

## *St. Louis City Ordinance 63699*

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 366

INTRODUCED BY ALDERWOMEN NANCY WEBER , BENNICE JONES-KING

An ordinance repealing Chapter 11.42.005 through 11.42.230 and 11.42.275 through 11.42.540 of the Revised Code of the City of St. Louis, Missouri, 1980, containing Ordinances 56470, 56585 and 57070, pertaining to the requiring of permits from the Health Commissioner for all persons operating a food service establishment or a temporary food service establishment as defined therein and providing for the inspection and grading of same by the Health Commissioner and further providing for certain standards of sanitation for the construction and equipment used in food service establishments or temporary food service establishments and amending Section One of Ordinance 50548 relating to the fee for a restaurant or itinerant restaurant license and enacting in lieu thereof a new ordinance relating to the same subject matter and further providing that any person operating a food service establishment as defined therein, shall be required to obtain a permit from the Health Commissioner and further providing for the suspension and revocation of the same and hearings thereon and providing for inspection of food service establishments by the Health Commissioner and containing regulations and requirements for the operation of food service establishments including their food, personnel, equipment and utensils, sanitary facilities and physical facilities, establishing a fee structure for such permit and a fee for a restaurant or itinerant restaurant license and containing definitions, penalty and emergency clauses.


BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Chapter 11.42.005 through 11.42.230 and 11.42.275 through 11.42.540 of the Revised Code of the City of St. Louis, Missouri 1980, containing Ordinances 56470, 56585 and 57070 are hereby repealed and a new Ordinance is enacted containing from Chapter 11.42.000 to 11.43.104 to read as follows:

### 11.42.000 SECTION (A) DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include future, words in the singular number include the plural number. The word "shall" is mandatory and

"may" is permissive. Words not defined shall be given their common and ordinary meaning.

11.42.002 ADULTERATED shall mean the condition of a food: (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerance if one has been established;  if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (d) if it has been processed, prepared, packed or held under unsanitary conditions; whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (e) if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or (f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

11.42.004 APPROVED shall mean acceptable to the Health Commissioner based on his/her determination of conformity with principles, practices and generally recognized standards that protect public health.

11.42.006 AW means water activity.

11.42.008 BOTTLED DRINKING WATER means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

11.42.010 CLOSED shall mean fitted together snugly leaving no openings larger than one thirty second of an inch.

11.42.012 COMMISSARY means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

11.42.014 CORROSION-RESISTANT MATERIAL means those materials that maintain their original surface characteristics under prolonged influence of the food, normal use of cleaning compounds and sanitizing solutions which may contact it.

11.42.016 EASILY CLEANABLE means that surfaces are readily accessible to sight and touch if manually cleaned and made of such materials and of such design and construction that residue may be effectively removed by normal cleaning methods.

11.42.018 EMPLOYEE means the permit holder, individuals having supervisory or management duties and any other person working in a food service establishment.

11.42.020 EQUIPMENT means 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 service establishment.

11.42.022 FOOD means 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.

11.42.024 FOOD-CONTACT SURFACE means 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.

11.42.026 FOOD PROCESSING ESTABLISHMENT means a commercial operation in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

11.42.028 FOOD SERVICE ESTABLISHMENT means any location where food or drink is routinely prepared and served or provided for the public for consumption on or off the premises with or without charge, such establishments include, but are not limited to, restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, tea rooms, sandwich shops, soda fountains, taverns, bars, cocktail lounges, nightclubs, industrial feeding establishments, take-out establishments, private institutions or organizations routinely serving food, catering kitchens, commissaries or any other eating or drinking establishment or operation, including a push cart or mobile food unit as defined herein.

11.42.030 HAZARDS means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

11.42.032 HEALTH OFFICER OR REGULATORY AUTHORITY shall mean the Health Commissioner of the City or his/her designated representative, including but not limited to employees of the Food Control Service of the Health Division of the City of St. Louis whose specific purpose is to assure the safety of foods ingested or imbibed in public places.

11.42.034 ICE means the product, in any form, obtained as a result of freezing by approved mechanical means, potable water from an approved source.

11.42.036 HERMETICALLY SEALED CONTAINER means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

11.42.038 KITCHENWARE means all multi-use utensils other than tableware used in the preparation, conveying or serving of food.

11.42.040 LAVATORY means a bowl or basin, used to wash the hands and has faucets, hot and cold running water and drainage.

11.42.042 LAW includes Federal, State, and local statutes, ordinances and regulations.

11.42.044 LINENS means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

11.42.046 MISBRANDED means the presence of any written, printed or graphic matter upon or accompanying food or containers of food which is false or misleading or which violates any applicable federal, state or local labeling requirements.

11.42.048 MOBILE FOOD UNIT means a motorized wheeled vehicle that shall by traveling from place to place or upon the public ways, serve food or drink.

11.42.050 MOLLUSCAN shellfish means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof.

11.42.052 ORDER OF CESSATION is a written notice to cease food service operation issued by the Health Commissioner forthwith in the case of a temporary food service establishment and/or in conjunction with the suspension of a food service establishment permit.

11.42.054 PACKAGED means bottled, canned, cartoned, or securely wrapped.

11.42.056 PERSON includes any individual, partnership, corporation, association, charitable organization or other legal entity.

11.42.058 PERSON IN CHARGE means the individual present in a food service establishment who is the apparent supervisor of the food service

establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

11.42.060 POTABLE WATER is traditionally known as drinking water.

11.42.062 POTENTIALLY HAZARDOUS FOOD means any food that consists in whole or in part of milk or milk products, eggs, meats, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms or foods which have a pH level of 4.6 or below or a water activity (a<sub>w</sub>) value of 8.85 or less.

11.42.064 PUSHCART means a wheeled vehicle, propelled solely by human power and constructed in accordance with a design approved by the Department of Health on which permitted food products are served. This includes brewed coffee and flavorings of coffee.

11.42.066 RECONSTITUTED means dehydrated food products recombined with water or other liquids.

11.42.068 REFUSE means solid waste not carried by water (the sewer system)

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

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

11.42.074 SEALED means free of cracks or other openings that permit the entry or passage of moisture.

11.42.076 SEWAGE means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

11.42.078 SHELLSTOCK means raw, in-shell molluscan shellfish.

11.42.080 SHUCKED SHELLFISH means molluscan shellfish that have one or both shells removed.

11.42.082 SINGLE SERVICE ARTICLES means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, toothpicks and similar articles intended for one-time, one person use, and then discarded.

11.42.084 SINGLE USE ARTICLES means items such as waxed paper, butcher paper, plastic wrap, bread wrappers, aluminum, foil, jars, plastic tubs or buckets and plastic gloves.

11.42.086 SUPPORT ANIMAL means a trained animal such as a guide dog that accompanies a person with a disability to assist in managing the disability and enables the person to perform functions that the person would otherwise be unable to perform.

11.42.088 TABLEWARE means multi-use eating and drinking utensils including flatware, (knives, forks and spoons)

11.42.090 TEMPERATURE MEASURING DEVICE means a thermometer, thermocouple, thermistor, or other devices that indicate the temperature of food, air or water.

11.42.092 TEMPORARY FOOD SERVICE ESTABLISHMENT means a food establishment that operates at a fixed location for a period of no more than 14 consecutive days in connection with a single public event or public celebration.

11.42.094 UNWHOLESOME means the condition of any food which is diseased, decayed, tainted, putrid, infected, poisoned, adulterated, contaminated, unclean or otherwise impure or unfit for human consumption.

11.42.096 UTENSILS means any kitchenware, tableware, glassware, cutlery, containers or other equipment with which food and drink comes in contact during storage, preparation, transportation or serving.

11.42.098 WHOLESOME means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

#### 11.42.100 SECTION (B) FOOD CARE

11.42.102 FOOD SUPPLIES - GENERAL All foods to be used in a permanent or temporary food establishment, mobile food unit or pushcart shall be:

A Obtained from sources that comply with all law relating to food and food labeling and

B Food must be clean, wholesome, free from spoilage, adulteration, contamination or misbranding and Safe for human consumption.

C Food in a hermetically sealed container shall come from an approved food processing plant. Food prepared in a private home may not be used or offered for human consumption in a food establishment.

