Sec. 20-3. State and federal laws, regulations.

In addition to the enforcement of this chapter, the health officer may enforce the provisions of applicable state or federal laws, rules or regulations to the extent that he has been so authorized or is permitted by law to do so, and he shall refer those matters involving state or federal laws, rules or regulations that he is not authorized to enforce to the state or federal office or agency having jurisdiction.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-4. Charity bake sales.

Notwithstanding any provision of this chapter to the contrary, food prepared in a kitchen of a private home that is not licensed hereunder may be offered for sale for human consumption without any food permit, subject to full compliance with the following requirements:

(1) The items offered for sale shall be limited to baked food products that are not potentially hazardous;

(2) The items are offered for sale at a function conducted by or under the auspices of a sponsoring organization, which may be a school or religious or nonprofit organization;

(3) The sale shall not be conducted in a food establishment, except that if the sponsoring organization is a food establishment, then the sale may be conducted on its premises, provided that the sale is conducted separately and apart from the sponsoring organization's food sales or service; and

(4) The consumer is informed by a clearly visible placard at the sales or service location that the food was prepared in a kitchen that is not subject to regulation and inspection by the city of Houston or any other health inspection agency. The person conducting the bake sale shall provide the placard, which shall be in a form approved by the health officer.

(Ord. No. 99-1346, § 1, 12-15-99)

Secs. 20-5—20-16. Reserved.

ARTICLE II. FOOD ESTABLISHMENTS GENERALLY

DIVISION 1. GENERALLY

Sec. 20-17. TFER compliance.

All provisions of this article are to be read and construed in a manner that is consistent with TFER. However, to the extent of any inconsistency between the requirements of this article and TFER, then the more restrictive requirement shall apply.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-18. Definitions.

When used in this article, the following words, terms and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

Approved shall mean acceptable to the health officer based on his determination as to conformance with appropriate standards of good public health practice. The approval shall be in writing and signed by the health officer or his authorized representative.

Bed and breakfast shall mean a bed and breakfast facility that has eight or more separately rentable guest units, or that, regardless of its number of separately rentable guest units, either serves any meal other than breakfast to its registered overnight guests or provides breakfast or any other food or food service to persons who are not its registered overnight guests.

Bed and breakfast limited shall mean a bed and breakfast facility that has seven or fewer separately rentable guest units and serves only breakfast and only to its registered overnight guests.

Beverage shall mean a liquid for drinking, including water.

Catering establishment shall mean a food service establishment where food is completely or partially prepared for delivery at a separate loca-

tion where it is meant to be served and consumed. For purposes of this definition and the definition of mobile food unit below, a food service establishment is considered to be operating mobile food units, rather than to be operating as a catering establishment, unless at each premises or property to which food is delivered the food is provided to one person for consumption by that person or that person's guests or invitees.

Closed shall mean without openings large enough for the entrance of insects or other vermin.

Cold storage shall mean the storing and preservation of food products by cold through means of mechanical or electrical refrigeration.

Comminuted shall mean reduced in size by methods including chopping, flaking, grinding or mincing. The term includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, gyros, ground beef, sausage or any mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

Commissary shall mean any kitchen where food is prepared and packaged for individual consumption, to be transported by the person preparing the food or his agent to another location off the premises.

Community-based organization shall mean a not-for-profit organization that has as its primary purpose the promotion of civic interests among residents of a geographic area of the city, including, but not limited to, a civic club, a neighborhood association or a homeowners association.

Corrosion-resistant shall mean 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 or environment.

Demonstrates knowledge shall mean that the person in charge of a food establishment is certified under division 3 of this article or, if not required to be certified, demonstrates knowledge of food borne disease prevention, application of the Hazard Analysis Critical Control Point principles and the requirements of this article as specified in section 20-20(b) of this Code by, upon request of the health officer:

(1) Describing the relationship between the prevention of food borne disease and the personal hygiene of a food employee;

(2) Explaining the responsibility of the person in charge for preventing the transmission of food borne disease by a food employee who has a disease or medical condition that may cause food borne disease;

(3) Describing the symptoms associated with the diseases that are transmissible through food;

(4) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of food borne illness;

(5) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;

(6) Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish;

(7) Stating the required temperatures and times for safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;

(8) Describing the relationship between the prevention of food borne illness and the management and control of cross-contamination, bare hand contact with ready-to-eat foods, hand-washing, and maintaining the food establishment in clean condition and in good repair;

(9) Explaining the relationship between food safety and providing equipment that is sufficient in number and capacity, and properly designed, constructed, located, installed, operated, maintained and cleaned;

(10) Explaining correct procedures for cleaning and sanitizing utensils and other food-contact surfaces of equipment;

(11) Identifying the source of water used and measures taken to ensure that it remains protected from contamination, such as protection from backflow and precluding the creation of cross connections;

(12) Identifying poisonous and toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of in accordance with all applicable laws;

(13) Identifying critical control points in the operation, from purchasing through sale or service, that when not controlled may contribute to the transmission of food borne illness, and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this article;

(14) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required under TFER; and

(15) Explaining the responsibilities, rights, and authorities assigned by this article to the food employee, the person in charge and the health officer.

Department shall mean the health and human services department.

Dry storage area shall mean a room or area designated for the storage of packaged food that is not potentially hazardous and dry goods such as single-service and single-use articles.

Easily cleanable shall mean that surfaces are readily accessible and made with materials and finishes and so fabricated that residue may be effectively removed by normal cleaning methods.

Employee shall mean any individual having supervisory or management duties and any other person working in a food establishment, including food employees.

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

Exotic animal shall mean a member of a species of game not indigenous to this state, including axis deer, nilga antelope, red sheep, or other cloven-hoofed ruminant animals. Exotic animals are considered livestock and are amenable to inspection under chapter 433 of the Texas Health and Safety Code.

Extensively remodeled shall mean having been subjected to a remodeling that includes a wall reconfiguration, in-wall plumbing modification or change of location or addition of any floor mounted equipment.

Filth shall mean dust, dirt, insect excretions or secretions, insect body parts, rodent hairs or excretions, feathers, or any foreign or injurious contamination.

Fish shall mean fresh or saltwater finfish, molluscan shellfish, crustaceans and other forms of aquatic animal life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, including any edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

Food shall mean 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, including chewing gum.

Food borne disease or *illness outbreak* shall mean an incident in which two or more persons experience a similar illness after ingestion of a common food, and the epidemiological analysis implicates the food as the source of the illness, except that in cases of botulism or chemical poisoning one ill person shall constitute an outbreak.

Food-contact surface shall mean 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 employee shall mean an individual who works with unpackaged food, food-contact surfaces, food equipment or utensils.

Food establishment shall mean and include all food service establishments, warehouses, packaged-food-only food establishments, and food processing establishments.

Food preparation area or *kitchen* shall mean each physically separated area of a food establishment in which food is manufactured, produced, prepared, processed or packaged. In the instance of mobile food units, each mobile food unit that does not meet the criteria for restricted operations established in section 20-22(e) of this Code shall constitute a food preparation area or kitchen.

Food processing establishment shall mean a commercial establishment in which food is manufactured or packaged for human consumption. The term "food processing establishment" does not include a food service establishment or commissary operation.

Food service establishment shall mean any place where food is prepared and intended for individual portion service or any site at which individual portions of food are provided, including any retail food store, catering establishment, commissary, delicatessen-type operation that prepares sandwiches intended for individual portions, group residence, bed and breakfast, or any operation that is conducted from a mobile food unit. The term applies regardless of whether the food is intended to be consumed on or off the premises and regardless of whether there is a charge for the food. The term does not include private homes where food is prepared or served for individual family consumption, the location of food vending machines, supply vehicles, or, except for purposes of division 3 of this article, a bed and breakfast limited.

Food service manager shall mean that person assigned to work within a food preparation area who is the apparent supervisor of food manufacturing, production, preparation, processing or packing activities therein at the time. A food service manager may also be the "person in charge" as defined in this section, if he additionally meets all the criteria established in the definition of "person in charge."

Frozen dessert shall mean any of the following: ice cream, ice milk, fruit sherbet, water ice, nonfruit sherbet, nonfruit water ice, frozen dietary dairy desserts, frozen yogurt quiescently frozen confection, quiescently frozen dairy confection, mellorine, lorine, parerune, freezer-made milk shake, freezer-made shake, or nondairy frozen dessert, including the mix used in the freezing of one of those frozen desserts.

Game animal shall mean an animal, the products of which are food, that is not classified as livestock or fish as defined herein and shall include mammals such as reindeer, elk, deer, antelope, water buffalo, bison, wild rabbit, squirrel, opossum, raccoon, nutria and muskrat and nonaquatic reptiles such as land snakes.

Garbage shall mean every accumulation of animal, vegetable and other waste matter that attends the preparation, handling, consumption, storage, or decay of plant and animal matter, including meats, fish and seafoods, birds, fruit, vegetable or dairy products and the waste wrappers or containers thereof.

Group residence shall mean a private or public housing corporation or institutional facility that provides living quarters and meals to ten or more persons who are unrelated by blood or marriage and shall include a domicile for unrelated persons, such as a retirement home, a correctional facility, or a long-term health care facility.

Hazard shall mean a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

Hazard Analysis Critical Control Point (HACCP) shall mean a rational, systematic approach that identifies and monitors specific food borne hazards (biological, chemical, or physical) that may adversely affect the safety of the food products. This system utilizes the HACCP principle as defined by the National Advisory Committee on Microbiological Criteria for Foods (NACMCF), 1992, or its successor document.

Hermetically-sealed container shall mean a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.

Highly susceptible population shall mean any group of persons who are more likely than the other populations in general to experience food borne disease because they are:

(1) Immunocompromised or older adults and in a facility that provides health care or assisted living services, such as a hospital, a group residence or a nursing home; or

(2) Preschool age children in a facility that provides custodial care, such as a day care center.

Injected, in reference to a meat, shall mean the meat has been manipulated so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as "injecting," "pinning," or "stitch pumping".

Kitchenware shall mean all multi-use utensils other than tableware.

Law shall mean all applicable federal, state and local statutes, ordinances and regulations.

Linens shall mean fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths and work garments, including cloth gloves.

Livestock shall mean cattle, sheep, swine, goats, horses, mules, other equine, poultry, domesticated rabbits, exotic animals, and domesticated birds. Livestock are amenable to inspection under chapter 433 of the Texas Health and Safety Code.

Meat shall mean the flesh of animals used as food, including the dressed flesh of cattle, swine, sheep or goats, and other edible animals, except fish, poultry, exotic animals and game animals, that is offered for human consumption.

Mobile food unit shall mean a food service establishment that is designed to be readily movable. See the definition of catering establishment, above.

Molluscan shellfish shall mean any edible species of fresh or frozen oysters, clams, mussels, and scallops, or edible portions thereof, except scallops when the scallop product consists only of the shucked adductor muscle.

Packaged shall mean bottled, canned, cartoned, or securely wrapped but does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

Packaged-food-only food establishment shall mean any food establishment where all food is received, kept, stored, and sold or distributed in unbroken sealed packages, except that beverages that are not potentially hazardous may also be dispensed from covered urns or other protected equipment.

Perishable food shall mean any food of a type or in a condition as may spoil.

Person in charge shall mean the individual present in a food establishment who is the apparent supervisor of the food establishment at the time.

pH shall mean the negative logarithm of the hydrogen ion concentration. pH is a measure of the degree of acidity or alkalinity of a solution. The value for pure distilled water is 7.0, which is considered neutral. Values between 0 and 7.0 indicate acidity and values between 7.0 and 14.0 indicate alkalinity.

Potable water shall mean water from an approved source that has been determined by the health officer after appropriate testing as suitable for human consumption.

Potentially hazardous food shall mean food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms; the growth and toxin production of Clostridium botulinum; or, in raw shell eggs, the growth of Salmonella enteritidis. The term includes any food of animal origin that is raw or heat-treated; any food of plant origin that is heat-treated or consists of raw seed sprouts; any cut melons; and

any garlic-and-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth, as specified in this definition. The term does not include:

(1) An air-cooled hard-boiled egg with shell intact;

(2) Any food with a water activity (Aw) value of 0.85 or less;

(3) Any food with a pH level of 4.6 or below when measured at 75°F (24°C);

(4) Any food, in an unopened hermetically-sealed container, that is commercially-processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;

(5) Any food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. enteritidis* in eggs or *C. botulinum* cannot occur, such as a food that has an Aw and a pH that are above the levels specified above and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; and

(6) Any food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified in this definition.

Poultry shall mean any domesticated bird, whether live or dead, as defined in chapter 433 of the Texas Health and Safety Code. Chickens, turkeys, ducks, geese, guineas, migratory waterfowl, game birds or squabs such as pheasants, partridges, quail, and grouse, are examples of poultry. The term also includes ratites (e.g. ostrich, emu, and rhea) that are amenable to inspection as poultry.

