on the premises under his or her control.

Sec. 15A-145. Issuance of permit or certificate.

(a) Any person desiring to operate or manage a food-handling establishment shall make written application for a permit or certificate on forms provided by the director. Such application shall include the name and address of each applicant, the location and type of the proposed food-handling establishment and the signature of each applicant.

(b) Prior to approval of an application for a permit the director shall inspect the proposed food-handling establishment to determine compliance with the requirements of this ordinance.

(c) The director shall issue a permit valid for no more than one (1) year to the applicant if his or her inspection reveals that the proposed food-handling establishment complies with the requirements of this chapter.

(d) The director may exempt coffee and related beverage service and service areas and such one-time events or affairs from such provisions or requirements of this chapter as he or she may deem advisable upon determining that the operation of such service, service areas, events or affairs will not adversely effect the public health.

(e) A food-handling manager's certificate shall be issued only to a person providing satisfactory proof of having successfully completed a course in food protection approved by the director.

(f) A food-handling manager's certificate shall be issued in the name of an individual applicant only, shall not be assignable or transferable and shall be valid only for a period of three (3) years from the date of issuance.

(g) A certified food-handling manager shall be entitled to the renewal of his or her certificate for a subsequent three- (3) year period upon presenting to the director satisfactory proof of having accomplished one or more of the following within the preceding three (3) years:

(1) Completing a refresher course, approved by the director, in food protection; or

(2) Conducting three (3) or more training courses, approved by the director, for employees of the food-handling establishment; or

(3) Establishing a self-inspection program, approved by the director, for twelve (12) or more consecutive months.

Sec. 15A-146. Suspension of permit or certificate in emergencies.

(a) If he deems an emergency to exist, the director may, without warning, notice or hearing, order the suspension of any permit or certificate to operate or manage a food-handling establishment if the holder of the permit or certificate does not comply with the requirements of this chapter, or if the operation of the establishment does not comply with the requirements of this chapter, or if the operation of the food-handling establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by subsection (b) of this section. When a permit or certificate is suspended, food-handling operations shall immediately cease. Whenever a permit or certificate is suspended, the holder of the permit or certificate shall be afforded an opportunity for hearing within twenty (20) days of receipt by the director of a request for a hearing from the holder.

(b) Whenever a permit or certificate has been ordered suspended, the holder of the permit or certificate or the person in charge shall be notified in writing that the permit or certificate is suspended effective upon service of the notice and that an opportunity for hearing will be provided if a written request for hearing is filed with the director by the holder of the permit or certificate within ten (10) days thereafter. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The director may end the suspension at any time if reasons for suspension no longer exist.

(c) The director, in lieu of suspending a permit, may suspend applicability of the permit to a specific vending machine, machines, commissary or specific products.

Sec. 15A-147. Revocation of permit or certificate.

(a) The director may, after providing opportunity for hearing, order the revocation of a permit or certificate for serious or repeated violations of any of the requirements of this chapter or for interference with the director in the performance of duty.

(b) Prior to ordering revocation the director shall notify, in writing, the holder of the permit or certificate or the person in charge of the specific reason(s) for which the permit or certificate is to be revoked, and that the permit or certificate shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the director by the holder of the permit or certificate within such ten- (10) day period. If no request for hearing is filed within the ten- (10) day period, the permit or certificate shall be revoked by order of the director and shall be final.

Sec. 15A-148. Service of notices.

A notice provided for in this chapter is properly served when it is delivered to the holder of the permit or certificate or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit or certificate. A copy of the notice shall be filed with the records of the department of public health of the city.

Sec. 15A-149. Closing of food-handling establishments.

The director shall order the closure of any food-handling establishment which is operated without the permit required by section 15A-142 or section 15A-143 or without a certificate required by section 15A-144 of this chapter. The closure order shall be in writing, shall specifically state the reason for the closure and shall clearly specify the compliance requirements necessary to have the order revoked. The sheriff of the city shall enforce the closure order until it is revoked by the director in writing. Upon receipt of satisfactory proof of compliance with the written requirements set forth in the closure order, the director shall immediately issue a written revocation of the order.

Sec. 15A-150. Hearings.

The hearings provided for in this chapter shall be conducted by the director at a time and place designated by him or her. Any oral testimony given at a hearing shall be summarily reported. The director shall make a finding based upon the hearing record and shall issue, sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit or certificate by the director.

Sec. 15A-151. Application after revocation.

Whenever a revocation of a permit or certificate has become final, the holder of the revoked permit or certificate may make written application for a new permit or certificate.

Division 2. Inspections.

Sec. 15A-152. Inspection frequency.

Inspections of the food-handling establishment shall be performed as often as deemed necessary by the director for the enforcement of this chapter.

Sec. 15A-153. Access.