#### 11.42.104 FOOD SUPPLIES - SPECIAL REQUIREMENTS

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

B Fresh and frozen shucked shellfish shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock 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 inter-state certification number issued by the State or foreign shellfish control agency. Shell stock tags or labels shall be kept ninety (90) days after container is emptied.

C Shell eggs shall be clean and received whole and without cracks or checks. Liquid frozen and dry eggs and egg products shall be obtained pasteurized. Hardboiled peeled eggs, commercially prepared and packaged may be used.

11.42.106 FOOD PROTECTION GENERAL All foods while being displayed, prepared, stored, sold or transported shall be protected from contamination from dirt, dust, insects, rodents, and other vermin, unclean equipment and

utensils, cough and sneezes, flooding, drainage, overhead leakage and improper storage temperatures.

11.42.108 PROTECTION FROM UNAPPROVED ADDITIVES Food shall be protected from contamination that may result from the addition of:

A Unsafe or unapproved food or color additives;

B Unsafe or unapproved levels of approved food and color additives;

C The application of sulphiting agents is prohibited to fresh fruits and vegetables intended for raw consumption.

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

11.42.112 FOOD STORAGE - GENERAL

A All food and drink shall be stored in such a manner as to minimize the opportunities for contamination.

B Any food, 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.

C Containers of food shall be stored at least 6" (six) above the floor, where it is not exposed to splash, dust or other contamination and that permits easy cleaning of the storage area; except that:

1) pressurized beverage containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.

2) large quantities of packaged food and bulk container may be stored on dollies, racks, skids or pallets, provided such equipment is designed to be moved by hand or conveniently available equipment such as handtrucks and forklifts.

D Food not subject to further washing or cooking before serving shall be stored to protect it against contamination from food requiring washing or cooking.



E Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water, except that:

- 1) 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; and
- 2) 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.

F Bulk food containers holding food or food ingredients that are removed from their original packages for use in the establishment, such as cooking oils, flour, herbs, salt, sugar and spices shall be identified with the common name of the food except that containers holding food that can be readily and unmistakably recognized such as dry pasta need not to be identified.

11.42.114 FOOD STORAGE - PROHIBITED AREAS Food may not be stored:

A in locker rooms;

B in toilet rooms;

C in dressing rooms;

D in garbage rooms;

E under sewer lines that are not shielded to intercept potential drips;

F in mechanical rooms;

G under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;

H under stairwells; or I under other sources of contamination.

11.42.116 FOOD STORAGE - HOT AND COLD HOLDING Potentially hazardous foods, except during preparation cooking or cooling, shall be maintained:

A at 41 F ( 5 C) or below; or

B at 140 F (60 C) or above.

#### 11.42.118 FOOD STORAGE-REFRIGERATED

A Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage.

- 1) Each refrigerated facility shall have an ambient temperature measuring device scaled in Celsius or duly scaled in Celsius and Fahrenheit and accurate to + 2.7 F (1.5 C); or
- 2) An ambient temperature measuring device that is scaled only in Fahrenheit shall be accurate to + 3 F; and
- 3) shall be easily readable and located to measure the air temperature in the warmest part of the facility.

B Cooked potentially hazardous food shall be cooled:

- 1) from 140 F (60 C) to 70 F (21 C) within 2 hours; and
- 2) from 70 F (21 C) to 41 F (5 C) or below within 4 hours.

C Potentially hazardous food shall be cooled to 41 F (5 C) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

D Potentially hazardous food to be transported shall be prechilled and held at a temperature of 41

F (5 C) or below unless maintained in accordance with Chapter 11.42.120.

E Cooling shall be accomplished in accordance with the time and temperature criteria specified under 11.42.118, (B) by using one or more of the following methods based on the type of food being cooled:

- 1) placing the food in shallow pans;
- 2) separating the food into smaller or thinner portions;
- 3) using rapid cooling equipment;
- 4) stirring the food in a container placed in an ice water bath;

- 5) using containers that facilitate heat transfer;
- 6) adding ice as an ingredient; or
- 7) other effective methods.

F When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

- 1) arranged in the equipment to provide maximum heat transfer through the container walls; and
- 2) loosely covered, to protect from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food.

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

H Ice may not be used as a food for human consumption after use as a medium for cooling the exterior surfaces of food such as melons or fish, packaged foods such as canned beverages, food utensils, or cooling coils and tubes of equipment.

#### 11.42.120 FOOD STORAGE-HOT

A Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage:

- 1) each hot food facility storing potentially hazardous food shall be provided with an ambient temperature measuring device as specified in 11.42.118, (A), (1), (2); and
- 2) located to measure the air temperature in the coolest part of the facility and be easily readable;
- 3) where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, calred units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

B The internal temperature of potentially hazardous foods requiring hot storage shall be 140 F, (60 C) or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of

140 F (60 C) or above, unless maintained in accordance with Chapter 11.42.118.

11.42.122 FOOD PREPARATION-GENERAL Food shall be prepared with the least possible manual contact, with suitable utensils or single use gloves, and on surfaces that prior to use have been cleaned and sanitized to prevent contamination, this includes ready-to-eat foods.

11.42.124 FOOD PREPARATION-RAW FRUITS AND RAW VEGETABLES shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready to eat form.

#### 11.42.126 FOOD PREPARATION-TEMPERATURES

A Except as specified in B and C of this section, potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 140 F (60 C) for fifteen (15) seconds.

B Poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat or poultry, shall be cooked to heat all parts of the food to at least 165 F (74 C) for fifteen (15) seconds.

C Pork and any food containing pork shall be cooked to heat all parts of the food to at least 155 F (68 C) for at least fifteen (15) seconds.

D Potentially hazardous foods cooked in a microwave oven shall be:

- 1) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- 2) covered to retain surface moisture;
- 3) heated an additional 25 F (14 C) above the temperature specified in A,B, and C to compensate for shorter cooking times; and
- 4) allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

11.42.128 FOOD PREPARATION-DRY MILK AND DRY MILK PRODUCTS Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.

11.42.130 FOOD PREPARATION-LIQUID, FROZEN, DRY EGGS AND EGG PRODUCTS Egg products which are liquid, frozen, or dry shall be used for cooking; and baking purposes and shall be substituted for shell eggs in the preparation of foods that are not cooked such as eggs used in Caesar salads, hollandaise or bearnaise sauce, non-commercial mayonnaise, eggnog, ice cream, egg fortified, beverages and any other such food preparation.

11.42.132 FOOD PREPARATION-REHEATING

A Potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated rapidly so that all parts of the food reach a temperature of at least 165 F (74 C)

B Food reheated in a microwave oven shall be covered; rotated or stirred throughout or midway during cooking or according to label instructions during heating; heated to a temperature of at least 190 F (88 C); and allowed to stand covered 2 minutes after reheating.

C Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited to use for reheating food.

11.42.134 FOOD PREPARATION-NON-DAIRY PRODUCTS Non-dairy 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 41 F (5 C) or below within 4 hours after preparation.

11.42.136 FOOD PREPARATION-PRODUCT THERMOMETERS

A Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to 1.8 F (+1 C).

B Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to +2 F; and

C Shall be used to assure the attainment and maintenance of proper internal cooking, hot holding, or refrigeration temperatures of potentially hazardous foods.

D Temperature measurement shall be taken in the center of the thickest part of the actual product.

**11.42.138 FOOD PREPARATION-THAWING POTENTIALLY HAZARDOUS FOODS** Potentially hazardous foods shall be thawed:

A Under refrigeration that maintains the food temperature at 41 F (5 C), or below;

B Completely submerged under running water:

1) at a water temperature of 70 F (21 C) or below;

2) with sufficient water velocity to agitate and float off loose particles in an overflow, and

3) for a period of time that does not allow thawed portions of ready-to-eat food to rise above 41 F (5 C); or

4) for a period of time that does not allow thawed portions of potentially hazardous food requiring cooking to be above 41 F (5 C), for more than 4 hours including the time the food is exposed to the running water and the time needed for preparation for cooking or the time it takes under refrigeration to lower the food temperature of 41 F (5 C);

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

D As part of the conventional cooking process.

**11.42.140 FOOD DISPLAY AND SERVICE-POTENTIALLY HAZARDOUS FOOD** Potentially hazardous food shall be kept at an internal temperature of 41 F (5 C) or below or at an internal temperature of 140 F (60 C) or above during display and service.