Premises shall mean the physical facility, its contents, and the contiguous land or property under the control of the permit holder. If a food establishment is only one component of a larger operation, such as a health care facility, hotel, motel, school, recreational camp, prison or shopping mall, then the term "premises" includes the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may affect the sanitation and food safety of the food establishment. For the purpose of placement of a fixed location mobile food unit, "premises" shall, in addition, include the shared common interior and exterior areas of retail shopping malls and similar facilities, where applicable.

Produce shall mean and include all vegetables, fruits, nuts, berries, melons, cantaloupes and other edible plant material.

Ready-to-eat food shall mean food in a form that is edible without washing, cooking or additional preparation by the food establishment or the consumer and that is reasonably expected to be in that form. The term includes unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food under section 20-21.4 of this Code; raw, washed, cut fruits and vegetables; whole, raw, fruits and vegetables that are presented for consumption without the need for further washing; and other food presented for consumption for which further washing or cooking is not required and from which rind, peels, husks, or shells have been removed.

Reconstituted shall mean recombining dehydrated food products with water or other liquids.

Refuse shall mean all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish and ashes that are not carried by water through the sewage system.

Restricted bar shall mean a food service establishment in which only beverages and individually portioned packaged food items are sold, provided that the beverages and food items are received, kept, and offered for sale in the manufacturer's sealed container and are served for consumption from that container, except that beverages that are not potentially hazardous may also be dispensed from covered urns or other protected equipment.

Restricted warehouse shall mean any "warehouse" as defined below in which no food or food products are received, kept, or distributed in other than the manufacturer's unbroken sealed packages.

Retail food store shall mean any establishment where food and food products are offered for sale to the ultimate consumer and intended for off-premise consumption; provided, however, the term shall not include an establishment where food is primarily prepared and sold for individual portion service.

Rubbish shall mean nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, crockery, plastics and similar materials.

Safe materials shall mean 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; an additive that is used as specified in Chapter 431 of Texas Health and Safety Code; or other materials that are not additives and that are used in conformity with applicable regulations of the federal Food and Drug Administration.

Sanitization shall mean the application of cumulative heat or chemicals on cleaned food-contact surfaces for enough time to reduce microbiological load, including pathogens, to a safe level without leaving a harmful residue.

Sealed shall mean free of cracks or other openings that permit the entry or passage of moisture.

Single-service articles shall mean cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, single-use gloves, and similar articles designed to be used one time by one person and then to be discarded.

Single-use articles shall mean utensils and bulk food containers designed and constructed to be used once and discarded. The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number 10 cans that do not meet the materials, durability, strength and cleanability specifications for multi-use utensils found in section 20-21.10 of this Code.

Slacking shall mean the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -10°F (-23°C) to 25°F (-4°C) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food.

Support animal shall mean a trained service animal such as a seeing-eye dog that accompanies a person with a disability to assist in managing a disability and enables a person to performs functions that the person would otherwise be unable to perform.

Tableware shall mean multi-use eating and drinking utensils including but not limited to dishes (plates and bowls), glasses and flatware (knives, forks and spoons).

Temporary food service establishment shall mean any food-service establishment that operates at a fixed location for a period of time of not more than 21 consecutive days in conjunction with a single event or celebration. Each physically separated stand or booth shall constitute a temporary food service establishment that requires a separate permit under this article. Provided, however, in any instance in which all operations within a stand or booth are not under the supervision and control of the same person, then a separate permit shall be required for each person who controls any portion of the activities within the stand or booth. For the purpose of this definition, an "event" or "celebration" shall mean a gathering of persons at a festival, bazaar, carnival, circus, public exhibition or sporting event.

TFER shall mean the Texas Food Establishment Rules promulgated by the Texas Department of Health.

Utensil shall mean any multi-use or single-service food-contact implement or container used in the storage, preparation, transportation, dispensing, sales or service of food, including gloves used in contact with food, and food temperature measuring devices.

Water activity (Aw) shall mean a measure of the free moisture in a food. "Water activity" is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

Warehouse shall mean any enclosed structure, room, or building where packaged food or food products intended for off-premise consumption are stored for, sold to, or offered for sale or distribution to persons other than the ultimate consumer.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-19. Applicability of article; compliance; penalty for violation; etc.

(a) All provisions of this article shall be applicable to all food establishments unless specifically limited to food processing establishments or to food service establishments.

(b) No food service establishment or food processing establishment shall be operated within the city unless it conforms with the requirements of this article.

(c) Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $50.00 nor more than $2,000.00. Each day a violation of this article continues shall constitute a separate offense.

Provided, however, if a person is convicted of an offense under this article that also constitutes a violation of any other criminal provision of the laws of the State of Texas, the person shall be subject to the criminal penalties set out in the laws of Texas for the offense.

Nothing in this article shall be construed as requiring the health officer to report minor violations of this article for prosecution whenever the health officer believes the public interest will be adequately served in the circumstances by a warning.

(d) The permit holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of operation. A permit or medallion holder shall ensure that the food establishment or mobile food unit is in full compliance with this article at all times. The person in charge shall ensure that the food establishment is operated in full compliance with this article, that all food is stored, prepared, displayed and served in accordance with the provisions of this article and that food employees are trained in basic food safety principles.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-20. Inspections; reports.

(a) The health officer shall inspect each food establishment within the city at least once every 12 months, and he shall make as many additional inspections as are necessary for the enforcement of this article based on the public health risks posed by the establishment and the establishment's past compliance history. Inspections may also be made where consumer complaints and/or reports of food borne illness outbreaks evidence a need to perform inspections.

(b) The health officer or agents of the health officer, after proper identification, shall be permitted to enter any food establishment at any reasonable time, for the purpose of making inspections to determine compliance with this article. The health officer or agents of the health officer shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed. The person in charge shall demonstrate knowledge.

(c) Whenever an inspection is made of a food establishment, the findings shall be recorded on an inspection report form provided for this purpose, and a copy of the inspection report shall be provided to the person in charge of the establishment, who shall be responsible for posting the report upon an inside wall of the establishment. The inspection report so posted shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the department.

(d) The inspection report form shall specify a specific time by which each violation must be corrected; provided, however, the notice shall not relieve any person of criminal or civil penalties for the violations.

(e) In the case of temporary food service establishments, all violations shall be corrected at the time of the inspection unless an extension is allowed by the health officer. In determining whether to allow an extension and the length of the extension, the health officer shall consider the degree of risk, if any, that is posed by the violation and the time reasonably required to correct it. No extension shall be granted where any significant risk of food borne illness is posed to the public. If violations are not corrected within the specified time limit, the health officer shall immediately suspend the permit.

(f) The report of inspection shall state that failure to comply with any time limits for corrections will require that the establishment immediately cease food service operations.

(g) Whenever a food establishment is required to cease operations under the provisions of this section, it shall not resume operations until a reinspection determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable period of time. No fee shall be imposed for the first reinspection; however, for each additional reinspection after the first reinspection conducted pursuant to this subsection, the permit holder shall pay a reinspection fee of $50.00, and the reinspection shall not be performed until the permit holder has paid the reinspection fee.

(h) Food from food establishments outside the jurisdiction of the city may be sold within the city if the food establishments conform to the provisions of this article or to substantially equivalent provisions. To determine the extent of compliance with any substantially equivalent provisions, the health officer may accept reports from responsible authorities in other jurisdictions where the food establishments are located. Where reports cannot be obtained or there is some question regarding their validity, the city may request the food establishment in question to permit an inspection as provided in subsection (b) above. If the food establishment in question refuses to permit an inspection after the director of public health has determined the necessity for the inspection, he shall bar the sale of food from that food establishment within the city. The cost of inspections of food establishments outside the city shall be borne by the food establishment.
(Ord. No. 99-1346, § 1, 12-15-99; Ord. No. 02-528, § 13a., 6-19-02)

Sec. 20-21. Items of sanitation.

All food establishments shall comply with the items of sanitation set forth in sections 20-21.1 through 20-21.28 of this Code.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.1. Food supplies.

(a) *General.* Food shall be in sound condition, free from spoilage, filth, 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 as defined in TFER section 229.164(p), (q), and (r). The use of food in hermetically-sealed containers that was not prepared in a food processing establishment is prohibited. Food prepared in or obtained from an unlicensed private home or other unlicensed food establishment is considered to be from an unapproved source and may not be used or offered for sale for human consumption in or from a food establishment. The person in charge or the food service manager shall ensure that employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.

(b) *Special requirements.*

(1) Fluid milk and fluid-milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by applicable laws. Dry milk and dry-milk products shall be made from pasteurized milk and milk products.

(2) Fresh and frozen shucked molluscan shellfish 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 ac-

cording to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used, except that molluscan shellfish may be removed from the container in which they were received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if the source of the shellfish on display is identified in accordance with federal law and

the shellfish are protected from contamination. Each container of 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. The food establishment's management shall retain on file for at least 90 days information pertaining to the source of shellfish products and shall make the information available for inspection or copying by the health officer by using an approved record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shell stock are sold or served. Additionally, if shell stock are removed from their tagged or labeled container, using only one tagged or labeled container at a time and ensuring that shell stock from one container are not commingled with shell stock from another container, unless all tagged or labeled information is identical, before being ordered by the consumer.

(3) 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. Shell eggs must be held at an ambient temperature of 45°F (7°C) or lower. If the United States Department of Agriculture and the United States Food and Drug Administration determine by law that a lower temperature must be maintained, the lower temperature shall prevail. Pasteurized liquid, frozen or dry eggs or egg products shall be substituted for shell eggs in the preparation of:

a. Foods that are not cooked as specified in Table 20-21.4-1 of this Code or foods included in section 20-21.4(c)(3) of this Code;

b. Eggs used in foods such as Caesar salad, hollandaise or bearnaise sauce, noncommercial mayonnaise, eggnog, ice cream and egg fortified beverages; and

c. Eggs for a highly susceptible population if the eggs are broken, combined in a container, and not cooked immediately or if the eggs are held before service following cooking.

(4) All frozen desserts such as ice cream, soft frozen desserts, soft serves, ice milk, slush, noncarbonated fruit-flavored frozen desserts, frozen carbonated beverages, snow cones, sherbets, and their related mixes shall meet the standards of quality established for the products by applicable laws and regulations.

(5) All food manufactured, processed, or packaged in commercial food processing establishments or commissaries shall be labeled according to all applicable laws as defined in TFER section 229.164(p), (q) and (r).

(6) Game animals and exotic animals will be approved for sale or service only as authorized by TFER section 229.164 (b)(6).

(7) Fish may not be received for sale or service unless commercially and legally caught or harvested, or unless their sale or service is otherwise approved by the health officer. Fish, other than molluscan shellfish and tuna of the species *Thunnus alalunga, Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus, Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern), that are intended for consumption in their raw form shall be frozen as specified under section 20-21.3(b)(8) of this Code. The fish may either be frozen by the supplier or on the premises, and records of the freezing shall be retained at the food establishment for 90 calendar days beyond the time of service or sale of the fish. If the fish are frozen on the premises, then the records shall be maintained under the supervision of the person in charge; if the fish are frozen by a supplier, a written statement

from the supplier stipulating that the fish supplied were frozen as required shall be accepted.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.2. Food protection.

(a) *General.*

(1) At all times, including while being stored, prepared, displayed, served, received, or transported, food shall be protected from potential contamination by all agents, including dust, insects, rodents, toxic materials, cross-contamination, damaged or spoiled products, distressed merchandise, recalled products, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, draining, and overhead leakage or overhead drippage from condensation. The internal temperature of potentially hazardous foods shall be 45°F (7°C) or below as specified under section 20-21.3(b)(9)b. of this Code or 41°F (5°C) or below or 140°F (60°C) or above at all times, except as otherwise provided in this article or unless a packaged product is so labeled as exempted and approved by the appropriate state or federal health authority.

(2) Time only, rather than time in conjunction with temperature, may be used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, if:

a. The food is marked or otherwise unmistakably identified with the time within which it shall be cooked, served or discarded;

b. The food is served or discarded within four hours from the point in time when the food is removed from temperature control;

c. Food in unmarked containers or packages, or for which the time has expired, is discarded; and

d. Written procedures are maintained in the food establishment to assure compliance with parts a., b. and c. above and also with section 20-21.3(b)(2) of this Code for food that is prepared, cooked and refrigerated before time is used as a public health control hereunder. The procedures shall be made available for inspection and copying by the health officer. The procedures shall be in English and shall also be available in translations to any other language used in lieu of English by the food employees.

(b) *Cross contamination.*

(1) Food shall be protected from cross contamination by separating raw animal foods during storage, preparation, holding and display from:

a. Raw ready-to-eat foods including other raw animal food such as fish for sushi or molluscan shellfish or other raw ready-to-eat food such as vegetables; and

b. Cooked ready-to-eat foods.