Representatives of the director, after proper identification, shall be permitted to enter any food-handling establishment at any reasonable time for the purpose of making inspections to determine compliance with this chapter. The representatives shall be permitted to examine the records of the establishment and to obtain information or copies pertaining to food and supplies purchased, received, sold or used.

Sec. 15A-154. Report of inspections.

Whenever an inspection of a food-handling establishment is made, the findings shall be recorded on an inspection report form

approved by the director. The inspection report form shall summarize the requirements of this chapter and shall set forth a weighted point value for each requirement, not to exceed a maximum of five (5) points per requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred (100) points. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

Sec. 15A-155. Correction of violations.

(a) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

(1) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food-handling operations. Operations shall not be resumed until authorized by the director.

(2) All violations of four- (4) or five- (5) point weighted items shall be corrected as soon as possible, but in any event, within ten (10) days following inspection except as set forth in subsections 4 and 5 below. Within fifteen (15) days after the inspection, the holder of the permit or certificate shall submit a written report to the director stating that the four- (4) or five- (5) point weighted violations have been corrected. A follow-up inspection shall be conducted to confirm correction.

(3) All one- (1), two- (2) or three- (3) point weighted items shall be corrected as soon as possible, but in any event, by the time of the next inspection unless otherwise specified by the director and except as set forth in subsections 4 and 5 below.

(4) When the rating score of the establishment is less than sixty (60) points, the establishment shall initiate corrective action on all identified violations within forty-eight (48) hours. One or more inspections will be conducted at reasonable time intervals to assure correction.

(5) In the case of temporary food-handling establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within that time, the establishment shall immediately cease food-handling operations until authorized to resume by the director.

(b) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food-handling operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the director within ten (10) days following cessation of operations. If a request

for hearing is received by the director, he shall hold a hearing within twenty (20) days of receipt of the request.

(c) Whenever a food-handling establishment is required under the provisions of this section to cease operations, it shall not resume operations until it is shown on inspection that the conditions responsible for the order to cease operations no longer exist. Opportunity for inspection shall be offered within a reasonable time.

Sec. 15A-156. Posting and filing of inspection report.

Upon the completion of an inspection made pursuant to sections 15A-152 through 15A-155 of this chapter, except in the case of an inspection of vending machines, the director shall cause a copy of the inspection report to be posted upon an inside wall of the food-handling establishment. It shall be unlawful for any person to deface or remove such an inspection report except to surrender the same to the director upon the request of the director. The inspection report shall be filed with the records of the department of public health of the city.

Division 3. Examination, Sampling, Condemnation and Destruction of Food.

Sec. 15A-157. Examination and sampling of food.

The director, after proper identification, shall be permitted to enter any food-handling establishment at any reasonable time as often as may be necessary for the purpose of examining or sampling, or causing to be examined or sampled, any food located therein, and he may open or cause to be opened any cask, tub, jar, bottle or package containing or supposed to contain any article of food or drink. For the purpose of any such examination or sampling, the director may take or cause to be taken samples of food or drink for analysis, provided that the person taking such sample shall do so in the presence of at least one (1) witness, and he shall, in the presence of the witness, mark or seal such sample and shall tender at the time of taking to the owner, manufacturer or vendor of such product or to the person having the custody of the same the value thereof and a statement in writing for the taking of such sample.

Sec. 15A-158. Condemnation of food.

(a) Whenever the director shall determine or has reason to believe that food on the premises of a food-handling establishment is unsafe for human consumption, the director shall issue a written hold order to the owner or person in charge specifying the food that is deemed unsafe for human consumption and prohibiting its sale, consumption, use or removal. The order shall specify the reasons therefor, shall designate a place and the conditions under which the food shall be held until further order of the director and shall give notice of the provisions of subsection (b) of this section.

(b) The owner or person in charge of any food deemed to be unsafe for human consumption by order of the director may within ten (10) days after the date of such order file with the director a written request for hearing, whereupon the director shall hold a hearing within twenty (20) days after the date he receives the request. After the hearing, or without a hearing if no request for one is received by the director within the time provided by this subsection, the director may issue a written condemnation

order for the disposition of the food by destruction, alteration, storage or otherwise.

Sec. 15A-159. Destruction of food.

Whenever the director shall find in any food-handling establishment any food that is unsound or contains any filthy, decomposed or putrid substance or that is otherwise unfit for human consumption and that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, and upon determination by the director that an emergency exists and that no other satisfactory remedy is readily available under the provisions of this chapter to protect the public health, the director shall forthwith condemn or destroy the same or in any other manner render it unsalable and unusable as human food.

Division 4. Plans and Specifications.

Sec. 15A-160. Submission, review and approval.