**11.42.142 FOOD DISPLAY AND SERVICE-MILK AND CREAM DISPENSING**

A Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk

and milk products is not available and portions of less than 1/2 pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than (one-half) gallon capacity.

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

**11.42.144 FOOD DISPLAY AND SERVICE-NONDAIRY PRODUCT DISPENSING** Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

**11.42.146 FOOD DISPLAY AND SERVICE-CONDIMENT DISPENSING** Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected by food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

**11.42.148 FOOD DISPLAY AND SERVICE-ICE DISPENSING** Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice-dispensing utensils or through automatic self-service, ice-dispensing equipment. Ice dispensing utensils shall be stored on a clean surface, in a clean protected location 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.

**11.42.150 FOOD DISPLAY AND SERVICE-DISPENSING UTENSILS**

A To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves.

B During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

- 1) in the food with their handles above the top of the food and the container; or
- 2) on a clean portion of the food preparation table or cooking equipment; or
- 3) stored in running water of sufficient velocity to flush particulate to the drain, if used with moist food such as ice cream or mashed potatoes; or

4) stored either in a running water dipper well, or clean and dry, in the case of dispensing utensils and malt collars used in preparing frozen desserts;

5) a food dispensing utensil shall be available for each container displayed at a consumer self-service unit such as a buffet or salad bar.

11.42.152 FOOD DISPLAY AND SERVICE- RE-SERVICE Once served to a consumer, portions of left-over food shall be discarded. Except food that is not potentially hazardous such as crackers and condiments, that is in an unopened original package, and is maintained in sound condition may be served again .

#### 11.42.154 FOOD DISPLAY AND SERVICE-DISPLAY EQUIPMENT

A 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.

B Consumer self-service operations for ready to eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.

C Consumer self-service operations such as buffets and salad bars shall be monitored by food employees trained in self operating procedures.

11.42.156 FOOD DISPLAY AND SERVICE-REUSE OF TABLEWARE Self-service consumers shall not be allowed to use soiled tableware, including single service articles, to obtain additional food from the display and service equipment. Except beverage cups and glasses may be reused by self-service consumer if refilling is a contamination free process.

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



11.42.202 EMPLOYEE HEALTH-GENERAL No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, open lesion, dysentery, an acute respiratory infection; or employees experiencing persistent sneezing, 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 or single-use articles.

#### 11.42.204 PERSONNEL CLEANLINESS

A Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, by vigorously rubbing together the surfaces of their lathered hands and arms for at least twenty (20) seconds, and thoroughly rinsing with clean water. Employees shall pay particular attention to the area underneath the fingernails and between the fingers.

B Food employees shall clean their hands and exposed portions of their arms at the following times:

- 1) after touching bare human body parts other than clean hands and clean, exposed portions of the arms;
- 2) after using the toilet room;
- 3) after caring for or handling support animals as specified in 11.42.664(3);
- 4) after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- 5) after handling soiled equipment or utensils;
- 6) immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles;
- 7) during food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;

8) when switching between working with raw foods and working with ready-to-eat foods; or

9) after engaging in other activities that contaminate the hands;

C An alcohol-based, instant hand sanitizer or a chemical hand sanitizing solution used as a hand dip shall:

1) consist of or be made up of a chemical foundation specifically listed for use as a hand sanitizer that is generally recognized as safe; and

2) shall not take the place of proper handwash procedures.

D Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are smooth and cleanable.

E While preparing food, food employees may not wear jewelry on their arms and hands. This section does not apply to a plain ring such as a wedding band.

#### 11.42.206 CLOTHING-GENERAL

A Food employees shall wear clean outer clothing. When moving from a raw food operation to a ready-to-eat food operation, food employees shall wear a clean outer covering over clothing or change to clean clothing if their clothing is soiled.

B Food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles: 1) this section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

#### 11.42.208 EMPLOYEE PRACTICES-EATING, DRINKING, OR USING TOBACCO

A Employees shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection can not result.

B Except that a food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

- 1) the employee's hands;
- 2) the container; and
- 3) exposed food; clean equipment, utensils, and linens and unwrapped single-service and single-use articles.

C Food employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices in the food establishment.

#### 11.42.300 SECTION (D) EQUIPMENT AND UTENSILS

11.42.302 MATERIALS-GENERAL Food contact surfaces of equipment and utensils shall be constructed and repaired with:

- A) safe materials, including finishing materials; and
- B) durable, corrosion resistant and non-absorbent; and
- C) shall be sufficient in weight and thickness to withstand repeated warewashing; and
- D) finished to have smooth easily cleanable surfaces, that are;
- E) resistant to pitting, chipping, crazing, scratching, scouring, distortion, and decomposition
- F) single-service and single-use articles shall be made from clean, sanitary, safe materials; and
- G) all equipment, utensils, single-service and single-use articles, shall not allow the migration of deleterious substances or impart colors, odors, or tastes to food.

#### 11.42.304 MATERIALS-USE LIMITATIONS

A Solder and flux that contain lead in excess of 0.2% may not be used on surfaces that contact food.

B Wood and wood wicker may not be used as a food-contact surface except hard maple or an equivalently hard, close-grained, non-absorbent wood may be used for cutting boards, cutting blocks, baker's tables, and utensils such as

rolling pins, doughnut dowels, salad bowls, chopsticks, stirrers, or ice cream spoons.

C Copper and copper alloys such as brass shall not be used in contact with a food that has a pH below 7 such as vinegar, fruit juice, or wine or for a fitting or tubing installed between a backflow prevention device and a carbonator.

D Galvanized metal shall not be used for utensils or food-contact surfaces of equipment that are used for beverages, moist food, or hygroscopic food.

E Pewter shall not be used as a food-contact surface. Imitation pewter meeting the characteristics of multi-use utensils specified under 11.42.302 may be used as a food-contact surface.

F Plastic, rubber or rubber like materials shall not be used as a food contact surface unless characteristics meet requirements specified under 11.42.302.

G Linens, napkins and sponges may not be used in contact with food, except linens and napkins may be used to line containers used for the service of foods if the linens and napkins are replaced each time the container is refilled for a new consumer (i.e. bread, rolls).

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

#### 11.42.306 MATERIALS-SINGLE SERVICE/SINGLE-USE

A Re-use of single service articles is prohibited.

B Single-use gloves shall be used for only one task, such as working with ready-to-eat food, or with raw potentially hazardous food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.

#### 11.42.308 DESIGN AND CONSTRUCTION-GENERAL

A All equipment and utensils, including plastic-ware, shall be designed and constructed to be durable and to retain their characteristics under normal use conditions:

1) Equipment shall be National Sanitation Foundation (NSF) approved or equivalent.

2) Food-contact surfaces of equipment shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean, sharp internal angles, corners, and crevices.

3) Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops, and skillets.

4) Threads shall be designed to facilitate cleaning: ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, such threads shall be minimized.

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

C Sinks and drain boards shall be self-draining.

11.42.310 DESIGN AND CONSTRUCTION-ACCESSIBILITY Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

A without being disassembled; or

B by disassembling without the use of tools; or

C by easy disassembling with the use of only simple tools such as a mallet, a screw-driver, or an open-end wrench kept available near the equipment.

11.42.312 DESIGN AND CONSTRUCTION-IN-PLACE CLEANING

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

A cleaning and sanitizing solutions circulate throughout a fixed system will contact all interior food-contact surfaces; and

B the system is self-draining or capable of being completely drained of cleaning and sanitizing solution.

11.42.314 DESIGN AND CONSTRUCTION-PRESSURE SPRAY

CLEANING Fixed equipment designed and constructed to be cleaned and

sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

11.42.316 DESIGN AND CONSTRUCTION-THERMOMETERS Food temperature measuring devices required for immersion into food or cooking media:

A Shall be of metal stem type construction, and designed to be easily readable.

B Food temperature measuring devices shall have a numerical scale, printed record, or digital readout in increments no greater than 2 F or 1 C.

11.42.318 DESIGN AND CONSTRUCTION-NON-FOOD CONTACT SURFACES of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed and repaired with a corrosion-resistant, nonabsorbent, and smooth material and:

A shall be smooth, washable, free of unnecessary ledges, projections, or crevices; and

B readily accessible for cleaning; and

C shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

11.42.320 DESIGN AND CONSTRUCTION-VENTILATION All ventilation systems in food preparation and dishwashing areas including components such as hoods, fans, guards, and ducting:

A shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens and single service and single use articles;

B shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings; and

C shall comply with law and fire prevention codes and shall be vented to the outside air in such a manner as not to create a public nuisance.