(2) Except when combined as ingredients, raw animal foods such as fish, beef, lamb, pork, and poultry shall be separated from each other during storage, preparation, holding, and display by:

a. Using separate equipment for each type of food;

b. Preparing each type of food at different times or in separate areas; and

c. Arranging each type of food in equipment so that cross contamination of one type with another is prevented.

(3) Cross contamination shall be prevented by:

a. Cleaning equipment and utensils as specified under section 20-21.11(a) of this Code and sanitizing as specified under section 20-21.12(e) of this Code;

b. Storing the food in packages, containers, or wrappings except as specified under section 20-21.3(a) of this Code;

c. Cleaning hermetically-sealed containers of food of visible soil before opening;

d. Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened; and

e. Separating ready-to-eat foods from raw fruits and vegetables, before they are washed as specified under section 20-21.4(b) of this Code.

(c) *Emergency occurrences.* In the event of an occurrence, such as a fire, flood, power outage, sewage water back-flow, extended interruption of water service, food borne disease outbreak, gross insanitary occurrence or condition 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 discontinue operation and contact the health officer. Upon receiving notice of this occurrence, the health officer shall, consistent with the nature of the emergency and the risks posed, take appropriate action as he deems necessary to protect the public health.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20.21.3. Food storage.

(a) *General.*

(1) 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. 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. Whole, uncut, processed meats such as country hams or smoked or cured sausages may be placed uncovered on clean, sanitized racks. Shell stock or whole, uncut, raw fruits and vegetables and nuts in the shell, that require shucking, peeling or hulling before consumption, or foods being cooled as specified under items (2) and (3) of subsection (b) below need not be covered during storage.

(2) Containers of food shall be stored a minimum of six inches (15 centimeters) 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:

a. Metal pressurized or boxed beverage containers, milk containers in plastic crates, and cased food packaged in cans, glass or other waterproof containers need not be elevated when stored on a clean floor and the food container is not exposed to floor moisture;

b. Containers may be stored on dollies, racks or pallets, provided the equipment is easily moveable and equipment necessary for material handling such as pallet jacks or forklift trucks are on the premises; and

c. The use of shipping containers such as milk or produce crates, as storage racks or shelf supports, is prohibited.

(3) 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 locker rooms, dressing rooms, garbage rooms, mechanical rooms, under open stairwells, toilet rooms, vestibules, or other sources of contamination is prohibited.

(4) 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.

(5) Packaged or unpackaged food shall not be stored in contact with water or undrained ice, except that whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water. Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

(6) Unless its identity is 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.

(7) Bulk packaged food stored in food warehouses shall be stored at least six inches (15 centimeters) away from walls and off the floor on approved racks or approved pallets in a way that permits inspection under and behind the stored items and in a way that permits the cleaning of the storage area and that protects the food from contamination by splash and other means. Cased food packaged in cans, glass or other waterproof containers need not be elevated when the case of food is not exposed to floor moisture.

(b) *Refrigerated storage.*

(1) Refrigeration facilities. Conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of all potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to ±3 degrees Fahrenheit if scaled in Fahrenheit only, located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to ±3 degrees Fahrenheit if scaled in Fahrenheit only, may be used in lieu of indicating thermometers. Thermometers dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to ±2.7°F (1.5°C) in the intended range of use.

(2) Rapid cooling temperatures. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45°F (7°C) or below as specified under part b of item (9) below or to 41°F (5°C) or below with cooling occurring within the following parameters:

a. From 140°F (60°C) to 70°F (21°C) within two hours; and from 70°F (21°C) to 41°F (5°C) or below, or to 45°F (7°C) or below as specified under part b. of item (9) below, within four hours;

b. To 45°F (7°C) or below as specified under part b. of item (9) below or to 41°F (5°C) or below within four hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna; and

c. If received in compliance with laws allowing a temperature above 41 (41)°F (5°C) during shipment from the supplier, to 45°F (7°C) as specified under part b of item (9) below, or to 41°F (5°C) or below within four hours.

(3) Methods for rapid cooling. Potentially hazardous foods that require cooling shall be rapidly cooled in accordance with the time and temperature criteria specified under item (2) above by utilizing methods such as shallow pans, agitation, quick chilling, separating the food into smaller or thinner portions, using rapid cooling equipment, using containers that facilitate heat transfer, adding ice as an ingredient, or water circulation external to the food container. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45°F (7°C) or below as specified under part b of item (9) below or 41°F (5°C) or below unless maintained in accordance with item (2) of subsection (c) below.

(4) Frozen foods shall be kept frozen.

(5) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils, but 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.

(6) All perishable food shall be stored at temperatures that will protect against spoilage.

(7) Frozen foods prepared in any food service establishment once thawed shall not be refrozen.

(8) Cold storage of certain fish. Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of -4°F (-20°C) or below for 168 hours (seven days) in a freezer; or -31°F (-35°C) or below for 15 hours in a blast freezer, except for tuna species specified under section 20-21.1(b)(7) of this Code.

(9) Cold storage of foods. Except during preparation, cooking or cooling, or when time is used as the public health control as specified under section 20-21.2(a)(2) of this Code, potentially hazardous food shall be maintained:

a. At 41°F (5°C) or below; or

b. At 45°F (7°C) or below, if and only to the extent authorized by TFER section 229.164(n)(6)(C). Refrigeration units shall be upgraded or replaced as and within the time provided in TFER.

(10) Date marking of ready-to-eat foods.

a. The following definitions apply to the provisions of this item and item (11) below:

Disposition date shall mean the date by which a ready-to-eat potentially hazardous food shall be consumed, sold or disposed of.

Opening/preparation date shall mean the date that a ready-to-eat potentially hazardous food is prepared or that a container of ready-to-eat potentially hazardous food is opened.

Refrigerated-hold time shall mean the length of time that a ready-to-eat potentially hazardous food was held refrigerated before being frozen, counting the commencement date.

b. Except for individual meal portions served or repackaged for sale from a bulk container upon a consumer's request or whole unsliced portions of a cured and processed product in cellulose or similar casing with original casing maintained on the remaining portion such as bologna, salami or other sausage in a cellulose casing, each refrigerated ready-to-eat, potentially hazardous food prepared, repackaged and held refrigerated in a food establishment for more than 24 hours and each container of refrigerated ready-to-eat potentially hazardous food prepared and packaged by a food processing plant that is opened in a food establishment shall be clearly marked at the time the food is prepared or the container is opened to indicate the opening/preparation date and the disposition date, which shall be:

(i) The seventh calendar day after the opening/preparation date, counting the opening/preparation date, if the food is maintained at 41°F (5°C) or below; or

(ii) The fourth calendar day after the opening/preparation date, counting the opening/preparation date, if the food is maintained at 45°F (7°C) or below as specified under part b. of item (9) above.

c. Except for individual meal portions served or repackaged for sale from a bulk container upon a consumer's request or whole unsliced portions of a cured and processed product in cellulose or similar casing with original casing maintained on the remaining portion such as bologna, salami or other sausage in a cellulose casing, each ready-to-eat, potentially hazardous food prepared and repackaged in a food establishment and subsequently frozen and each container of refrigerated ready-to-eat potentially hazardous food prepared and packaged by a food processing plant and subsequently opened and frozen in a food establishment shall be clearly marked as follows:

(i) When the food is thawed, to indicate that the food shall be consumed or disposed of within 24 hours;

(ii) When the food is placed in the freezer, to indicate the refrigerated-hold time, which shall be: seven calendar days or less if the food was refrigerated at 41°F (5°C) or below; or four calendar days or less, if the food was refrigerated at 45°F (7°C) or below as specified under part b. of item (9) above; and

(iii) When the food is removed from the freezer, to indicate the disposition date, which shall be:

1. The seventh calendar day after the food is removed from the freezer, minus the refrigerated-hold time, counting the opening/preparation date, if the food was held refrigerated at 41°F (5°C) or below before and after freezing; or

2. The fourth calendar day after the food is removed from the freezer, minus the refrigerated-hold time, counting the opening/preparation date, if the food is held refrigerated at 45°F (7°C) or below as specified under part b. of item (9) above before and after freezing.

(11) Disposition of ready-to-eat foods.

a. Any food specified under item (10) above that is not consumed before the disposition date marked on the food container or package shall be discarded.

b. Any food specified under item (10) above in a container or package that does not bear an appropriately marked disposition date or refrigerated-hold time shall be discarded.

c. Any food specified under item (10) above that is inappropriately marked with a date or time that exceeds the date or time specified under item (10) above shall be discarded.

(c) *Hot storage.*

(1) 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 a numerically scaled indicating thermometer, accurate to ±3°F if scaled in Fahrenheit only, located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to ±3°F if scaled in Fahrenheit only, may be used in lieu of indicating thermometers. Thermometers dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to ±2.7°F (1.5°C) in the intended range of use. 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 carri-

ers, a product thermometer must be available and used to check internal food temperature.

(2) 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 items (2) and (3) of subsection (b) above.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.4. Food preparation.

(a) *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.

(b) *Raw fruits and raw vegetables.* Raw fruits and raw vegetables shall be washed thoroughly in potable water under pressure before being cut, combined with other ingredients, cooked, or served for consumption. Whole, raw fruits and vegetables that are intended for washing by the consumer before consumption need not be washed before they are sold.

(c) *Cooking potentially hazardous foods.*

(1) Time and temperature specifications. Except as specified in item (3) below, potentially hazardous foods shall be cooked to heat all parts of the food to the temperature and for the applicable time specified in the second column of Table 20-21.4-1.

(2) Special additional requirements for microwave cooking. In addition to the temperature and time requirements in the second column of Table 20-21.4-1, raw animal foods cooked in a microwave oven shall be:

a. Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

b. Covered to retain surface moisture; and

c. Allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

(3) Raw, rare or partially cooked foods. Except in food establishments serving a highly susceptible population, the requirements for cooking potentially hazardous food as specified in this subsection above do not apply if, upon consumer order, the food is a raw animal food, such as raw, marinated fish or steak tartare, or a partially cooked food, such as lightly cooked fish, rare meat or soft cooked eggs, that is served or offered for sale in a ready-to-eat form. Consumers should be informed by brochures, deli-case or menu advisories, label statements, table tents, placards, or other effective means, that, to ensure its safety, food should be cooked as specified in this section.

(d) *Dry milk and dry milk products.* Reconstituted dry milk and dry milk products may only be used in instant desserts and whipped products, or for cooking and baking purposes.

(e) *Liquid, frozen, or dry eggs and egg products.* Liquid, frozen, or dry eggs and egg products shall be used only for cooking and baking purposes.

(f) *Reheating for hot holding.*

(1) Time and temperature specifications. Potentially hazardous foods that were cooked and then refrigerated shall be reheated rapidly to the temperature and for the applicable time specified in the third column of Table 20-21.4-1 before being served or placed in a hot food storage facility. The temperature of the food shall reach the minimum temperature specified in the table within two hours from the removal of the food from refrigeration.

(2) Hot holding facilities not for rapid reheating. Steam tables, bainmaries, warmers, and similar hot food holding facilities shall not be used for the rapid reheating of potentially hazardous foods.

(3) Additional requirements for reheating in microwave oven. Food reheated in a microwave oven for hot holding shall be reheated so that the food is covered and either rotated or stirred during reheating; the food shall then be allowed to stand covered for two minutes after reheating.

(4) Sealed or packaged food. Ready-to-eat food taken from a commercially-processed, hermetically-sealed container or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant shall be heated to a temperature of at least 140°F (60°C), for hot holding.

(g) *Preparation for immediate service.* Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature, as requested by the customer.

(h) *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 gallon in capacity and cooled to 45°F (7°C) or below as specified under section 20-21.3(b)(9)b. of this Code or to 41°F (5°C) or below within four hours after preparation.

(i) *Product thermometers.* Metal stem-type numerically scaled indicating thermometers, accurate to ±2°F in the intended range of use shall be provided and used to assure attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods if the thermometers are scaled only in Fahrenheit. If the thermometers are scaled in Celsius or dually scaled, they shall be accurate to ±1.8°F (1°C) in the intended range of use.

(j) *Thawing potentially hazardous foods.* Potentially hazardous foods shall be thawed:

(1) In refrigerated units at a temperature not to exceed 45°F (7°C) as specified under section 20-21.3(b)(9)b. of this Code or 41°F (5°C);

(2) Completely submerged under potable running water of a temperature of 70°F (21°C) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow, provided the temperature of the thawed portions of potentially hazardous food shall not remain above 45°F (7°C) as specified under section 20-21.3(b)(9)b. of this Code or 41°F (5°C) for more than four hours including the time needed for preparation for cooking;

(3) 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;

(4) As part of the conventional cooking process; or

(5) Using any other safe procedure that thaws a portion of frozen ready-to-eat food that is prepared for immediate service in response to an individual consumer's order.

