

Ordinance No. 489

AN ORDINANCE to repeal and re-enact Chapter 18 of The Code of The City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, relating to food handling establishments, itinerant restaurants, and prohibiting the sale of unwholesome, contaminated or adulterated food and drink and certain meat and shellfish.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AS FOLLOWS:

Section 1. That Chapter 18 of The Code of The City of Alexandria, Virginia, enacted as a whole July 2, 1940 and made effective August 5, 1940, be and the same hereby is repealed and re-enacted to read as follows:

CHAPTER XVIII

Food Handling Establishments, Itinerant Restaurants, Etc.

Sec. 1. Definitions and Interpretation.

The following definitions shall apply in the interpretation and the enforcement of this chapter:

(a) The term "food handling establishment" shall mean restaurants, lunch stands, tea rooms, cafes, dining rooms, groceries, meat markets, bakeries, ice cream parlors, public or private markets stalls, food shops, stores, storehouses, cold storage plants, or where fish, oysters, birds, fowl, vegetables, fruits, milk, ice, ices, beverages, meat, meat food products, baked goods, or any other provision or food intended for human consumption is manufactured, held, kept, stored, or offered for sale, disposition or other distribution. Any type of establishment named which by the nature of its business is not covered by certain items in Section 6 of this chapter shall be graded without penalty for that item accordingly.

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

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

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

(e) The term "health officer" shall mean the health officer of the City of Alexandria, Virginia or his authorized representative.

(f) The term "person" shall mean person, firm, corporation, association, club, lodge, trustee or fiduciary.

Unless otherwise provided herein, interpretations contained in the 1943 edition of the United States Public Health Service Code Regulating Eating and Drinking Establishments, a certified copy of which shall be kept on file at the City Manager's office, shall be used in the enforcement of this chapter.

Sec. 2. Permits.

Every person who operates a food handling establishment or an itinerant restaurant in the City of Alexandria shall at all times have a permit issued by the health officer, and it shall be unlawful for any person to operate a food handling establishment or an itinerant restaurant in the city who does not possess a valid permit standing unrevoked and unsuspended. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a permit. Every such permit shall be posted in a conspicuous place.

The health officer is hereby authorized to suspend any such permit upon the violation by the holder or any one under him of any of the provisions of this chapter; and he is hereby authorized, after an opportunity for a hearing, to revoke any such permit upon serious or repeated violations.

Sec. 3. Placarding or Public Display of Grade Notice.

Every food handling establishment shall display at all times in a place designated by the health officer or his inspector a notice approved by the health officer stating the grade of the establishment.

Sec. 4. Examination and Condemnation of Unwholesome, Contaminated or Adulterated Food or Drink.

Samples of food, drink and other substances may be taken and examined by the health officer or his representative as often as may be necessary for the detection of unwholesomeness, contamination or adulteration. The health officer or his representative may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome, contaminated or adulterated.

Sec. 5. Inspection of Food Handling Establishments.

At least once every six months the health officer shall cause to be inspected every food handling establishment located within the City of Alexandria. In case the health officer discovers the violation of any item of sanitation required for the grade then held, he may make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection may be used in determining compliance with the grade requirements of this chapter. Any violation of the same item on such second inspection shall call for immediate degrading or suspension of the permit.

One copy of the inspection report shall be posted by the health officer upon an inside wall of the food handling establishment, and it shall be unlawful for any person to deface or remove such inspection report except to surrender the same. Another copy of the inspection report shall be filed with the records of the health department.

Every person operating a food handling establishment, and every employee, shall upon the request of the health officer permit access to all parts of the establishment and shall permit copying of any or all of the records of food purchased.

Sec. 6. Grading of Food Handling Establishments.

The grading of all food handling establishments shall be based upon the following standards, and all grade A food handling establishments shall comply with all of the following items of sanitation:

Item 1. Floors. The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

Item 2. Walls and Ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings or rooms in which food or drink is stored, prepared, or otherwise handled shall be finished in light color. The walls of all rooms in which food or drink is prepared or in which utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

Item 3. Doors and Windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

Item 4. Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted. If lighting of window space be less than ten per cent of the floor area, its equivalent in artificial light shall be provided.

Item 5. Ventilation. All rooms in which food or drink is stored, prepared, served, or otherwise handled, or in which utensils are washed, shall be well ventilated. Exhaust fans and metal hoods over ranges, equipped with ventilators, must be provided when necessary to prevent odors and condensation and to promote cleanliness.