11.42.322 DESIGN AND CONSTRUCTION-EXISTING EQUIPMENT In enforcing the provision of this code, the regulatory authority shall access existing facilities or equipment that were in use before the effective date of this code based on the following considerations:

A whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition, and

B whether food contact surfaces comply with 11.42.308 of this ordinance.

C The regulatory authority may grant a variance by modifying or waiving the requirements of this code, if in the opinion of the regulatory authority a health hazard will not result from the variance; and

D if variance is granted by the regulatory authority, the file on the food establishment shall retain:

1) a statement of the proposed variance of the code requirements citing relevant code section numbers, and

2) a written analysis of the rationale for how the potential public health hazards addressed by the relevant code sections will be alternatively addressed by the proposal.

**11.42.324 EQUIPMENT INSTALLATION AND LOCATION - GENERAL**  
Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines or water lines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law, unless they are leaking.

**11.42.326 EQUIPMENT INSTALLATION AND LOCATION - TABLE MOUNTED EQUIPMENT**

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

B Equipment is portable within the meaning of this chapter if:

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

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

#### 11.42.328 EQUIPMENT INSTALLATION AND LOCATION-FLOOR MOUNTED EQUIPMENT

A A unit of equipment that is fixed because it is not easily movable shall be installed so that it is:

- 1) spaced to allow access for cleaning along the sides, behind, and above the unit;
- 2) spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second ( $1/32$ ) inch; or
- 3) sealed to adjoining equipment or walls, if the unit is exposed to spillage or seepage.

B Floor mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a six (6) inch clearance between the floor and the equipment; except that vertically mounted floor mixers may be elevated as little as four (4) inches if no part of the floor under the mixer is more than six (6) inches from cleaning access; or

C installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements in A and B.

D Equipment is easily movable if:

- 1) it is mounted on wheels or coasters; and
- 2) has no utility connection or has a utility connection that disconnects quickly or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

#### 11.42.330 EQUIPMENT INSTALLATION - GOOD REPAIR AND PROPER ADJUSTMENT

A Equipment shall be maintained in a state of repair and condition that meets the requirements specified in 11.42.302-304.

B Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight and adjusted in accordance with manufacturers' specifications.



C Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened and shall be readily removable for cleaning and/or replacement.

D Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.

11.42.332 EQUIPMENT INSTALLATION - 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.

#### 11.42.400 SECTION (E) CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS

##### 11.42.402 EQUIPMENT AND UTENSIL CLEANING AND SANITIZATION - DRY CLEANING:

A If used, dry cleaning methods such as brushing scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.

B Cleaning equipment used in dry cleaning food-contact surfaces shall not be used for any other purpose.

##### 11.42.404 EQUIPMENT AND UTENSILS CLEANING AND SANITIZATION - WET CLEANING:

A Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; acids, alkaline, or abrasive cleaners; hot water; brushes; scouring pads; or high pressure sprays.

B The washing procedures selected shall be based on the type and purpose of the equipment or utensil, and on the type of soil to be removed.

#### 11.42.406 EQUIPMENT AND UTENSILS CLEANING AND SANITIZATION - CLEANING FREQUENCY:

A Tableware shall be washed, rinsed, and sanitized after each use.

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

C Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized, at intervals throughout the day on a schedule based on:

- 1) characteristics of the equipment and its use;
- 2) the type of food involved;
- 3) the amount of food residue accumulation; and
- 4) the temperature at which the food is maintained during the operation.

#### 11.42.408 EQUIPMENT AND UTENSILS CLEANING AND SANITIZATION - WIPING CLOTHS:

A Cloths that are in use for wiping food spills shall be used for no other purpose.

B Cloths used for wiping food spills shall be:

- 1) dry and used for wiping food spills from tableware and carry-out containers;  
or
- 2) moist and clean, stored in a chemical sanitizer as specified under 11.42.410, and used for wiping spills from food-contact and non-food-contact surfaces of equipment.

#### 11.42.410 EQUIPMENT AND UTENSILS CLEANING AND SANITIZATION - MANUAL CLEANING AND SANITIZING:

A For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with a minimum of three (3) compartments shall be provided except that;

1) where liquor and other beverages are served from behind a bar, a minimum of four (4) compartments shall be provided.

B Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils, and each compartment shall be supplied with hot and cold potable running water.

C Fixed equipment and utensils that are too large for the sink can be washed manually or if approved by the regulatory authority cleaned by:

- 1) high pressure detergent sprayers;
- 2) low- or line-pressure spray detergent foamers;
- 3) other task specific cleaning equipment;
- 4) brushes or other implements;

D Attached drain boards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing. Location of racks or tables shall not interfere with the use of dishwashing facilities.

E Equipment and utensils shall be pre-flushed or pre-scraped and when necessary, for effective cleaning scrubbed with abrasives or pre-soaked to remove food particles and soil.

#### 11.42.412 EQUIPMENTS AND UTENSILS CLEANING AND SANITIZATION - SEQUENCE:

A Manual cleaning and sanitization shall be conducted in the following sequence;

- 1) sinks shall be thoroughly cleaned prior to use;
- 2) equipment and utensils shall be washed in the first compartment with a clean detergent solution; the temperature of the wash solution shall be maintained at not less than 110 F (43 C) unless a different temperature is specified on the cleaning agent manufacturer's label instructions;
- 3) equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment;

4) food contact surfaces of equipment and utensils shall be sanitized in the third compartment by one of the following methods:

**B Methods of chemical sanitization:**

1) immersion for at least one minute in a clean solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite and at a temperature of at least 75 F (24 C); or

2) immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and a temperature of at least 75 F (24 C); or

3) immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite at a temperature of at least 75 F (24 C) for one minute; or

4) treatment with steam free from materials or additives other than those specified in 21 CFR 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

5) rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under Chapter 11.42.412 (B-3) in the case of equipment too large to sanitize by immersion.

6) When chemicals are used for sanitization, concentration of the sanitizing solution shall be accurately determined by using a test kit or other device.

**C Methods of hot water sanitization:**

1) if immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 170 F (77 C) or above.

2) a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

**11.42.414 EQUIPMENT AND UTENSILS CLEANING AND SANITIZATION - MECHANICAL CLEANING AND SANITIZING:**

A Cleaning and sanitizing may be done by spray-type or immersion dish washing machine or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils:

- 1) these machines and devices shall be properly installed and maintained in good repair; and
- 2) shall be operated in accordance with manufacturers's instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles.
- 3) automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.

B The flow pressure of the fresh hot water sanitizing rinse in a dishwashing machine may not be less than fifteen (15) pounds per square inch or more than twenty-five (25) pounds per square inch as measured in the water line immediately upstream from the fresh hot water sanitizing rinse control valve.

C A one-fourth (1/4) inch iron pipe size (IPS) valve shall be provided immediately upstream from the fresh hot water sanitizing rinse control valve of a dishwashing machine to permit checking the flow pressure of the sanitizing rinse. This section does not apply to a machine that uses only a pumped sanitizing rinse.

D A dishwashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water:

- 1) in each wash and rinse tank; and
- 2) as the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

E Dishwashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross contamination of the solutions in wash and rinse tanks.

F Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturer's specifications attached to the machine.

G 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 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 or clean and sanitized utensils.

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

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

- 1) wash water shall be kept clean and temperature shall be maintained not less than 120 F (49 C);
- 2) chemicals added for sanitization purposes shall be automatically dispensed, and meet the requirements of 21 CFR 178.1010;
- 3) utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturers specifications for time and concentration;
- 4) the chemical sanitizing rinse water temperature shall be not less than 75 F (24 C) nor less than the temperature specified by the machine's manufacturer;
- 5) a test kit or other device that accurately measures the parts per million concentration of the chemical sanitizing solution shall be available and used.

J Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water temperature shall be maintained not less than:

- 1) single-tank, stationary-rack, dual-temperature machine:

wash temperature.....150 F (66 C)

final rinse temp.....180 F (82 C)

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

wash temperature.....165 F (74 C)

final rinse temp.....165 F (74 C)

3) single-tank, conveyor machine:

wash temperature.....160 F (71 C)

final rinse temp.....180 F (82 C)

4) multi-tank, conveyor machine:

wash temperature.....150 F (66 C)

pumped rinse temp....160 F (71 C)

final rinse temp.....180 F (82 C)

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

11.42.416 EQUIPMENT AND UTENSILS CLEANING AND SANITIZATION-DRYING After sanitization, all equipment and utensils shall be air dried.

11.42.418 EQUIPMENT AND UTENSILS STORAGE-HANDLING

A Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

B Spoons, knives and forks shall be touched only by their handles.

C Cups, glasses, bowls, plates and similar items shall be handled so that contamination of food and lip contact surfaces is prevented.

11.42.420 EQUIPMENT AND UTENSILS STORAGE-GENERAL:

A Cleaned and sanitized equipment and utensils shall be stored:

- 1) in a clean, dry location
- 2) where they are not exposed to splash, dust, or other contamination; and
- 3) at least six (6) inches above the floor.

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

C Glasses, cups, and other stored utensils shall be covered or inverted, wherever practical.

D Facilities for the storage of knives, forks and spoons shall be designed and used to present the handle to the employee or consumer.

E Unless tableware is pre-wrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination by presenting the handle of the utensil to the consumer.

F Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

#### 11.42.422 EQUIPMENT AND UTENSIL STORAGE-SINGLE-SERVICE ARTICLES:

A Single-service and single-use articles shall be stored as specified under 11.42.420 (A).

B Single-service and single use articles shall be handled, displayed, and dispensed so that contamination of food and lip-contact surfaces is prevented.

C Single-service knives, forks, and spoons that are not pre-wrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

D Except as specified under (C) of this section, single-service articles that are intended for food or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

11.42.424 EQUIPMENT AND UTENSIL STORAGE-PROHIBITED STORAGE AREA: Cleaned and sanitized equipment, utensils, and single-service and single-use articles may not be stored:

- 1) in locker rooms;
- 2) in toilet rooms;
- 3) in garbage rooms;
- 4) in mechanical rooms;



- 5) under sewer lines that are not shielded to intercept potential drips;
- 6) under leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed;
- 7) under open stairwells; or
- 8) under other sources of contamination.

#### 11.42.500 SECTION (F) SANITARY FACILITIES AND CONTROLS

##### 11.42.502 WATER SUPPLY-GENERAL:

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

B Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food establishment.

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

11.42.506 WATER SUPPLY-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.

11.42.508 WATER SUPPLY-WATER UNDER PRESSURE Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

11.42.510 WATER SUPPLY-STEAM Steam used in contact with food or food-contact surfaces shall be free from any material or additives other than those specified in 21 CFR 173.310.

##### 11.42.512 SEWAGE-GENERAL:

A All sewage, including liquid waste, shall be disposed of by a public sewage disposal system constructed and operated according to the law.

B Non-water-carried sewage disposal facilities are prohibited, except as permitted by Chapter

11.42.802 through 11.42.816 (pertaining to temporary food service establishments) or as permitted by the regulatory authority in remote areas or because of special situation.

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

11.42.516 PLUMBING-NON-POTABLE WATER SYSTEM:

A A non-potable water system is permitted only for purposes such as air-conditioning and fire protection and only if the system is installed according to law. Non-potable water cannot contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils.

B The piping of any non-potable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

11.42.518 PLUMBING-BACKFLOW

A The potable water system shall be installed to prevent backflow of a solid, liquid, or gas contaminant into the water supply system. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

B Devices to protect against back flow and back siphonage shall be installed 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.

11.42.520 PLUMBING-GREASE TRAPS If used, grease traps shall be located to be easily accessible for cleaning.

11.42.522 PLUMBING-GARBAGE GRINDERS If used, garbage grinders shall be installed and maintained according to the law.

#### 11.42.524 PLUMBING-DRAINS:

A Except for properly trapped open sinks, there shall be no direct connection between the sewage system and any drains originating from equipment in which food, portable equipment, or utensils are placed.

B When a dishwashing machine is located within five (5) feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

11.42.526 TOILET FACILITIES-TOILET INSTALLATION Toilet facilities shall be installed according to law, shall be the number required by law, shall be conveniently located, and shall be accessible to employees during all hours of operation.

11.42.528 TOILET FACILITIES-TOILET DESIGN Toilets and urinals shall be designed to be easily cleanable.

11.42.530 TOILET FACILITIES-TOILET ROOMS Toilet rooms shall be completely enclosed and shall have tight fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance, except as provided by law.

11.42.532 TOILET FACILITIES-TOILET FIXTURES Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

#### 11.42.534 LAVATORY FACILITIES-LAVATORY INSTALLATION:

A Hand washing lavatories shall be at least the number required by law, and shall be installed according to law; and shall be located to allow convenient use by employees in food preparation, food dispensing, and utensil washing areas.

B A hand washing lavatory shall be maintained so that it is accessible at all times for employee use.

C Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for hand washing.

D Self-closing, slow-closing or metering faucets are prohibited in employee lavatories.

#### 11.42.536 LAVATORY FACILITIES-LAVATORY FAUCETS:

A Each hand washing lavatory shall be provided with hot and cold water and shall be equipped to provide water at a temperature of at least 110 F (43 C) through a mixing valve or combination faucet.

B A steam mixing valve may not be used at a hand washing lavatory.

C A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

#### 11.42.538 LAVATORY FACILITIES-LAVATORY SUPPLIES Each hand washing lavatory or group of adjacent lavatories shall be available:

A A supply of hand cleaning liquid, powder, or bar soap; and individual, disposable towels; or

B A continuous towel system that supplies the user with a clean towel; or

C A heated-air hand drying device; and

D A waste receptacle shall be provided for each hand washing lavatory or group of adjacent lavatories that is provided with individual disposable towels.

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

#### 11.42.542 GARBAGE AND REFUSE-CONTAINERS

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

B Containers used in food preparation and utensil washing areas shall be kept covered when not in actual use.

C 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.

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

E Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction.

F The exterior and interior surfaces of the container shall be cleaned in a way that does not contaminate food, equipment, utensils, or food preparation areas.

G Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers.

H Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

#### 11.42.544 GARBAGE AND REFUSE-STORAGE

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

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

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

#### 11.42.546 GARBAGE AND REFUSE-DISPOSAL

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

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

#### 11.42.548 INSECT AND RODENT CONTROL-GENERAL

A Effective measures intended to minimize the presence of rodents, flies, roaches, and other insects on the premises shall be utilized.

B The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

#### 11.42.550 INSECT AND RODENT CONTROL-OPENINGS

A Openings to the outside shall be effectively protected against the entrance of rodents and insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means.

B Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall not be less than (16) mesh to the inch.

#### 11.42.552 INSECT AND RODENT CONTROL-DEVICES

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

- 1) designed to have "escape-resistant" trays; and
- 2) installed so that:
  - a) the devices are not located over a food preparation area, and
  - b) dead insects and insect fragments are prevented from falling on or being impelled onto exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

B Devices used to trap insects by adherence may not be installed above exposed food; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.

### 11.42.600 SECTION (G) CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

#### 11.42.602 FLOORS-FLOOR CONSTRUCTION

A Floors and floor covering of all food preparation, food storage, and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair.

B Nothing in this chapter shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.

11.42.604 FLOORS-FLOOR CARPETING Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment and utensil-washing areas, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.

11.42.606 FLOORS-PROHIBITED FLOOR COVERING The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.

#### 11.42.608 FLOORS-FLOOR DRAINS

A 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.

B Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.

11.42.610 FLOORS-MATS AND DUCKBOARDS Mats and duckboards shall be of non-absorbent, grease resistant materials and of such size, design, and construction as to facilitate their being easily cleaned. Duckboards shall not be used as storage racks.

#### 11.42.612 FLOORS-FLOOR JUNCTURES

A In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile or similar flooring materials, and where water-flush cleaning methods are used, the junctures between walls and floors shall be covered and sealed.

B In all other cases, the juncture between walls and floors shall not present an open seam of more than one thirty-second (1/32) inch.