(k) *Potentially hazardous food, slacking.* Frozen potentially hazardous food that is slacked to moderate the temperature shall be held under refrigeration that maintains the food temperature at 41°F (5°C) or below, at 45°F (7°C) as specified under section 20-21.3(b)(9)b. of this Code, or at any temperature if the food remains frozen.

(l) *Custards and cream filled pastries.* Custards, cream fillings, or similar products that are prepared by hot or cold processes, and that are used as puddings or pastry fillings, shall be kept at safe temperatures, except during necessary periods of preparation and service, and shall meet the following requirements as applicable:

(1) Pastry fillings shall be placed in shells, crusts, or other baked goods either while hot (not less than 140°F (60°C)) or immediately following preparation, if a cold process is used;

(2) Pastry fillings and puddings shall be refrigerated at 45°F (7°C) or below as specified under section 20-21.3(b)(9)b. of this Code or at 41°F (5°C) or below in shallow

pans, immediately after cooking or preparation, and held thereat until combined into pastries, or served; or

(3) All completed custard filled and cream filled pastries shall, unless served immediately following filling, be refrigerated at 45°F (7°C) or below as specified under section 20-21.3(b)(9)b. of this Code or at 41°F (5°C) or below promptly after preparation, and held thereat pending service.

(Ord. No. 99-1346, § 1, 12-15-99)

TABLE 20-21.4-1.
Cooking Potentially Hazardous Foods.

Food	*Cooking Temperature & Time*	*Reheating Minimum Temperature & Time (minimum temperature to be reached within 2 hours)*
• Fruits and vegetables cooked for hot holding	140°F (60°C)	165°F (74°C) for 15 seconds
• Raw animals foods not specified below • Raw shell eggs that are broken and prepared to order for immediate service • Fish, meat, game animals and exotic animals commercially raised for food under a voluntary inspection program that are not specified below	145°F (63°C) for 15 seconds	165°F (74°C) for 15 seconds
• Pork • Ratites • Injected meats • Any of the following if they are comminuted: fish, meat, game animals and exotic animals commercially raised under a voluntary inspection program • Raw shell eggs not prepared as specified above	155°F (68°C) for 15 seconds; or 150°F (66°C) for 60 seconds; or 145°F (63°C) for 180 seconds	165°F (74°C) for 15 seconds
• Poultry other than ratites • Wild game animals and exotic animals that are live caught and are under a voluntary inspection program • Stuffed fish/meat/ poultry/pasta/ratites • Stuffing containing fish/meat/ poultry/ratites	165°F (74°C) for 15 seconds	165°F (74°C) for 15 seconds

Food	*Cooking Temperature & Time*	*Reheating Minimum Temperature & Time (minimum temperature to be reached within 2 hours)*
• Whole beef roast, unless otherwise ordered by consumer • Whole corned beef roast	Shall be cooked in an oven that is preheated to and held at the temperature specified for the roast's weight and the type of oven, as applicable, in Table 20-21.4-2 and shall be cooked so that all parts of the roast are heated to the temperature and for the holding time that corresponds to that temperature in Table 20-21.4-3.	Unsliced portions, if cooked in accordance with Cooking Temperature and Time, at left, may be reheated in the same manner
• Raw animal foods cooked in a microwave oven and allowed to stand for two minutes	165°F (74°C) and allowed to stand for two minutes	165°F (74°C) for 15 seconds
• Ready-to-eat food taken from hermetically-sealed container or intact package from an inspected food processing plant	—	140°F (60°C) without time duration

(Ord. No. 99-1346, § 1, 12-15-99)

TABLE 20-21.4-2
Cooking Whole Beef or Corned Beef Roasts Oven Preheating/Holding Requirements by Weight

Oven Type	*Oven temperature based on WHOLE BEEF ROAST or CORNED BEEF ROAST weight*	
	Less than 10 lbs. (4.5 Kg)	*10 lbs. (4.5 Kg) or more*
STILL DRY	350°F (177°C) or more	250°F (121°C) or more
CONVECTION	325°F (163°C) or more	250°F (121°C) or more
HIGH HUMIDITY@	250°F (121°C) or more	250°F (121°C) or more
@ Relative humidity greater than 90% for at least one hour as measured in the cooking chamber or exit of the oven; or in a moisture-impermeable bag that provides 100% humidity		

(Ord. No. 99-1346, § 1, 12-15-99)

TABLE 20-21.4-3
Cooking Whole Beef or Corned Beef Roasts Heating temperatures and holding time

Temperature °F (°C)	*Time in Minutes@*
130°F (54°C)	121
132°F (56°C)	77
134°F (57°C)	47
136°F (58°C)	32
138°F (59°C)	19
140°F (60°C)	12
142°F (61°C)	8

Temperature °F (°C)	*Time in Minutes@*
144°F (62°C)	5
145°F (63°C)	3
@ Holding time may include post-oven heat rise	

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.5. Food display and service.

(a) *Potentially hazardous foods.* Except when time is used as a public health control as specified in section 20-21.2(a)(2) of this Code, potentially hazardous food shall be kept at an internal temperature of 45°F (7°C) or below as specified under section 20-21.3(b)(9)b. of this Code or at 41°F (5°C) or below or at a 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°C).

(b) *Milk and cream dispensing.*

(1) Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where it is necessary to provide individual servings under special institutional circumstances, milk and milk products may be poured from a commercially filled container provided the procedure is authorized by the health officer. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container.

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

(c) *Nondairy product dispensing.* Nondairy creaming or whitening agents shall be provided in an individual service container or a protected pour-type pitcher or drawn from a refrigerated dispenser designed for individual service.

(d) *Condiment dispensing.*

(1) Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with subsection (h) below.

(2) 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 usage shall be provided in individual packages or in pour-type dispensers.

(e) *Ice dispensing.* Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice self-dispensing utensils or through automatic 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.

(f) *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:

(1) Stored in the food with the dispensing utensil handle extended out of the food;

(2) Stored in a clean protected location if the utensils are used only with a food that is not potentially hazardous;

(3) Stored in running water of sufficient velocity to flush particulates to a proper drain if used with moist foods;

(4) Stored in water that maintains a temperature of at least 140°F (60°C); or

(5) Stored on a clean portion of the food preparation table or cooking equipment and cleaned and sanitized at a frequency specified under section 20-21.11 of this Code.

(g) *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, except in a food establishment that serves a highly susceptible population.

(h) *Display equipment.* Except for nuts in shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer before consumption, 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.

(i) *Bulk food display, service.*

(1) Sale of unpackaged food that is displayed and sold in bulk from a self service container is authorized, provided that:

a. The self service container has a tight-fitting lid that is securely attached to the container and kept closed except during service or refill;

b. The container, lid and any other utensil are constructed of easily cleanable material and are kept clean and in good repair;

c. A utensil equipped with a handle is provided and used for dispensing of food; and

d. A conspicuous sign instructing the customer on the proper dispensing procedure is posted in the immediate display area.

(2) Unpackaged, raw animal food, such as beef, lamb, pork, poultry and fish, may not be offered for consumer self-service, except that consumer self-service of ready-to-eat foods is authorized at a buffet that serves food such as raw shellfish or sushi, or other ready-to-cook individual food portions for immediate cooking and consumption on the premises.

(j) *Reuse of tableware.* Reuse of soiled tableware by self-service consumers returning to the service area for additional food or by food employees providing second portions or refills to the consumer is prohibited. Beverage cups and glasses are exempt from this requirement if refilling is a contamination-free process; provided consumers shall not be allowed to refill beverage tableware except by using self-service automatic beverage dispensing equipment. The person in charge or the food service manager shall ensure that consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets.

(k) *Food donations.* Foods previously served to a consumer, foods in heavily rim- or seam-dented cans or packaged foods without the manufacturer's complete labeling shall not be donated. Donated foods shall be labeled with the name of the food, the source of the food and the preparation date of the food. A potentially hazardous food may be donated if:

(1) The food has been kept at the required temperatures and the shelf life of the food has not been exceeded, as required under sections 20-21.3 and 20-21.4 of this Code;

(2) The donor can substantiate that the recipient has the facilities to meet the storage, holding, heating, and reheating requirements of this article;

(3) The temperature of the food is at or below 41°F (5°C) at the time of donation and is protected from contamination; and

(4) If the food is transported by the recipient directly to the consumer, the recipient need only meet the transportation requirements, including holding temperatures, under these rules.

Distressed foods, such as foods subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination or prolonged stor-

age, shall not be directly donated for consumption by the consumer. Distressed foods may be sold or donated to a licensed food salvage establishment if the establishment is permitted under the provisions of Chapter 432 of the Texas Health and Safety Code.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.6. Food transportation.

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 these rules relating to food protection and food storage.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.7. Employee health.

(a) *General.*

(1) Prevention of disease transmission. 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 disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food establishment in any capacity in which there is a likelihood of the infected or afflicted person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

(2) Discharges from the eyes, nose and mouth. Food employees who are experiencing persistent sneezing or coughing or a runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food, clean equipment, utensils and linens, or unwrapped single-service articles.

(3) Notification of health officer. The permit holder or person in charge of a food service establishment shall notify the health officer as specified in TFER 229.171(p) with respect to reporting of communicable diseases.

(b) *Reporting responsibility; restriction or exclusion of employees.* In addition to the foregoing requirements, each permit holder, person in charge, food employee and food employee applicant to whom a conditional offer of employment is made shall comply with and the health officer shall administer and enforce the provisions of TFER 229.163(d) with respect to reporting, restriction and exclusion of food establishment employees and applicants for employment from opportunities to transmit disease in the establishment.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.8. Personal cleanliness.

(a) *General.* Food employees shall thoroughly wash their hands and the exposed portions of their arms with a cleaning compound by vigorously rubbing together the surfaces of their lathered hands and arms for at least 20 seconds and thoroughly rinsing with clean water before starting work, during work as often as is necessary to keep them clean, and after touching bare human body parts other than clean hands, when switching between working with raw foods and working with ready-to-eat foods, after handling soiled equipment and utensils, after coughing and sneezing, after smoking, eating, drinking, or using the toilet, and after any other activities that may contaminate employees' hands. Food employees shall keep their fingernails clean and trimmed. Food employees shall clean the areas underneath the fingernails and between fingers. The person in charge or the food service manager shall ensure that employees are effectively cleaning their hands by routinely monitoring the employee's hand-washing.

(b) *Special hand-wash procedure.* Employees not utilizing suitable utensils or single-use gloves when handling ready-to-eat foods shall wash hands as described under subsection (a) above and follow the procedure with use of an approved hand sanitizer or chemical hand sanitizing solution used as a hand dip as specified in subsection (c) below.

(c) *Hand sanitizers.* When used, a hand sanitizer or a chemical hand sanitizing solution used as a hand dip shall have active antimicrobial ingredients that are listed as safe and effective for application to human skin or authorized and listed for use as a hand dip in the United States Department of Agriculture (USDA) list of Proprietary Substances and Nonfood Compounds, Publication 1419, and have components that are generally recognized as safe (GRAS) for the use in contact with food or exempted from the requirement of being listed in the federal food additive regulations or regulated for the intended use as food additives. Hand sanitizer shall be applied only to hands that are cleaned as specified above and shall be reapplied after any activities that may contaminate the employee's hands. A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least 100 ppm (100 mg/L) chlorine.

(d) *Clothing.* The outer clothing of all employees shall be clean.

(e) *Hair restraint.* While handling food or utensils, food employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces. An effective hair restraint shall mean any cap, hat, or hair net made of fabric, cord, plastic, or paper, that effectively covers and holds hair in place. The use of effective hair restraints shall also apply to any exposed scalp or facial hair, where there is the potential for contamination of food or food-contact surfaces. An effective hair restraint shall also be used in the partial or complete absence of scalp hair to preclude touching of the scalp and returning to food handling without hand-washing. Facial hair restraints will not be required when facial hair is well-groomed and trimmed.

(f) *Jewelry and nail polish.* While preparing food, food employees may not wear fingernail polish or jewelry on their arms and hands. This subsection does not apply to a plain ring such as a band style ring.

(g) *Exceptions.* Subsections (e) and (f) above do not apply to employees such as counter staff who only serve beverages and wrapped or packaged foods or to host staff and wait staff, if they present a minimal risk of contaminating exposed food, clean equipment, utensils and linens, or unwrapped single-service articles.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.9. Employee practices generally.

(a) Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there might result in contamination of other food, equipment, utensils, or other items needing protection. As an exception to the foregoing requirements, an employee may drink within the food establishment from a closed nonspillable beverage container if the container is handled in a manner so as to prevent contamination of the employee's hands, the container, any exposed food, clean equipment, utensils and linens, and unwrapped single-service articles.