Before a permit may be issued by the building inspector for the construction, reconstruction, alteration, conversion, repair, maintenance or use of any building or structure as a food-handling establishment, properly prepared plans and specifications shall be submitted to the director for his or her review and approval. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The director shall approve the plans and specifications if they meet the requirements of this chapter. Such approval shall be in addition to any other license, permit or approval that may otherwise be required by law. No food-handling establishment shall be so constructed, reconstructed, altered, converted, repaired, maintained or used except in accordance with the plans and specifications approved by the director, and no such work or use may begin until the required plans and specifications have been approved by the director. Any desired or necessary changes or modifications of the approved plans and specifications must be submitted to the director for further approval.

Sec. 15A-161. Inspection.

Whenever plans and specifications are to be submitted to the director as required by section 15A-160 of this chapter, the director shall inspect the food-handling establishment prior to the start of operations to ensure compliance with the approved plans and specifications and with the requirements of this chapter.

Division 5. Procedure When Infection Is Suspected.

Sec. 15A-162. General.

When the director has reasonable cause to suspect possible disease transmission by an employee of a food-handling establishment, he or she may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The director may order any or all of the following measures:

(a) The immediate exclusion of the employee from employment in food-handling establishments;

(b) The immediate closing of the food-handling establishment concerned until, in the opinion of the director, no further danger to the public health exists;

(c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and/or

(d) Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

#### Division 6. Commissaries Outside City Limits.

##### Sec. 15A-163. General.

Food from commissaries located outside of the city may be sold within the city if such commissaries conform to substantially equivalent food-handling sanitation standards as provided for in this chapter. To determine the extent of compliance with such provisions, the director may accept reports from the responsible authorities in the jurisdictions where the commissaries are located.

#### Division 7. Regulations.

##### Sec. 15A-164. Adoption, promulgation and penalty.

(a) The director is hereby authorized and empowered to make, establish, adopt, promulgate and from time to time amend or supplement such regulations and such administrative remedies, practices and procedures as may be necessary or convenient to clarify, interpret, construe or otherwise aid in the enforcement of the provisions of this chapter; provided, however, that the same shall not be in conflict with the provisions of this chapter, and provided further, that no regulation shall be effective or enforceable until officially promulgated as hereinafter specified.

(b) Such regulations as are adopted by the director shall be deemed officially promulgated only after:

(1) A tentative draft of the proposed regulations shall be compiled and printed at length, except for materials which may be adopted and incorporated by reference, in a uniform manner following the format with cross-references to the articles, divisions or sections of this chapter when appropriate; and

(2) A public hearing shall be held for comments on the contemplated regulations. Notice of the hearing shall be published at least fourteen (14) days prior thereto and shall include notice of the availability of the tentative draft for public inspection; and

(3) After the conclusion of the public hearing, the director shall adopt such regulations as he or she may deem advisable as a final printed document or supplement, which shall be dated and clearly identified as regulations of the department of public health of the city governing food and food-handling establishments; and

(4) Copies thereof shall be filed with the city manager and shall be made readily available to the public in sufficient numbers to meet demand, for which a reasonable fee to cover printing and handling expenses may be charged.

(c) The violation of any regulation officially promulgated pursuant to this section shall be grounds for the revocation of a permit or certificate pursuant to section 15A-147 of this chapter.

#### Division 8. Remedies.

##### Sec. 15A-165. Penalties.

Any person (or responsible officer of that person) who violates a provision of this chapter and any person (or responsible officer of that person) who is the holder of a permit or certificate or who otherwise operates a food-handling establishment that does not comply with the requirements of this chapter shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that any violation is allowed to continue shall constitute a separate and distinct offense.

##### Sec. 15A-166. Injunctions.

Violations of the provisions of this chapter may also be restrained, prohibited or enjoined by appropriate action or proceeding.

##### Sec. 15A-167. Enforcement against companies, etc.

When construing and enforcing the provisions of this chapter, the act, omission or failure of any officer, agent or other individual acting for or employed by any partnership, corporation, company, society or association within the scope of his employment or office, shall in every case be also deemed the act, omission or failure of such partnership, corporation, company, society or association, as well as that of the individual.

##### Sec. 15A-168. Appeals.

Any person, jointly or severally aggrieved by an order of the director, except an order for which a means of appeal is otherwise provided by this chapter, may appeal from such order by filing within thirty (30) days of the date of such order a petition with the circuit court of the city, verified by affidavit, setting forth the alleged illegality of the order and the grounds thereof. The filing of such an appeal shall not act to stay the order from which the appeal is taken.

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting.

This ordinance shall become effective the date of its final passage.

FRANK E. MANN  
Mayor

Introduction:	4/10/79	Public Hearing:	4/21/79
First Reading:	4/10/79	Second Reading:	4/24/79
Publication:	4/13/79	Final Passage:	4/24/79

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