11.42.614 FLOORS-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 extensive remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

11.42.616 WALLS AND CEILINGS-MAINTENANCE Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

11.42.618 WALLS AND CEILINGS-CONSTRUCTION

A The walls, including non-supporting partitions, wall coverings and ceilings of walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules shall be light colored, smooth, non-absorbent, and easily cleanable.

B Concrete or pumice blocks used for interior wall construction in those locations shall be finished and sealed to provide an easily cleanable surface.

11.42.620 WALLS AND CEILINGS-EXPOSED CONSTRUCTION

A Studs, joists, and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules.

B If exposed in other rooms or areas, they shall be finished and sealed to provide an easily cleanable surface.

11.42.622 WALLS AND CEILINGS-UTILITY LINE INSTALLATION

A Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

B Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food preparation areas, equipment and utensil washing areas, toilet rooms and vestibules.

11.42.624 WALLS AND CEILINGS-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.

#### 11.42.626 WALLS AND CEILINGS-COVERING MATERIAL

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

#### 11.42.628 CLEANING PHYSICAL FACILITIES-GENERAL

A 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.

B Floors, mats, duckboards, walls and ceilings, and attached equipment and decorative materials shall be kept clean.

C Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust-arresting compounds with brooms.

#### 11.42.630 CLEANING PHYSICAL FACILITIES-UTILITY FACILITY

A In new or extensively remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes.

B The use of lavatories, utensil-washing or equipment-washing, or food preparation sinks for this purpose is prohibited.

#### 11.42.632 LIGHTING-GENERAL

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

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

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

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

#### 11.42.634 LIGHTING-PROTECTIVE SHIELDING

A Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

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

#### 11.42.636 VENTILATION-GENERAL

A All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes.

B Ventilation systems shall be installed and operated according to law and, when vented to the outside, ventilation systems may not create a public nuisance or unlawful discharge.

#### 11.42.638 VENTILATION-SPECIAL VENTILATION

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

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

#### 11.42.640 DRESSING ROOMS AND LOCKER AREAS-DRESSING ROOMS AND AREAS

A Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment.

B Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

C Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles can not occur.

#### 11.42.642 POISONOUS OR TOXIC MATERIALS-MATERIALS PERMITTED AND LABELING

A Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a food establishment.

B Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

C Working containers used for storing poisonous or toxic materials such as cleaners and sanitizes taken from bulk supplies shall be clearly and individually identified with the common name of material.

#### 11.42.644 POISONOUS OR TOXIC MATERIALS-STORAGE OF MATERIALS

A Poisonous or toxic materials consist of the following categories:

- 1) insecticides and rodenticides;
- 2) detergents, sanitizes, and related cleaning or drying agents;
- 3) caustics, acids, polishes, and other chemicals.

B Poisonous or toxic materials shall be stored so they may not contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- 1) separating the poisonous or toxic materials by spacing or partitionings; and
- 2) locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This paragraph does not apply to equipment and utensil cleaners and sanitizes that are stored in dishwashing areas for availability and convenience.

C A food container may not be used to store, transport, or dispense poisonous or toxic materials; and

D A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.

#### 11.42.646 POISONOUS OR TOXIC MATERIALS-USE OF MATERIALS Poisonous or toxic materials shall be:

A Used according to:

- 1) law and the requirements of this chapter,
- 2) the manufacturers' use directions included in the labeling,
- 3) the conditions of certification, if certification is required, for use of the pest control materials, and
- 4) additional conditions that may be established by the regulatory authority;  
and

B Applied so that:

- 1) contamination including toxic residues due to spray, drip, drain, or splash on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and
- 2) a hazard to employees or other persons is not constituted.

#### 11.42.648 POISONOUS OR TOXIC MATERIALS-PESTICIDES

A A pesticide shall be applied in a food establishment only by a certified applicator except that the manual or automatic spraying of a general use insecticide that only contains pyrethrin, piperonal butoxide, and N-octyl bicycloheptene dicarboximide need not be done by a certified applicator.

B A pesticide shall be applied so that direct or indirect contact with food, equipment, utensils, linens, and single-service and single-use articles is prevented by protecting those items from toxic residues due to spray, drip, drain, or splash and:

- 1) from application of a restricted use pesticide by:
  - a) removing the items;
  - b) covering the items with impermeable covers; or

- c) taking other appropriate preventive actions; and
- 2) cleaning and sanitizing equipment and utensils after the application.

C Bait shall be contained in a covered bait station, and tracking powders may not be used in a food establishment.

#### 11.42.650 POISONOUS MATERIALS-MEDICINES

A Only those medicines that are necessary for the health of employees shall be allowed in a food establishment.

B Medicines that are in a food establishment for the employees' use shall be labeled as specified under 11.42.642 (B) and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

C 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 employee's medicines; and
- 2) located on the lowest shelf.

#### 11.42.652 POISONOUS OR TOXIC MATERIALS-FIRST AID SUPPLIES AND PERSONAL CARE ITEMS

A First aid supplies that are in a food establishment for the employees' use shall be:

- 1) labeled as specified under 11.42.642 (B) and
- 2) stored in a kit or a container that is located to prevent the contamination of food, equipment, utensils, and linens, and single-service and single-use articles.

B Personal care items such as those substances that may be poisonous, toxic, or a source of contamination, and are used to maintain or enhance a person's health, hygiene or appearance shall be stored as specified under 11.42.640 (B).

#### 11.42.654 PREMISES-GENERAL

A Food service establishments and all parts of property used in connection with their operations shall be kept free of litter.

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

C The premise shall be free of items that are unnecessary to the operation or maintenance of the establishment such as equipment that is non-functional or no longer used.

D Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage, or utensil-washing areas.

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

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

B In new or extensively remodeled facilities separate zones shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

#### 11.42.660 PREMISES-LINENS AND CLOTHES STORAGE


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

B Soiled clothes and linens shall be stored in nonabsorbent containers or clean washable laundry bags and stored to prevent contamination of food, clean equipment, clean utensils, single-service and single-use articles.

11.42.662 PREMISES-CLEANING EQUIPMENT STORAGE Maintenance tools such as brooms, mops, vacuum cleaners, and similar equipment shall be:

A Stored so they do not contaminate food, equipment, utensils, linens, and single-service or single-use articles, and shall be stored in an orderly manner.

#### 11.42.664 PREMISES-PROHIBITING ANIMALS

A Except as specified in paragraph (B) and  of this section, live animals may not be allowed on the premises of a food establishment.

B If the contamination of food, clean equipment, utensils, linens, unwrapped single-service or single-use articles can not result, then live animals may be allowed on the premises in the following situations:

- 1) edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
- 2) patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
- 3) in areas such as dining and sales areas, support animals such as guide dogs that are trained to assist an employee or other person who is disabled, are controlled by the disabled employee or person, and are not allowed to be on seats or tables; and

C Fish bait, alive or dead, shall be stored so that contamination of food, clean equipment, utensils, linens, unwrapped single-service and single-use articles can not result.

#### 11.42.700 SECTION (H) MOBILE FOOD UNITS

11.42.702 MOBILE FOOD SERVICE-GENERAL Mobile food units or pushcarts shall comply with the requirements of this chapter, except as otherwise provided in this paragraph and in Chapter 11.42.704.

A The regulatory authority 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 food; and

B When no health hazard will result, may waive or modify requirements of this chapter relating to physical facilities, except those requirements of this chapter relating to physical facilities, except those requirements of Chapters 11.42.712, 11.42.714, 11.42.716, 11.42.718 and 11.42.720.

11.42.704 MOBILE FOOD SERVICE-RESTRICTED OPERATION Mobile food units or pushcarts serving only ready to eat food, packaged in individual

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

#### 11.42.706 MOBILE FOOD SERVICE - MOTORIZED WHEELED VEHICLE REQUIREMENTS

A Every motor vehicle used by a mobile food dispenser in the conduct of said business shall comply with the following requirements:

- 1) The vehicle shall be enclosed with top and sides;
- 2) The interior floor, walls and ceiling of each vehicle shall be of smooth, not readily corrodible, impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color. Each vehicle shall be well-painted, in good repair, in good sanitary condition, and shall not be used for any other purpose except as provided in this section.
- 3) The food service sections of the vehicle shall be insect and rodent proof.
- 4) The food service establishment reference number shall appear on both sides of the vehicle in letters at least two inches in height.
- 5) All food service equipment utilized in the mobile food operation shall be of easily cleanable construction and shall be maintained in good repair and shall be clean.
- 6) When required, a ventilation system shall be provided and operated in compliance with chapter 11.42.320; and

B Pushcarts shall comply with the following requirements:

- 1) Constructed of stainless steel or other corrosion resistant, nonabsorbent, material and shall be easily cleanable, and durable under normal conditions.
- 2) All equipment utilized in the food service operation shall be National Sanitation Foundation(NSF) approved or equivalent.