(b) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in equipment- or utensil-washing or food-preparation areas. 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, linens, unwrapped single-service articles, 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 establishment.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.10. Equipment and utensils.

(a) *Materials; 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. All equipment and utensils shall be maintained in good repair. Single-service articles shall be made from clean, sani-

tary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

(1) Solder. If solder is used, it shall be composed of safe materials and be corrosion-resistant. Solder and flux containing lead in excess of 0.2% may not be used as a food-contact surface.

(2) Wood. Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in this subsection, 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 wooden paddles used in confectionery operations for pressure scraping kettles during confectionary preparation at high temperatures is permitted. Wooden wicker baskets may be used for proofing of bread, provided the product is fully baked after proofing. The use of wood as a food-contact surface under other circumstances is prohibited. If cutting boards are used they shall be easily removable in order to facilitate cleaning. The use of wood or wood product shelving, storage racks, or dunnage racks, in cold storage units is prohibited.

(3) 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 that meet the general requirements set forth in this subsection are permitted for repeated use.

(4) Mollusk and crustacea shells. Mollusk and crustacea shells may be used only once as a serving container. Further reuse of shells for food service is prohibited. If the shell is not the original shell from which the mollusk or crustacea was harvested, the shell must be sanitized as specified under section 20-21.11 of this Code prior to use. Use of shells that contain any evidence of debris or filth is prohibited.

(5) Single-service and single-use articles. Reuse of single-service articles and single-use articles is prohibited.

(6) Canvas cloths. With the exception of approved easily cleanable belts on equipment used for the conveying or shaping and conveying of bakery products in the precooked stage and napkins used when serving bread and rolls, use of canvas cloths or other cloth materials as food-contact surfaces is prohibited.

(7) Sponges. Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(8) Gloves. Single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food. They shall be used for no other purpose and discarded when interruptions occur in the operation or when damaged or soiled. Unless covered with a single-use glove, slash-resistant gloves and cloth gloves may not be used in direct contact with ready-to-eat food unless the slash-resistant gloves have a smooth, durable and nonabsorbent outer surface. Slash-resistant gloves and cloth gloves may be used with food that is subsequently cooked.

(b) *Design and fabrication; general.*

(1) 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. 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 "V" type threads shall be minimized.

(2) 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.

(3) Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice, provided that the 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.

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

(c) *Accessibility.* Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

(1) Without being disassembled;

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

(3) 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.

(d) *In-place cleaning.* Equipment intended for in-place cleaning shall be so designed and fabricated that:

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

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

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

(e) *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.

(f) *Thermometers.* Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to ±2°F in the intended range of use if scaled only in Fahrenheit. If an indicating thermometer is scaled only in Celsius or dually scaled in Celsius and Fahrenheit, it shall be accurate to ±1.8°F (1°C).

(g) *Nonfood-contact surfaces.* Surfaces of equipment not intended for contact with food that are exposed to splash or food debris or otherwise require frequent cleaning shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning, easily cleanable, and kept in good repair.

(h) *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.

(i) *Existing equipment.* Equipment that complied with the former provisions of this article at the time of its installation and that does not fully meet all of the design and fabrication requirements of this section, shall be deemed acceptable in that establishment as long as there is no change of ownership, if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic, except that refrigeration units are subject to upgrade or replacement as required by TFER. See section 20-21.3(b)(9)b. of this Code. Replacement equipment shall conform to this article and TFER.

(j) *Equipment installation and location; general.* Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, 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.

(k) *Table-mounted equipment.*

(1) 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-inch clearance between the table or counter and equipment and shall be installed to facilitate the cleaning of the equipment and adjacent areas.

(2) Equipment is portable within the meaning of this subsection if:

a. It is small and light enough to be moved easily by one person; and

b. 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.

(l) *Floor-mounted equipment..*

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

a. Sealed to the floor;

b. Installed on a raised platform of concrete or other smooth masonry in a way that meets all requirements for sealing or floor clearance; or

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

For purposes of this requirement, equipment is readily movable if it is mounted on wheels or casters and it has no utility connection, 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.

This subsection does not apply to shelving units, refrigeration units and freezer units used for consumer display in retail store shopping areas, if the floor under the units is kept clean.

(2) Unless sufficient space is provided for easy cleaning between and behind each unit of floor-mounted equipment, the space between it and adjoining equipment units and between it and adjacent walls shall be closed or, if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls.

(m) *Plumbing fixture installation.* Plumbing fixtures, including compartment type utensil-and-food sinks, hand-washing sinks and mop or utility sinks, shall be installed to preclude splashes from running down mounting surfaces behind and adjacent to the fixture. Acceptable installation methods include a liquid tight seal between fixture and mounting surface, insertion into a precut counter, table or cabinet with a perimeter seal or any other effective method. All materials shall be safe, smooth, impervious and easily cleanable.

(n) *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. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.11. Equipment and utensil cleaning and sanitation.

(a) *Cleaning frequency.*

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

(2) 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.

(3) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and 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. Cleaning shall also take place:

a. Before each use with a different type of raw animal food such as beef, fish, pork or poultry, unless raw animal foods that require higher cooking temperatures are prepared after foods that require lower cooking temperatures;

b. Each time there is a change from working with raw foods to working with ready-to-eat foods;

c. Between uses with raw fruits or vegetables and with potentially hazardous foods; and

d. Before using or storing a food temperature measuring device.

(4) 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; 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 crusted grease deposits and other accumulated soil.

(5) 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.

(6) Once used for tasting food, a spoon or other utensil shall not be reused until it has been cleaned and sanitized.

(b) *Sinks.* Each food establishment shall have a three-compartment sink in addition to the hand-washing sinks required under section 20-21.19 of this Code except that:

(1) A mobile food unit may have a two-compartment sink; and

(2) A food establishment that has a two-compartment sink that was installed before three compartment sinks were required under this article may continue to use the two-compartment sink until the sink becomes worn and requires replacement, the establishment changes ownership or the kitchen is remodeled, if:

a. The establishment demonstrates that it has an acceptable procedure for utensil sanitization; and

b. The establishment either does not use tableware or provides single-service tableware to its patrons.

(3) No utensil-washing sink shall be required in a packaged-food-only food establishment.

Each compartment of each sink shall be provided with hot and cold running water. Each compartment of any sink required by this article shall not be less than 15 inches in length, 15 inches in width, and 12 inches in depth, unless the operator of the food establishment can demonstrate the ability to totally immerse and sanitize all utensils and equipment in the existing utensil-washing sink or unless other suitable equipment is provided for washing, rinsing and sanitizing the utensils and equipment. A utensil-washing sink approved for the immersion and sanitization of the establishment's utensils that measures less than 15 inches in length and width, and 12 inches in depth shall only be approved so long as all utensils found on the premises of the food establishment can be demonstrated to be totally immersed and sanitized. All sinks must comply with plumbing regulations as set forth in section 20-21.17 of this Code. Sink compartments shall have rounded internal angles and be free of sharp corners or crevices. Any sink required by this article for a mobile food unit used by a vendor licensed under article IX of chapter 32 of this

Code or for a fixed location mobile food unit shall be of an adequate size so as to permit the total immersion of all utensils used on the unit as determined by the health officer.

(c) *Wiping cloths.*

(1) 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.

(2) 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 20-21.12(e)(2) through (6) of this Code and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

(3) Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops and shelves shall be clean and rinsed frequently in one of the sanitizing solutions permitted in section 20-21.12(e)(2) through (6) of this Code and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.12. Manual cleaning and sanitizing.

(a) A three compartment sink shall be used if washing, rinsing and sanitization of equipment or utensils is done manually, except where a three compartment sink is not required under section 20-21.11(b) of this Code, in which case the procedure may be performed in the two compartment sink.

(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; then

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

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

(4) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in items (1) through (6) of subsection (e) below.

Where chemicals are required for sanitization in establishments required to have a food service manager who is certified under division 3 of this article, one of the approved sanitizers referenced in items (2) through (6) of subsection (e) below shall be on hand in a quantity sufficient for daily operations.

(e) The food-contact surfaces of all equipment and utensils shall be sanitized either manually or mechanically by use of one of the following methods:

(1) Immersion for at least 30 seconds in clean, hot water at a temperature of at least 171°F (77°C);

(2) Immersion in a chlorine solution in a manner that complies with the following:

Minimum Concentration ppm (mg/L)	*Minimum Temperature F° (C°)*		*Exposure Time (seconds)*
	pH 10 or less	*pH 8 or less*	
25	120 (49)	120 (49)	10
50	100 (38)	75 (24)	7
100	55 (13)	55 (13)	10

(3) Immersion in an iodine solution in a manner that complies with the following:

Minimum Concentration ppm (mg/L)	*Minimum Temperature F° (C°) pH 5 or less*	*Exposure Time (seconds)*
12.5—25	75 (24)	30

(4) Immersion in a quaternary ammonium compound solution in a manner that complies with the following:

Minimum Concentration ppm (mg/L)	*Minimum Temperature F° (C°)*	*Exposure Time (seconds)*
According to the manufacturer's label*	75 (24)	According to the manufacturer's label

* Must be approved and registered with the United States Environmental Protection Agency at a strength and for a period of time as stated on the official approved label, and shall meet the criteria for chemical sanitizers and other chemical antimicrobials as specified in 21 CFR 178.1010, Sanitizing Solutions.

(5) Immersion in other solutions of the chemicals specified in items (2) through (4) above, if it can be demonstrated that sanitization is achieved and that the solution is approved by the department;

(6) Immersion in other chemical sanitizers, if approved by the department and applied in accordance with the manufacturer's use directions included in the labeling;

(7) Treatment with steam free from harmful materials or additives in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

(8) Rinsing, spraying, or swabbing with a chemical sanitizing solution at the strength required for that particular sanitizing solution under items (2) through (6) above 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 171°F (77°C);

(2) Dish baskets or racks sized and designed to permit complete immersion of the tableware, kitchenware, and equipment in the hot water; and

(3) A numerically scaled indicating thermometer accurate to ±3°F, if scaled in Fahrenheit only, convenient to the sink for frequent checks of water temperature. If the water temperature measuring device is scaled in Celsius only or dually scaled in Celsius and Fahrenheit, it shall be designed to be easily readable and accurate to ±2.7°F (1.5°C) in the intended range of use.

(g) When chemicals are used for sanitization, a test kit or other device that accurately measures the concentration of the solution in parts per million or milligrams per liter shall be provided and used.

(h) If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same agent as used in the washing step. Those food establishments using a two-compartment sink as approved under sections 20-21.11 and 20-21.12 of this Code shall use a detergent sanitizer or shall sanitize food-contact surfaces using hot water as specified under section 20-21.12(e)(1) of this Code.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.13. 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. The 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 and 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 15 pounds per square inch (100 kilopascals) nor more than 25 pounds per square inch (170 kilopascals) measured in the water line immediately adjacent to the final rinse control valve. A one-quarter-inch psi 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 ±3° Fahrenheit 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. Thermometers dually scaled in Celsius and Fahrenheit may alternatively be provided if designed to be easily readable and accurate to ±2.7°F (1.5°C) in the intended range of use.

(d) Rinse-water tanks shall be protected by baffles 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 manufacturer's specification labels 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 cleaned 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°F (49°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 the manufacturers' specifications for time, temperature, pH and concentration or the specifications stated in section 20-21.12(e)(2) through (6) of this Code;

(5) The chemical sanitizing rinse water temperature for sanitizers listed in section 20-21.12(e)(2) through (6) of this Code shall be not less than the temperature applicable to that sanitizer shown therein. The chemical sanitizing rinse water temperature for sanitizers not listed in the table shall be not less than the temperature specified by the machine's manufacturer or 55°F (13°C), whichever is greater; and

(6) Chemical sanitizers used shall be approved and a test kit or other device that accurately measures the concentration of the solution in parts per million or milligrams per liter shall be available and used.