Item 6. Toilet Facilities. Every food handling establishment shall be provided with adequate approved and conveniently located toilet facilities for its employees, conforming with the laws of the City of Alexandria and with the laws of the State of Virginia. In food handling establishments hereafter constructed toilet rooms shall not open directly into any rooms in which food, drink or utensils are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees.

Item 7. Water Supply. Hot and cold running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality.

Item 8. Lavatory Facilities. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of the common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

Item 9. Construction of Utensils and Equipment. All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a food handling establishment shall be so constructed and so placed as to be easily cleaned within and without and shall be kept in good repair. All table tops must be of non-absorbent material when deemed necessary by the Health Officer. Table covers, napkins, and so forth, must be clean and all shelves shall be clean, free from unnecessary articles and neatly arranged. All napkins shall be discarded or laundered after each usage. No cracked, chipped or broken utensils shall be used. Utensils containing or plated with cadmium or lead shall not be used, provided, that solder containing lead may be used for jointing.

Item 10. Cleaning and Bactericidal Treatment of Utensils and Equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food or drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

All coils and lines on beer dispensing systems must be cleaned at least once a week and the record for this cleaning must be kept on hand for inspection.

No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

Item 11. Storage and Handling of Utensils and Equipment. After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

Item 12. Disposal of Wastes. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable covered receptacles, in such manner as not to become a nuisance.

Item 13. Refrigeration. All readily perishable food and drink shall be kept at a temperature of 50° F. or lower, except when being prepared or served. All refrigerators and refrigerated show cases shall be constructed of such materials that will permit thorough cleaning, shall be kept clean, and all waste water from refrigeration equipment shall be properly disposed of. All refrigerators and refrigerated show cases shall be equipped with a reasonably accurate thermometer.

Item 14. Wholesomeness of Food and Drink. All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption and must comply in all respects with all laws of the State of Virginia, whether heretofore or hereafter enacted. All milk, fluid milk products, ice cream, and other frozen desserts shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service.

All meat shall be from sources approved by the United States Department of Agriculture, or the Virginia State Department of Agriculture and Immigration, or under special permit granted by the Alexandria Health Department.

All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

Item 15. Storage, Display and Serving of Food and Drink. All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared, stored or otherwise handled. All means necessary for the elimination of flies, roaches, and rodents shall be used.

Item 16. Cleanliness of Employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared. No employee shall be permitted to use alcoholic beverages while on duty nor be permitted to work while under the influence thereof.

Item 17. Miscellaneous. The premises of all food handling establishments shall be kept clean and free of litter or rubbish. Methods used for the control of vermin and rodents must be effective at all food handling establishments. None of the operations connected with a food handling establishment shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

Grade B food handling establishments are those which fail to comply with items 1, 2, 4, 5, or 17, but which conform with all other items of sanitation required for grade A food handling establishments. Grade C food handling establishments are those which fail to comply with either the grade A or the grade B requirements.

Sec. 7. New Buildings and Alterations.

Before a permit for new construction or alteration is issued for a food handling establishment by the building inspector,

plans shall be submitted to and be approved by the health officer as to sanitation and space facilities.

Sec. 8. Meat; Oysters, Clams, Mussels.

It shall be unlawful for any person to sell meat, excepting poultry, in the City of Alexandria unless the same shall be from sources approved by the United States Department of Agriculture, or the Virginia State Department of Agriculture and Immigration, or under special permit granted by the Alexandria Health Department.

It shall be unlawful for any person to sell oysters, clams, or mussels in the City of Alexandria unless the same shall be from approved sources.

Sec. 9. Itinerant Restaurants.

Itinerant restaurants shall be constructed and operated in an approved manner. The health officer shall approve an itinerant restaurant only if it complies with the following sanitation requirements:

It shall be located in clean surroundings and kept in a clean and sanitary condition. It shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to insects or to dust, or other contamination. Only food and drink which is clean, wholesome, and free from adulteration shall be sold or served. An adequate supply of water for drinking and for cleaning utensils and equipment shall be available. If multi-use utensils are used in the serving of food or drink, they shall be thoroughly washed with hot water and a satisfactory detergent and be effectively subjected to an approved bactericidal process after each use, and be so handled and kept as to be protected from contamination. Adequate provision shall be made for refrigeration of perishable food and drink. Ice used in or with food or drink shall be from a source approved by the health officer and so handled as to avoid contamination.