3) Such additional features related to the safe dispensing of food, beverage and flavorings, may be required by the health officer.

4) The Food Service Establishment reference number shall appear on both sides of the cart in letters at least (2) inches in height.

#### 11.42.708 MOBILE FOOD SERVICE-REFRIGERATION AND HEATING EQUIPMENT

A Adequate mechanical refrigeration or its equivalent as approved by the health officer shall be provided and all potentially hazardous food and other perishable products, including meat sandwiches, ice cream, ice milk, frozen dessert mix and frozen desserts, shall be stored in the vehicle at a temperature not in excess of 41 F (5 C).

B Each hot food facility storing potentially hazardous food shall be equipped with a thermometer to indicate the internal temperature of the facility. The internal temperature of potentially hazardous food shall be 140 F (60 C) or above.

11.42.710 MOBILE FOOD SERVICE-SINGLE SERVICE AND SINGLE USE ARTICLES Only single-service and single-use articles shall be use. All single-service and single-use articles shall be stored in a clean place, properly handled, used only once and protected from contamination by customers, dust, dirt or insects.

#### 11.42.712 MOBILE FOOD SERVICE-WATER SYSTEM

A A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand washing, in accordance with the requirement of this chapter.

B The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled.

C The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this chapter.

#### 11.42.714 MOBILE FOOD SERVICE-WASTE RETENTION

A If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that capacity is at least fifteen (15) percent larger than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion.

B All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to prevent contamination of the potable water system.

#### 11.42.716 MOBILE FOOD SERVICE-COMMISSARY, BASE OF OPERATIONS

A Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.

B The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of this chapter.

#### 11.42.718 MOBILE FOOD SERVICE-SERVICING

A A servicing area with overhead protection separated from the commissary operations shall be provided for supplying and maintaining mobile food units. This servicing area shall be constructed and operated in compliance with the requirements of this chapter.

B This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks.

#### 11.42.720 MOBILE FOOD SERVICE-SERVICING OPERATIONS

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

B The mobile food unit liquid waste retention tank, where used shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system in accordance with Chapter 11.42.512.

## 11.42.800 SECTION (I) TEMPORARY FOOD SERVICE

### 11.42.802 TEMPORARY FOOD SERVICE ESTABLISHMENTS-GENERAL

A temporary food service establishment shall comply with the requirements of this chapter, except that the regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of this chapter.

### 11.42.804 TEMPORARY FOOD SERVICE ESTABLISHMENTS-RESTRICTED OPERATIONS

A This paragraph applies whenever a temporary food service establishment is permitted, under the provisions of Chapter 11.42.802, to operate without complying with all the requirements of this chapter.

B Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this chapter, is obtained in individual servings, is stored at a temperature of 41 F (5 C) or below, or at a temperature of 140 F (60 C) or above, in facilities meeting the requirements of this chapter, and is served directly in the unopened container in which it was packaged.

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

### 11.42.808 TEMPORARY FOOD SERVICE ESTABLISHMENTS-EQUIPMENT

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

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

**11.42.810 TEMPORARY FOOD SERVICE ESTABLISHMENTS-SINGLE-SERVICE, SINGLE-USE ARTICLES** All temporary food service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service and single-use articles for use by the consumer.

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

**11.42.814 TEMPORARY FOOD SERVICE ESTABLISHMENTS-WET STORAGE** Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

**11.42.816 TEMPORARY FOOD SERVICE ESTABLISHMENTS-WASTE** All sewage, including liquid waste, shall be disposed of according to law.

**11.42.818 TEMPORARY FOOD SERVICE ESTABLISHMENTS-HAND WASHING** A convenient hand washing facility shall be available for employee hand washing. This facility shall consist of, at least, warm running water, soap, and individual paper towels.

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

**11.42.822 TEMPORARY FOOD SERVICE ESTABLISHMENTS-WALLS AND CEILINGS**

A Ceilings shall be made of wood, canvas, or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be

self-closing. Screening material used for walls, doors, or windows shall be at least sixteen (16) mesh to the inch.

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

#### 11.42.900 SECTION (J) ENFORCEMENT PROVISIONS

##### 11.42.902 ISSUANCE OF PERMITS AND FEES:

A Any person desiring to operate a food service establishment or a temporary food service establishment, shall make written application for a permit on forms provided by the Health Commissioner.

B Such applications shall include the following:

- 1) the name, address and social security number of each applicant;
- 2) if applicant is an individual, firm, corporation or temporary;
- 3) location and type of the proposed food service establishment; if the application is for a temporary food service establishment, the name, dates, time and location of the proposed operation shall be included.

C Any application is valid for only ninety (90) calendar days and will be filed without further action if the food service establishment permit is not approved within that time. Any fee accompanying the application is non-returnable.

D Permits for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days.

E This fee shall continue until the enactment of legislation authorizing the annual food service establishment permit fees. The appropriate fee in the form of a check, money order, or bank check (no cash), payable to the Health Commissioner of the City for deposit with the Treasurer of the City of St. Louis as General Revenue, must accompany all applications for permit.

F All other permits shall be issued and/or revoked by the Health Commissioner and are renewable annually, upon declaration of the previous year's gross sales

or payment of the appropriate annual fee and determination by the Health Commissioner that all other requirements of this Chapter are met.

G Charitable organizations shall be exempt from the permits fee. Such exemption does not release them from the requirements of this chapter. There will be no exception from any of the enforcement procedures outline in this chapter. Such a charitable organization must provide a letter of exemption from the U.S. Internal Revenue Service or the Missouri Department of Revenue Business Taxes Bureau as justification for application for permit under these terms.

H Upon receipt of such an application, the health officer shall make an inspection of the food service establishment to determine compliance with the provisions of this chapter. The health officer shall prepare a report and forward to the Health Commissioner his recommendation that the permit be granted or refused and his reasons. Should the health officer refuse to recommend that a permit be issued, he shall notify the applicant of his reasons by mail at the address stated on the application.

I It shall be unlawful for any person to operate a food service establishment within the City, who does not possess a valid permit issued to him by the Health Commissioner or renewed for him in accordance with Chapter 11.42.902.

J Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in every food service establishment. Failure to post said permit within a reasonable length of time shall be just cause for suspension or revocation of the permit.

K The License Collector shall issue a restaurant, alcoholic beverage or similar business license to a person only upon presentation of the approved inspection report from the Health Commissioner that all provisions of this chapter have been met.

#### 11.42.904 INSPECTIONS OF FOOD SERVICE ESTABLISHMENTS

Following the initial inspection of a food service establishment and the issuance of a permit by the Health Commissioner, the health officer shall routinely inspect said establishment at least every (6) months and he shall make as many additional inspections and reinspections as are necessary for the enforcement of this chapter.

#### 11.42.906 SUSPENSION OF PERMITS

A The Health Commissioner may suspend a food service establishment permit or a temporary food service establishment permit and issue an order of cessation for any of the following causes:

- 1) If operation of the food service establishment or a temporary food service establishment constitutes a hazard to public health:
- 2) Interference with the health officer in the performance of his duties, including refusal to allow access to carry out those duties; or
- 3) The operation of the food service establishment or a temporary food service establishment without a food service establishment permit or a temporary food service establishment permit or while an application for said permit is pending, or in accordance with Chapter 11.42.914.
- 4) Failure to possess a current valid restaurant, alcoholic beverage or similar business license as required by law.

B When a permit is suspended an order of suspension and cessation of business shall be issued, and the operation of the food service establishment or a temporary food service establishment shall cease immediately. A suspension order shall become effective upon service of written notice to the permit holder or person in charge of the food service establishment or temporary food service establishment, respectively. The written notice shall specify the reason for the order of suspension. It shall remain in effect until lifted by the Health Commissioner or superseded by an order of revocation issued by the Health Commissioner. The order of the Health Commissioner suspending a permit under this section shall be final.