(h) Machines using hot water for sanitizing and spray-type dishwashing machines 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 temperatures stated below:

(1) Single-tank, stationary-rack, dual-temperature machine:

Cycle and Level	*Temperature*
Wash	150°F (66°C)
Final rinse	180°F (82°C)
Final rinse at the dish level	160°F (71°C)

(2) Single-tank, stationary-rack, single-temperature machine:

Cycle and Level	*Temperature*
Wash	165°F (74°C)
Final rinse at the dish level	165°F (74°C)

(3) Single-tank, conveyor machine:

Cycle and Level	*Temperature*
Wash	160°F (71°C)
Final rinse	180°F (82°C)
Final rinse at the dish level	160°F (71°C)

(4) Multiple-tank, conveyor machine:

Cycle and Level	*Temperature*
Wash	150°F (66°C)
Final rinse at the dish level	160°F (71°C)

(5) Single-tank, pot, pan, and utensil washer:

Cycle and Level	*Temperature*
Wash	140°F (60°C)
Final rinse	180°F (82°C)
Final rinse at the dish level	160°F (71°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 operation condition. Wash and pump rinse temperatures are measured in the respective tanks and final rinse temperature is measured both at the entrance of the manifold and at dish level. Testing of the final rinse temperature will be done by means of a registering thermometer or heat sensitive indicating paper traveling through the final rinse chamber in the same manner as equipment and utensils, at the dish level and during a normal rinse cycle. The flow pressure of the fresh hot water sanitizing rinse in the dishwashing machine may not be less than 15 pounds per square inch (100 kilopascals) or more than 25 pounds per square inch (170 kilopascals) as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve. Except for dishwashing machines that use only pumped or recycled sanitizing rinse, the machine shall be equipped with a pressure gauge or similar device that measures and displays the water pressure in the supply line immediately before entering the dishwashing machine. The temperature of fresh hot water sanitizing rinse as it enters the manifold may not be less than 165°F (74°C) nor more than 194°F (90°C) for a stationary rack, single temperature machine, and for all other machines, not less than 180°F (82°C) nor more than 194°F (90°C).

(j) Drying. After sanitization, all equipment and utensils shall be air-dried. Use of towels is prohibited.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.14. Equipment and utensil storage.

(a) *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, and plates shall be handled without contact with inside surfaces or with surfaces that contact the user's mouth.

(b) *Storage.*

(1) Cleaned and sanitized utensils and movable equipment shall be stored at least six 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 potable water lines except for automatic fire protection sprinkler heads that may be required by law.

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

(3) 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.

(4) If presetting is practiced, all unprotected, unused, preset tableware shall be collected for washing and sanitizing after the meal period; and after any place at a table or counter is occupied.

(c) *Single-service articles.*

(1) Single-service articles shall be stored at least six inches above the floor in closed cartons that protect them from contamination, except for automatic fire protection sprinkler heads that may be required by law.

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

(3) Single-service knives, forks, and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his 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 to present the handle of the utensil to the consumer.

(4) Single-service articles shall be used only once.

(d) *Prohibited storage area.* The storage of food equipment, utensils or single-service articles in toilet rooms or vestibules is prohibited.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.15. Water supply.

(a) *General.* Enough potable water for the needs of the food establishment shall be provided from a source constructed and operated according to all applicable laws.

(b) *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.

(c) *Water under pressure.* Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water. If hot water is used, it shall be at least 110°F (43°C). No food establishment shall operate without being provided with hot and cold running water.

(d) *Steam.* Steam used in contact with food or food-contact surfaces shall be free from any harmful materials or additives.

(e) *Water fountains.* Water fountains shall be constructed and installed according to all applicable laws and maintained clean and in good repair.

(f) *Ice manufacture.* Ice shall be made from water meeting the requirements of this section in an approved ice-making machine or plant that is located, installed, operated, cleaned, and maintained so as to prevent contamination of the ice, or shall be obtained from a source approved by the health officer. Ice manufacturing is food preparation; therefore, the location of the ice making equipment must comply with relevant sections of this article.

(g) *Ice crushers.* If ice crushers are used, they shall be maintained in a clean condition and shall be covered when not in use.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.16. Sewage.

All sewage, including liquid waste, shall be disposed of by a public sewage system or by a sewage disposal system constructed and operated according to all applicable laws. Non-water-carried sewage disposal facilities are prohibited, except as allowed for temporary food service establishments under section 20-23 of this Code.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.17. Plumbing.

(a) *General.* Plumbing shall be sized, installed, and maintained according to applicable laws. There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply, or any source of pollution through which the potable water supply might become contaminated.

(b) *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 all applicable laws and the nonpotable water does not contact, directly or indirectly, food, potable water, 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.

(c) *Backflow.* The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and backsiphonage 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.

(d) *Grease traps.* If used, grease traps shall be located to be easily accessible for cleaning. Grease traps shall be of an approved type and in an approved location outside the establishment wherever practical.

(e) *Garbage grinders.* If used, garbage grinders shall be installed and maintained according to all applicable laws.

(f) *Drains.* Except for existing 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.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.18. Toilet facilities.

(a) *Toilet installation.* There shall be at least the minimum number of toilet facilities as required by applicable laws. Toilet facilities shall be installed according to all applicable laws, shall be conveniently located, and shall be accessible to employees at all times. Except for food establishments located in a shopping mall, where toilet facilities are located within the mall, in any new or extensively remodeled food establishment, toilet facilities for use by employees shall be located within the food establishment and shall have one or more entrances that may be accessed from the inside of the establishment.

(b) *Toilet design.* Toilets and urinals shall be designed to be easily cleanable.

(c) *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. Toilet facilities, including vestibules, shall be kept clean and in good repair and free of objectionable odors. Toilet rooms shall not open directly into any room in which food is prepared or utensils are washed. Toilet rooms in facilities providing custodial care of preschool age children need not have self-closing doors, nor must the doors be kept closed if other toilet rooms are provided for exclusive use of employees and the doors of the employee use toilet rooms are self-closing and kept closed. Hand-washing signs shall be posted in each toilet room used by employees.

(d) *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 shall have at least one covered waste receptacle.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.19. Hand-washing sinks generally.

(a) *Hand-washing sink installation.* There shall be at least the minimum number of hand-washing sinks as required by applicable laws. Hand-washing sinks shall be installed according to all applicable laws and located to permit convenient use by all employees in food preparation areas and utensil-washing areas. Hand-washing sinks shall be accessible to employees at all times. Hand-washing sinks shall also be located in toilet rooms or vestibules. Sinks used for food preparation or washing equipment or utensils shall not be used for hand-washing.

(b) *Hand-washing sink faucets.* Each hand-washing sink shall be provided with hot, at least 110°F (43°C), and cold water tempered by means of a mixing valve or combination faucet. Any slow-closing or metering faucet used shall be

designed to provide a flow of water for at least 20 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited. Hand-washing sinks in facilities providing custodial care for preschool age children that are used only by the children may provide only cold running water.

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

(d) *Hand-washing sink maintenance.* Hand-washing sinks, soap dispensers, hand-drying devices, and all related fixtures shall be kept clean and in good repair.

(e) *Automated hand-washing.* Use of automated hand-washing equipment acceptable to the department can be substituted for the above procedures, provided the equipment is installed and operated in accordance with the manufacturer's instructions.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.20. Garbage and refuse.

(a) *Containers.*

(1) 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 the containers, and they may be used for storage inside the food establishment.

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

(3) Containers stored outside the establishment and dumpsters, compactors, 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.

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

(5) 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 such as 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. In operations where dumpsters or compactors are used, cleaning and the facilities accompanying the cleaning may be provided by the waste disposal contractor, on or off the premises. However, it is the responsibility of the owner, operator, manager, or other person in charge to see that the contractor fulfills the requirements of this section.

(b) *Storage.*

(1) Garbage and refuse on the premises shall be stored in a manner to make it 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. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.

(2) 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.

(3) 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 sealed concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

(c) *Disposal.*

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

(2) 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 all applicable laws. Areas around incineration facilities shall be kept clean and orderly.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.21. Insect and rodent control.

(a) *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 or rodents.

(b) *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, kept closed, closed windows, screening, properly designed and installed air curtains, 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 materials shall not be less than sixteen mesh to the inch.

(c) *Insect control devices, design and installation.*

(1) Devices that are used to electrocute flying insects and that may impel insects or insect fragments shall be:

a. Designed to have "escape-resistant" trays; and

b. Installed so that the devices are not located over a food preparation area and so that dead insects and insect fragments are prevented from falling on or being impelled onto exposed food, clean equipment, utensils, linens and unwrapped single-service articles.

(2) Devices used to trap insects by adherence may not be installed above exposed food, clean equipment, utensils, linens and unwrapped single-service articles.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.22. Floors.

(a) *Floor construction.* The floors and floor coverings of all food preparation, food storage, and utensil-washing areas, and the floors of walk-in refrigerating units, dressing rooms, locker rooms and toilet rooms shall be constructed of smooth, durable materials such as sealed concrete, terrazzo, ceramic tile, vinyl or plastic, or tight wood impregnated with vinyl or plastic, and shall be maintained in good repair. Nothing in this rule shall prohibit the use of antislip floor covering in areas where necessary for safety reasons. All floors and floor coverings shall be nonabsorbent, easily cleanable and kept clean.

(b) *Floor carpeting.* Carpeting, if used, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment- and utensil-washing areas, in food storage areas, and in toilet room areas. Floor carpeting shall be kept clean.

(c) *Prohibited floor covering.* The use of sawdust, wood shavings, peanut hulls, or similar material on the floors is prohibited.

(d) *Floor drains.* Properly installed trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. The floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.

(e) *Mats and duckboards.* Mats and duckboards shall be of nonabsorbent, grease-resistant materials and sized, designed, and constructed so as to be easily cleanable. Duckboards shall not be used as storage racks.

(f) *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 coved and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more than one-thirty-second of an inch.

(g) *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. Utility service lines and pipes shall not be unnecessarily exposed on floors in those areas listed in section 20-21.23(b) of this Code.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.23. Wall and ceilings generally.

(a) *Maintenance.* Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair and shall be kept clean.

(b) *Construction.* The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, food storage areas, food display areas, equipment-washing and utensil-washing areas, toilet rooms, and vestibules shall be light-colored, smooth, nonabsorbent, and easily cleanable except for ceilings over areas used only for beverage preparation and/or service. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface except in dry storage areas.

(c) *Retail food stores and warehouses.* The ceilings of consumer display areas where only packaged containerized food products, single-service articles or single-use articles are stored or displayed in retail food stores and the ceilings of bulk food storage areas in warehouses and retail food stores shall be light-colored, nonabsorbent, and easily cleanable.

(d) *Wall protection.* The walls within water closet compartments, walls within two feet of the front and sides of urinals, hand-washing sinks, utensil-washing sinks, food sinks, and mop or utility sinks, and walls subject to damage from moisture shall be provided to a height of at least four feet above the finished floor with a smooth, light-colored, impervious surface of a type not adversely affected by moisture or grease. The walls behind and adjacent to cooking equipment utilizing a ventilation hood, shall, from the floor to the base of the hood, have the same type of material as indicated above for plumbing fixtures. Materials utilized for wall protection shall be fiber-glass reinforced plastic (FRP), nonferrous metal, ceramic tile, plastic laminate or the equivalent for the purpose intended.

(e) *Exposed construction.* Except as allowed in subsection (c) above, studs, joists, and rafters shall not be exposed in areas listed in subsection (b) above. If exposed in other rooms, they shall be finished to provide an easily cleanable surface.

(f) *Utility line/duct 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 unnecessarily exposed on walls or ceilings in those areas listed in subsection (b) above. Service lines behind counters used only for beverage preparation may be exposed on the inside counter walls if necessary for service and if kept to a minimum. If exposed in rooms or areas allowed in subsection (c) above, air conditioning, ventilation or heating ducts shall be of smooth rigid metal and designed with a circular cross-section.

(g) *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. Attachments shall be kept clean.

(h) *Covering material installation.* Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

(i) *Cleaning physical facilities.*

(1) 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. Floor, 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.

(2) Utility facilities. In new or extensively remodeled establishments and in those establishments not required to have a two- or three-compartment utensil-washing sink, at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for cleaning and for the disposal of mop water or similar liquid wastes. The use of hand-washing sinks, utensil-washing sinks, equipment-washing sinks, or food-preparation sinks for this purpose is prohibited.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.24. Lighting.

(a) *General.* At least 50 foot-candles of light shall be provided to all working surfaces and at least 30 foot-candles of light shall be provided to all other surfaces and equipment in food preparation, utensil-washing, and hand-washing areas, and in toilet rooms. At least 20 foot-candles of light at a distance of 30 inches from the floor shall be provided in all other areas, except that this requirement applies to dining areas only during cleaning operations.

(b) *Protective shielding.*

(1) 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. Shielding need not be provided in areas used only for storing food and single-service articles in unopened packages if:

a. The integrity of the packages cannot be affected by broken glass falling onto them; and

b. The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(2) Infra-red 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.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.25. Ventilation.

(a) *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 all applicable laws and, when vented to the outside, shall not create an unsightly, harmful or unlawful discharge. Heating, ventilation, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment or utensils.

(b) *Special ventilation.*

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

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

(3) When ventilation may result in the disposition of particulate matter or liquids within the ventilation system, ventilation hoods and ventilation equipment shall be equipped with effective, easily removable, easily cleanable filters located adjacent to

the intake openings or the intake and exhaust openings of the ventilation system. The filters shall be cleaned at sufficient frequencies to prevent accumulations.

(4) Except for dishwashing machines installed under counter tops, all commercial dishwashing machines using hot water for sanitization shall be provided with a ventilation hood, which shall be installed in the manner required by all applicable laws.