Garbage and refuse shall be kept in tightly covered, water-tight containers until removed and shall be disposed of in a place and manner approved by the health officer. Dishwater and other liquid waste shall be so disposed of as not to create a nuisance.

No person suffering from any disease transmissible by contact or through food or drink or who is a carrier of the germs of such a disease shall be employed in any capacity. Adequate and satisfactory toilet and hand-washing facilities shall be readily accessible to employees. No person engaged in the handling or serving of food or drink shall return to his work after using the toilet without first thoroughly washing his hands.

Upon failure of any person maintaining or operating an itinerant restaurant, after warning, to comply with any of the foregoing requirements or with any of the applicable provisions of this chapter, it shall be the duty of the health officer summarily to forbid the further sale or serving of food or drink, and any person continuing to sell or serve food or drink in such restaurant after being so forbidden, shall be subject to the penalties provided for in section 14 of this chapter.

Sec. 10. Grades of Food Handling Establishments Which May Operate.

Immediately after this chapter becomes effective, no food handling establishment shall be operated within the city unless it conforms with grade A or grade B standard, and no itinerant restaurant shall be operated unless and until it is approved by the health officer; provided, that when any food handling establishment fails to qualify for any of these grades, the health officer may suspend the permit or in lieu thereof degrade the food handling establishment and permit its operation during a temporary period not exceeding 30 days.

Sec. 11. Reinstatement of Permit; Supplementary Regrading.

Any food handling establishment the grade of which has been lowered, and all grade displays of which have been changed accordingly, or the permit of which has been suspended may at any time make application for regrading or for the reinstatement of the permit.

Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision or provisions of this chapter have been conformed with, the health officer shall make or cause to be made a reinspection in such manner as he may deem necessary and assure himself that the applicant is again complying with the proper grade or is entitled to a permit.

Sec. 12. Disease Control.

Every employee of a food handling establishment or an itinerant restaurant shall have a health card as elsewhere provided by city law, and no person who is affected with any disease in a communicable form or who is a carrier of such a disease shall work in any food handling establishment or itinerant restaurant. No food handling establishment or itinerant restaurant shall employ any such person or any person suspected of being a carrier of such a disease.

Notice shall be sent to the health officer by the owner or manager of any food handling establishment or itinerant restaurant, or by the employee concerned, if the manager or any employee, or any member of his or her respective household contracts any infectious, contagious, or communicable disease, or has a fever, skin eruption, a cough lasting more than three weeks, or any other suspicious symptom. It shall be the duty of any such employee to notify the owner or manager of the food handling establishment or itinerant restaurant, as the case may be, immediately when any of said conditions exist, and if neither the manager nor the employee concerned notifies the health officer immediately when any of said conditions obtain they shall be held jointly and severally to have violated this section.

A placard containing this and the following section shall be posted in all toilet rooms of food handling establishments.

Sec. 13. Procedure When Infection Suspected.

When suspicion arises as to the possibility of transmission of infection from any food handling establishment or itinerant restaurant employee, the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of the employee from all food handling establishments or itinerant restaurants; (2) the immediate closing of the food handling establishment or itinerant restaurant concerned until no further danger of disease outbreak exists, in the opinion of the health officer; and (3) adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

Such persons shall furnish such information, submit to such physical examinations, and furnish such laboratory specimens as the health officer may require for the purpose of determining freedom from infection or that such person is not a carrier of disease.

Sec. 14. Penalties.

Any person who violates any provision or requirement of this chapter shall be punished by a fine of not less than \$10.00 nor more than \$300.00, or by imprisonment in jail for a period not to exceed 60 days, or by both such fine and imprisonment; provided, that any person who sells or fails to remove food or drink condemned under the provision of Section 4 of this chapter shall be confined in jail for a period of at least 2 days.

Each day that any violation is allowed to continue shall constitute a separate and distinct offense.

Sec. 15. Effect of Unconstitutionality.

If any section, part or provision of this chapter shall be declared invalid or unconstitutional for any reason by a court of final jurisdiction, such section, part or provision shall cease to operate; but the remainder of the chapter and every part thereof shall continue in full force and effect.

Section 2. That this ordinance shall become effective the day after its publication in the Alexandria Gazette.

William T. Wilkins
Mayor

February 11, 1947.