(5) All cooking equipment except microwave ovens, electric convection ovens of approved types, electric rice cookers, and ovens of approved types, shall be provided with a ventilation hood, which shall be installed in the manner required by all applicable laws.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.26. Dressing rooms and locker areas.

(a) *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.

(b) *Locker areas.* Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employees' 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.

(c) *Cleanliness.* Dressing rooms or areas and any lockers therein, shall be kept in a clean condition.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.27. Poisonous or toxic materials.

(a) *Materials permitted.*

(1) Only those poisonous or toxic materials necessary for the maintenance of the establishment, the cleaning and sanitization of equipment and utensils, and the control of insects and rodents shall be present in food service establishments.

(2) Only those pesticides that have been properly registered and approved by appropriate governmental authorities for the purpose of maintaining food service establishments in a sanitary condition shall be used.

(b) *Labeling of materials.* Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents. Each container shall be labeled with the manufacturer's instructions for use.

(c) *Storage of materials.* Poisonous or toxic materials consist of the following three categories:

(1) Insecticides and rodenticides;

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

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

Each of these categories shall be stored and located to be physically separated from each other. All poisonous or toxic materials shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose. To preclude potential 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 detergent or sanitizers at utensil or dishwashing stations.

(d) *Use of materials.*

(1) 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, nor in a way that constitutes a hazard to employees or customers.

(2) 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.

(3) If rodenticides are used in areas where food is handled, prepared or packaged, approved bait boxes shall be used.

(4) Poisonous compounds, such as insecticides and rodenticides, in powder form, shall have a distinctive color so as not to be mistaken for food.

(5) The re-use of empty poisonous or toxic material containers, other than those that can be recycled in an approved community recycling program, is prohibited.

(6) The re-use of empty food containers to store, transport or dispense poisonous or toxic materials is prohibited.

(e) *Personal medications.* Personal medications shall not be stored in food storage, preparation, or service areas. Medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator shall be:

(1) Stored in a package or container and kept inside a covered, leakproof container that is identified as a container for the storage of employees' or children's medicines; and

(2) Located on the lowest shelf.

(f) *First aid supplies.* First aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-21.28. Premises.

(a) *General.*

(1) Food establishments and all parts of the property used in connection with operations of the establishments shall be kept free of litter.

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

(3) Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.

(4) Equipment and utensils not in current use shall be stored in a clean and sanitary condition or removed from the premises.

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

(6) Employees and other persons such as delivery and maintenance persons entering the food preparation, food storage, and warewashing areas shall comply with food safety rules.

(b) *Living areas.* No operation of a food establishment shall be conducted in a private home that does not meet all applicable requirements of this article, or in any room used as living or sleeping quarters. Food service operations shall be completely separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

(c) *Laundry facilities.*

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

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

(3) If on-premises laundering is limited to wiping cloths intended to be used moist, or if wiping cloths are air dried in a location and in a manner that prevents contamination of food, equipment, utensils, linens, single-use articles, single-

service articles, and wiping cloths, then a mechanical clothes washer and dryer need not be provided.

(d) *Linens and clothes storage.*

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

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

(e) *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, single-use articles, single-service articles or linens and shall be stored in an orderly manner to facilitate the cleaning of the storage location.

(f) *Animals.* Live animals, including birds, and turtles, shall be excluded from within the food service operational premises and from immediately adjacent areas under the control of the food establishment. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers and support animals accompanying persons with disabilities shall be permitted in dining areas and sales areas. Animals are not allowed to be on seats or tables.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-22. Mobile food service.

(a) *General.* Mobile food units shall comply with all applicable laws, including the requirements of this article, except as otherwise provided in this section. The health officer may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation and may prohibit the sale of some or all potentially hazardous foods.

(b) *Notice of locations.* Before he shall first receive his medallion, and every year before his medallion is renewed, the operator of a mobile food unit other than a restricted operations mobile food unit, a licensed park vending unit or a fixed location mobile food unit shall submit to the department a list of locations where his mobile food units will be in operation and shall also give written notice within 24 hours of any location added to his list of locations where his mobile food units will be in operation.

(c) *Servicing records.* Upon request, the operator of a mobile food unit other than a restricted operations mobile food unit shall provide written proof that the mobile food unit has been serviced at an approved commissary on a daily basis. These servicing records shall be maintained in duplicate, with one copy kept in the mobile food unit and the other copy at the commissary used by the mobile food unit. Each record shall be kept and maintained for a period of two years from the date of servicing so that they are immediately available to the health officer for inspection and copying during normal working hours. The records shall be in a form prescribed by the health officer.

(d) *Standards and drawings.* The health officer shall not issue any permit/medallion for a mobile food unit other than a restricted operations mobile food unit as described in subsection (e) below, unless and until the operator of the mobile food unit has provided to the department:

(1) A written standard operating procedure for each mobile food unit that must include provisions for:

a. The mobile food unit's water supply source and process;

b. The mobile food unit's waste water disposal site and process; and

c. Other servicing operations details; and

(2) Two sets of drawings that must clearly specify and address the proposed layout, surface finish schedule, arrangement and construction material of the mobile food unit, and that must include, without limitation, the proposed layout, arrangement and sizes of plumbing fixtures and connections.

The provisions of this subsection shall not be applicable to renewals, provided that the appli-

cant certifies in writing to the health officer that the previously provided procedures and plans are still valid.

(e) *Restricted operations.* A mobile food unit that serves no food other than:

(1) Food that was prepared and packaged in individual servings at an approved commissary and transported and stored under conditions meeting the requirements of this article;

(2) Beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment;

(3) Potentially hazardous beverages such as individual servings of milk, milk products and coffee creams that have been packaged at a pasteurizing plant; and

(4) Prepackaged individual serving frozen dessert items including, without limitation, frozen ice and ice cream novelty bars, cones and serving cups that have been packaged at a pasteurizing plant or other approved facility;

shall be regarded as a restricted operations mobile food unit and need not comply with requirements of this article pertaining to the necessity of potable water and sewage systems or to the cleaning and sanitation of equipment and utensils if the required equipment for cleaning and sanitation exists at its commissary, nor with the requirement that the servicing area be located in an enclosed building.

(f) *Identification of mobile food units.* Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon at least two sides of the units, in letters not less than three inches in height.

(g) *Commissary; general.* Mobile food units shall operate from a commissary or other fixed food service establishment that is constructed and operated in compliance with the requirements of this article and other applicable laws. Using a private residence as a commissary for a mobile food unit is prohibited.

The commissary servicing any mobile food unit other than a restricted operations mobile food unit shall be an approved and permitted food establishment at which the mobile food unit is supplied with fresh water, emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink.

Each mobile food unit other than a restricted operations mobile food unit shall return to the commissary at least once per each day of operation for the performance of all servicing operations. The use of liquid waste transport vehicles, otherwise known as vacuum trucks, for the removal and disposal of liquid waste resulting from mobile food unit operations is prohibited. Provided, however, that a fixed location mobile food unit operating exclusively in a permanent nonresidential building that is primarily used for other purposes, such as a retail shopping mall, office atrium, or hospital lobby, may utilize other means to fill water tanks and to drain and flush wastewater tanks if approved by the health officer.

(h) *Servicing area and operations.*

(1) Servicing area. An enclosed service building separated from commissary operations shall be provided for supplying and maintaining mobile food units. Fixed location mobile food units authorized under this article and mobile food units licensed under article IX of Chapter 32 of this Code shall be stored in the servicing area except while in operation for food service and during transport to and from the service building. A fixed location mobile food unit that does not fully meet the foregoing storage requirements and is permitted on or before February 13, 2000, shall be exempt from this requirement provided that the operation continues under the same ownership and the permit and medallion is continuously renewed without lapse or termination and provided that the permit holder uses alternative storage arrangements that are approved by the health officer. The servicing

area shall be at an approved location and constructed and operated in compliance with the requirements of this article.

(2) Servicing operations.

a. Potable water-servicing equipment 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 sewage disposal system in accordance with section 20-21.16 of this Code. The flushing and draining area for liquid wastes shall be separate from the area used for loading and unloading of food and related supplies.

c. Vehicle cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization shall be done with potable water and shall be done in a manner that will not contaminate the vehicle's food storage or food preparation areas or equipment. If hoses are used in the cleaning process, they shall be kept off the floor or pavement, on racks or by other approved suitable means, and the system shall meet the requirements of section 20-21.17 of this Code. All cleaning areas shall be paved with a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt, which is sloped to drain toward an approved catch basin or floor drain where the liquid waste can be disposed of in accordance with the requirements of section 20-21.16 of this Code.

(i) *Items of sanitation.* In addition to complying with the requirements of this section, all mobile food units shall comply with the following items of sanitation:

(1) *Item 1. Single-service articles.* Mobile food units shall provide only single-service articles for use by the consumer.

(2) *Item 2. Water systems.* A mobile food unit requiring a water system shall have a potable water system under pressure. All water used in connection with the mobile food unit shall be from sources approved by the health officer. The water system shall include a potable water tank of not less than 30 gallons capacity for conventional mobile food units and not less than 5 gallons capacity for units used by a vendor licensed under Chapter 32, article IX of this Code and for fixed location mobile food units. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitization, and handwashing, in accordance with the requirements of this article. 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 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 and potable water tanks shall be constructed of materials meeting standards established by an American National Standards Institute (ANSI) or other approved accredited certification program and installed according to the requirements of this article. Connection to a water system at an operational location is prohibited.

(3) *Item 3. Waste retention.* If liquid waste results from operation of a mobile food unit, it shall be stored in permanently installed retention tanks that are at least 15 percent larger than the water supply tank. A mobile food unit waste retention tank shall be sloped to an outlet that allows complete drainage of the tank during servicing operations. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion or at an operational location. 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 food unit. The waste connection shall be located

below the water connection to preclude contamination of the potable water system. Connection to a sewerage system at an operational location is prohibited.

(4) *Item 4. Garbage and refuse.* A mobile food unit shall have adequate and approved garbage and refuse storage facilities. Disposal shall be in accordance with section 20-21.20 of this Code.

(5) *Item 5. Damage report.* Any accident involving a mobile food unit shall be reported within 24 hours of the time the accident occurred if the accident results in damage to the water system, waste retention tank, food service equipment, or any facility that may result in the contamination of the food being carried or any damage that results in a violation of this section. Reports shall be made by the holder of the mobile food unit medallion.

(6) *Item 6. Operation capacity limited.* The owner/operator of a mobile food unit shall serve, store and display food and beverages on or in the mobile food unit itself and shall not attach, set up or use any other device or equipment intended to increase selling, serving or display capacity of the mobile food unit. It shall be unlawful for the owner/operator of a mobile food unit to provide any dining area for the customers of the mobile food unit.

(7) *Item 7. Utilities connection.* Utility connections, if any, shall be limited to quick-connect electrical and telephone services. Utility connections for water, sewerage and gas are prohibited.

(j) *Special requirements for mobile food units used by licensed park vendors.* In addition to complying with the other applicable requirements of this chapter, a mobile food unit used by a vendor licensed under article IX of Chapter 32 of this Code, must meet the following additional requirements in order to qualify for issuance of a medallion:

(1) *Item 1.* A unit shall not exceed four feet in width, eight feet in length and eight feet in height including the unit's shade umbrella. In the event of an emergency, the unit must be easily movable, controllable, and maneuverable by one person when the unit is fully loaded. A unit shall have at least two operable rubber or rubber-like wheels that are less than eight inches in diameter. The bottom of the unit shall be at least one foot from the ground. The unit shall be nonmotorized.

(2) *Item 2.* Each unit shall have protective glass guards and a roof or a shade umbrella to protect against exposure to insects, rodents, dust, or other contamination. Each unit shall have ample space available on the sides of the unit to display the prices of food, the name and street address of the vendor, and the medallion issued under section 20-37 of this Code.

(3) *Item 3.* Each unit shall have a litter receptacle attached to the unit available, clearly marked, and maintained for patron use. This litter receptacle shall have not less than a twenty-gallon capacity and shall be composed of a leak-proof, nonabsorbent material.

(4) *Item 4.* The interior of a unit shall be equipped with cabinet units or compartments. All food-contact surfaces shall be smooth, easily accessible and cleanable. Unfinished or painted wood shall not be used as a food-contact surface. Units that will dispense beverages must be equipped to do so from a closed carbonation system or bulk dispensing units or to distribute packaged beverages.

(k) *Special requirements for fixed location mobile food units.* A mobile food unit that does not meet all criteria applicable to the permitting of a conventional mobile food unit may be permitted on a fixed location only basis, provided:

(1) The unit complies with the same criteria stated in subsection (i) and in items (1), (2), (3) and (4) of subsection (j) above for units operated by licensed park vendors;

(2) The unit shall be restricted to operation on the premises of one food establishment

that holds a valid permit under this article, and the commissary serving the unit shall be located in that establishment; and

(3) The commissary shall meet all applicable requirements of state law and city ordinances.

A fixed location mobile food unit that does not fully meet the requirements of item (1) of subsection (j) above and is permitted on or before February 13, 2000, shall be exempt from the requirements of item (1) of subsection (j) above provided that the operation continues under the same ownership and the permit and medallion is continuously renewed without lapse or termination.

A separate food dealer's permit shall be required for the operation of the commissary for fixed location mobile food units whether restricted or unrestricted if the person operating the unit is not the same person operating the food establishment in which it is situated. A separate medallion shall be required for each fixed location mobile food unit, regardless of whether the unit is being operated by the person who operates the food establishment premises where the unit is situated or another person. If the applicant for operation of the unit is not the operator of the food establishment, then he shall be required to furnish written proof that he has the permission of the person who operates the food establishment premises to utilize the unit and commissary on the premises. In the event that the permit issued under this article for the food establishment on whose premises the unit and its commissary are situated expires without timely renewal or is revoked or suspended, the unit's medallion and commissary permit, if any, shall automatically be suspended until and unless the permit for the food establishment is restored to valid status.

(l) *Alternatives; waivers.* The director of health and human services or any assistant or deputy director may authorize alternatives to particular requirements of this section or any other provisions of this article with respect to a mobile food unit. Any authorization shall be considered only upon written request, which shall set forth the provision for which an alternative is sought and the nature of the proposed alternative. Approval for the alternative shall be granted if it is determined that, for the purpose intended, the alternative proposed is at least equivalent to the requirement otherwise specified in this article with respect to safety, sanitation and related purposes. The burden of demonstrating compliance with the foregoing standard shall be upon the requestor. Consistent with the foregoing procedures and standards, the director of health and human services or any assistant or deputy director may waive any requirement of this article upon demonstration that it has no applicability for the purposes intended herein to the operation of the mobile food unit. An approval issued under this section shall be valid only if issued in writing and shall be limited in scope as provided therein. (Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-23. Temporary food service.

(a) *General.* A temporary food service establishment shall comply with the requirements of this article, except as otherwise provided in this section. The health officer may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment and may prohibit the sale of some or all potentially hazardous foods where the action is reasonably necessary to protect the public from food borne illness.

(b) *Restricted operations.*

(1) This section is applicable whenever a temporary food service establishment is permitted, under the general requirements in this section, to operate without complying with all the requirements of this article.

(2) Only those potentially hazardous foods requiring limited preparation shall be prepared.

(3) Potentially hazardous foods requiring limited preparation shall be served and maintained at the temperature of 41°F (5°C) or below or 140°F (60°C) or above in facilities that meet the requirements of this article.

(c) *Items of sanitation.* All temporary food service establishments shall comply with the following items of sanitation:

(1) *Item 1. Ice.* Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of this article. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use food grade plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until used, and when used it shall be dispensed in a way that protects it from contamination.

(2) *Item 2. Equipment.*

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

b. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Where helpful to prevent contamination, effective shields for the equipment shall be provided.

c. All equipment, including hot/cold food storage facilities must meet the requirements of this article regarding food storage and equipment design and fabrication.

(3) *Item 3. Single-service articles.* All temporary food service establishments that do not have effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

(4) *Item 4. Water.* Enough potable water shall be available in the establishment for cleaning and sanitizing utensils and equipment and for hand-washing. A heating facility capable of producing enough hot water for cleaning, sanitizing, and hand-washing purposes shall be provided.

a. An approved facility shall be provided for washing, rinsing, and sanitizing equipment and utensils. This facility must consist of at least three containers. Washing, rinsing, and sanitizing shall be conducted as specified in section 20-21.12(d) and (e) of this Code.

b. An approved facility shall be provided for employee hand-washing. This facility shall consist of at least warm, clean running water, soap, and individual paper towels.

(5) *Item 5. Wet storage.* The storage of nonpackaged food in contact with water or ice is prohibited. The storage of packaged food in contact with water or undrained ice is prohibited.

(6) *Item 6. Waste.* Liquid and solid waste shall be disposed of in accordance with all applicable laws.

(7) *Item 7. Floors.* Floors shall be provided in food preparation and food service areas and shall be made of concrete, tight wood, asphalt, or other similar cleanable material.

(8) *Item 8. Walls and ceilings of food preparation areas.* Walls shall be required by the health officer unless he determines, based upon the circumstances, that walls are not needed to protect the public from food borne illnesses. Walls and ceilings of food preparation areas shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather and other contaminating agents. When required, screening material used for walls, shall be at least 16 mesh to the inch.

(9) *Item 9. Food protection; general.* At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination by all agents, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, draining, and overhead leakage or overhead drippage from condensation. Foods for self-service shall be protected from consumer contamination by the use of packaging, sneeze guards, or other devices.

(d) *Alternatives; waivers.* The health officer may authorize alternatives to particular requirements of this section or any other provisions of this article with respect to a temporary food service establishment. An authorization shall be considered only upon written request, which shall set forth the provision for which an alternative is sought and the nature of the proposed alternative. Approval for the alternative shall be granted if it is determined that, for the purpose intended, the alternative proposed is at least equivalent to the requirement otherwise specified in this article with respect to safety, sanitation and related purposes. The burden of demonstrating compliance with the foregoing standard shall be upon the requestor. Consistent with the foregoing procedures and standards, the health officer may waive any requirement of this article upon demonstration that it has no applicability for the purposes intended herein to the operation of the temporary food service establishment. An approval issued under this section shall be valid only if issued in writing and shall be limited in scope as provided therein.
(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-24. Procedure when disease suspected among employees.

(a) When the health officer has reasonable cause to believe that a food employee has possibly transmitted disease, may be infected with disease in a communicable form that is transmissible through food, or is affected with a boil, an infected wound or acute respiratory infection, he may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and shall take appropriate action. The health officer may require any or all of the following measures as he finds necessary to protect the public's health:

(1) The immediate exclusion of the employee from all food establishments;

(2) The immediate closing of the food establishment concerned until, in the opinion of the health officer, no further danger of disease outbreak exists;

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

(4) Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges; or

(5) The implementation of special employee training for personnel of the establishment as provided in section 20-44 of this Code for the purpose of preventing the transmission of diseases.

(b) Based on the findings of the investigation as specified in this section and to control disease transmission, the health officer may issue an order of restriction or exclusion to a suspected employee or the permit holder without prior warning, notice of hearing, or a hearing, if the order:

(1) States the reasons for the restriction or exclusion that is ordered;

(2) States the evidence that the employee or permit holder shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated;

(3) States that the suspected employee or the permit holder may request an appeal hearing by submitting a timely request; and

(4) Provides the name and address of the health officer to whom a request for an appeal hearing may be made. Upon request, a hearing shall be provided within 72 hours.

(c) The health officer shall release an employee from restriction or exclusion if:

(1) On the request of an employer or the health officer, a food employee or a person seeking food handling employment is examined by a licensed physician and receives a signed certificate stating that the physical examination has been performed and that to the best of physician's knowledge, the person examined did not, on the date of examination:

a. Have a transmissible condition of a communicable disease;

b. Have a local infection commonly transmitted through food handling;

c. Reside in a household in which there is a transmissible case of a communicable food borne disease; or

d. Appear to be a carrier of the communicable food borne disease causing organism;

(2) The employee was infected with *Salmonella typhi* and the employee's stools are negative for *S. typhi* based on testing of at least three consecutive stool specimen cultures that are taken:

a. Not earlier than one month after onset;

b. At least 48 hours after discontinuance of antibiotics; and

c. At least 24 hours apart.

If one of the cultures taken is positive, repeat cultures are taken at intervals of one month until at least three consecutive negative stool specimen cultures are obtained;

(3) The employee was infected with *Shigella spp.* or *Escherichia coli 0157:H7* and the employee's stools are negative for *Shigella spp.* or *E. coli 0157:H7* based on testing of two consecutive stool specimen cultures that are taken:

a. Not earlier than 48 hours after discontinuance of antibiotics; and

b. At least 24 hours apart; or

(4) The employee was infected with hepatitis A virus and:

a. Symptoms cease; or

b. At least two blood tests show falling lever enzymes.

(Ord. No. 99-1346, § 1, 12-15-99)

Sec. 20-25. Construction, remodeling of food establishment generally.

(a) Wherever a food establishment or food establishment addition is constructed or remodeled and whenever an existing structure is converted to use as a food establishment, two sets of properly prepared plans and specifications for each construction, remodeling, or alteration shall be submitted to the health officer for approval before construction, remodeling, or alteration is begun. The plans and specifications shall indicate the proposed layout, arrangement, and construction materials of work areas, and the type of proposed fixed equipment and facilities. The health officer shall approve the plans and specifications if they meet the requirements of this article. No food establishment shall be constructed, remodeled, or altered except in accordance with plans and specifications approved by the health officer. If any changes are to be made concerning proposed layout, arrangement, and construction materials of work areas, and the type of proposed fixed equipment and facilities after the first set of approved plans and specifications have been delivered to the owner or contractor, the changes shall be shown on revised plans and specifications, and shall be reviewed and approved by the health officer before the changes are made, and shall appear on both original sets of plans and specifications.

(b) One set of the approved plans and specifications will be given to the owner or contractor responsible for the construction of the establishment. A second set of approved plans and specifications will remain on file with the health officer.

(c) Whenever plans and specifications are required under subsection (a) above to be submitted to the health officer, the health officer or his authorized representative shall inspect the food establishment prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements of this article.

(d) The requirements of this section shall be in addition to all applicable requirements of the Construction Code.

(e) The applicant shall pay to the department a nonrefundable plan review and inspection fee of $50.00 for the review of plans and preoperational inspection required hereunder.

(Ord. No. 99-1346, § 1, 12-15-99; Ord. No. 02-399, § 49, 5-15-02)

Sec. 20-26. Notices required.

(a) *Heimlich maneuver.* Every food service establishment where space is designed or designated for eating purposes shall have posted in a conspicuous place, easily accessible to all employees, or to all customers or to both all employees and all customers, a sign graphically depicting the Heimlich maneuver for dislodging food from a choking person.

(b) *Presence of food service manager required.* Every food service establishment to which the provisions of division 3 of this article are applicable shall have posted in a conspicuous place, easily accessible to all employees, a notice that operation without a food service manager present is unlawful.

(c) *Foods containing any sulfite preservative.* Every food service establishment that sells or serves food containing any sulfite preservative shall provide notification of the use thereof to persons to whom the sulfite-containing food is sold or served by at least one of the following methods:

(1) Posting a sign listing the foods containing any sulfite preservative sold or served by the establishment in a place conspicuous to all persons to whom food is served or sold in the establishment. The sign shall conspicuously state that the foods contain a sulfite preservative;

(2) Listing each food containing any sulfite preservative on a menu or other written notice that is given to each person (other than children under the age of 12 accompanied by an adult) who buys or is served food in the establishment. The menu or other written notice shall clearly state that the foods containing a sulfite preservative do contain the substance; or

(3) Providing written notice on a label affixed to the container or wrapper of food containing any sulfite preservative that the food does contain the substance.

(d) *Sanitation posters.* Within each kitchen of each food establishment there shall be conspicuously posted in an area accessible to all employees thereof a poster that describes basic sanitation methods including, but not limited to, those relating to cross-contamination and temperature control. This requirement shall not apply to mobile food units or temporary food service establishments.

(e) *Form of sign.* All signs, notices and listings provided or posted pursuant to this article shall conform to the design specified therefor by the director of public health, including the size, colors, wording and any other elements specified by the director. The department may prepare signs in Spanish, English and other languages as the need may warrant and make them available for purchase at a price equivalent to the production cost thereof.
(Ord. No. 99-1346, § 1, 12-15-99)

Secs. 20-27—20-35. Reserved.

DIVISION 2. PERMITS, MEDALLIONS, ETC.

Sec. 20-36. Food dealer's permit.

(a) No person shall operate a food establishment, temporary food service establishment, or mobile food unit, who does not possess a valid permit issued to him by the health officer. The permit shall be known as a "food dealer's permit". Only a person who complies with the requirements of this article shall be entitled to receive or retain a food dealer's permit. A food dealer's permit shall only be valid for the location specified thereon and may not be transferred from place to place. A food dealer's permit shall become void upon the closing of any sale of the establishment unless transferred pursuant to a pretransfer inspection conducted pursuant to subsection (e), below. A valid permit shall be posted in view of the public in every food establishment and every temporary food service establishment. Permits for temporary food service establishments shall be issued for a period of time not to exceed 21 consecutive days. A temporary food dealer's permit shall not be required if:

(1) The temporary food service establishment is operated by a person who holds a valid food dealer's permit issued under this article;