#### 11.42.908 REVOCATION OF PERMITS

A The Health Commissioner may revoke a permit:

- 1) For serious or repeated violations of any of the requirements of this chapter;
- 2) For failure to pay the proper fees established in Chapter 11.42.902 or fees otherwise legally established;
- 3) For materially false statements in an application for a permit;

4) For failure to have at least one representative of responsible management who possesses a Food Service Certificate of Approval.

B A permit may only be revoked by the Health Commissioner after an opportunity for a hearing has been provided. The Health Commissioner shall notify the permit holder in writing to appear at a hearing, at a date and time set by the Health Commissioner, so that the permit holder may to show cause why the permit should not be revoked.

C The holder of a food service establishment permit or a temporary food service establishment permit, after its revocation by the Health Commissioner, may appeal in writing to the Board of Public Service, stating reasons why his permit should not have been revoked. The Board shall grant a hearing on his appeal, at a time and date set by the Board of Public Service, so the permit holder show cause why his food service establishment permit should not have been revoked.

D A person re-applying for a permit after a revocation shall pay a new application fee.

11.42.910 ACCESS TO ESTABLISHMENTS The health officer, after proper identification, shall be permitted to enter, at any reasonable time, any food service establishment for the purpose of making inspections to determine compliance with this chapter. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, or to persons employed, and to determine the permit fee.

11.42.912 INSPECTION RECORDS: DEMERIT VALUES: RATING SCORE:

A The Health Commissioner may annually set and establish demerit point values for items of requirement considered in determining the total rating score.

B Whenever the health officer makes an inspection of a food service establishment, he shall record his findings on an inspection report form provided for this purpose, and shall furnish the original of each inspection report form to the permit holder or operator.

C Such form shall summarize the requirements of this chapter and shall set forth demerit point values as established by the Health Commissioner for each such requirement.



D Upon completion of an inspection, the health officer shall total this demerit point value for all requirements in violation. The rating score of the establishment shall be the total of the demerit point values for all violations, subtracted from 100.

11.42.914 CORRECTION OF VIOLATIONS The inspection report form shall specify a reasonable period of time for the correction of violations found, and violations shall be corrected in accordance with the following provisions:

A When the rating score of the establishment is eighty-five (85) or more, all violations of one (1), two (2), or three (3) point demerit value shall be corrected as soon as possible, or within the time frame specified by the health officer, but in any event, violations shall be corrected by the time of the next routine inspection.

B When the rating score of the establishment is at least seventy (70) but not more than eighty-four (84), all violations of one (1), two (2), or three (3) point demerit value shall be corrected, as soon as possible, but in any event within a period not to exceed ten days.

C Regardless of the rating score of the establishment, all violations of four (4) or five (5) point demerit value shall be corrected immediately or at the discretion of the health officer, within a period not to exceed forty-eight (48) hours. Failure to correct said violations may result in suspension of the Food Service Establishment permit by the Health Commissioner.

D When the rating score of the establishment is less than seventy (70), the Health Commissioner shall immediately suspend the permit or immediately degrade to and post Grade C and violations shall be corrected as soon as possible, but in any event, within a period not to exceed ten days. If such violations are not corrected, the Health Commissioner, if he has not already done so, shall immediately suspend the permit.

E The report of inspection shall state that failure to comply within a time limit for corrections may require that the establishment immediately cease food service operations or be downgraded and that an opportunity for appeal from the inspection findings will be provided if a written request for a hearing is filed with the Health Commissioner within ten day. If a request for a hearing is received, it shall be held within five days of receipt of that request.

F Whenever an establishment is required under the provisions of this section to cease operations, it shall not resume operations until such time as a reinspection

determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

G In the case of temporary food service establishments, all violations shall be corrected within twenty-four (24) hours, or the health officer shall immediately order cessation of the food service operation.

#### 11.42.916 GRADING OF FOOD SERVICE ESTABLISHMENTS

A Every food service establishment shall display, in a place designated by the health officer, a placard approved by the Health Commissioner stating the grade of the establishment, except that temporary food service establishments shall not be subject to grading.

B The grade placard shall be prominently displayed in a conspicuous place at or near the main entrance to the establishment and must not be defaced, hidden from public view or removed, except by the health officer.

C The display of this grade placard may be withheld by the health officer during certain temporary periods of permissible continuous operation of a food service establishment by a new owner or operator.

D Grades of establishments shall be as follows, with the provision that the Health Commissioner may annually set and establish the rating score total, within the criteria hereinafter set forth, for the specified grade. He shall do this by promulgating a written rule or regulation. The grade of any food service establishment which is changed as a result of the rating score total established annually by the Health Commissioner shall be appropriately adjusted.

##### Grade (A)

An establishment with a rating score of eighty-five (85) or above.

##### Grade (B)

An establishment with a rating score of eighty-four (84) or below, but not less than seventy (70).

##### Grade

An establishment having a rating score of sixty-nine (69) or less.

1) Upon inspection of any operating food service establishment, a placard denoting the grade of the establishment based on the above criteria shall be immediately posted, provided that prior to the posting of a lower than the existing grade by the health officer, the food service establishment inspection report form and/or the actual establishment will be reviewed with the person in charge; this review will be for the purpose of affording the operator of the establishment a final opportunity to discuss the inspection findings.

2) If the grade is not lowered immediately as a result of this review, the existing grade placard will be removed and a reinspection of the establishment shall be made within forty-eight (48) hours.

3) At that reinspection the health officer may, if inspection findings warrant, lower the grade without further review and, if a violation having a demerit point value of four (4) or five (5) exists, recommend suspension of the food service establishment permit.

#### 11.42.918 EXAMINATION AND CONDEMNATION OF FOOD

A Food may be examined or sample taken for analysis to the Laboratory by the health officer as often as may be necessary to determine freedom from adulteration or misbranding.

B The health officer may, upon written notice to the owner or person in charge, issue his Order placing a hold on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded under such a hold Order, food shall be permitted to be suitably stored.

C It shall be unlawful and a violation of this chapter for any person to disobey or in any manner interfere with an Order of the health officer placing a hold on food. It shall also be unlawful and a violation of the chapter for any person to remove or alter a hold Order, or notice, or tag placed on food by the health officer, or to relabel or repack, or reprocess or alter or dispose of any food or the containers thereof upon which an Order to hold has been issued by the health officer, except by his written consent.

D Any person aggrieved by an Order to hold food may have a hearing before the Health Commissioner if written request is made within ten (10) days from the service of the notice of the Order. After a hearing, the Health Commissioner may vacate the hold Order. The Health Commissioner may, by written order after a hearing, if requested, or after ten (10) days if no hearing is requested, direct the permit holder or person in charge of the food which was placed under

the order to hold to denature or destroy such food or to bring it into compliance with the provisions of this chapter.

#### 11.42.920 FOOD SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF THE HEALTH COMMISSIONER

Food from food service establishments outside the jurisdiction of the City of St. Louis may be sold within the City of St. Louis if such food service establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Commissioner may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

#### 11.42.922 FOOD SERVICE CERTIFICATE OF APPROVAL

A The Health Commissioner deems necessary the establishment of minimum standards of knowledge of food service sanitation for management level food service establishment personnel.

B At least one representative of responsible management, which shall include the owner and/or district manager, of each food service establishment must attend a training period designated by the Health Commissioner and show evidence of satisfactory participation prior to the issuance of a Food Service Certificate of Approval.

C Effective upon the enactment of this chapter the Health Commissioner designates as an acceptable training period a course in Applied Foodservice Sanitation designed by the National Institute for the Foodservice Industry, a course available to food service establishment personnel through facilities at local educational institutions or through home study administered by the Health Division.

D Evidence of past or future satisfactory completion of this course is hereby established as a prerequisite to the issuance of a Food Service Certificate of Approval.

E A food service certificate of approval must be renewed every five (5) years. Failure to attend refresher training will be cause to withdraw the food service certificate of approval. Consistent violators of this chapter, as determined by the Health Commissioner, shall be required to attend refresher training. Failure

to attend refresher training within the limit designated by the Health Commissioner will be cause for suspension and/or revocation of permit.

#### 11.42.924 PLAN REVIEW OR FUTURE CONSTRUCTION

A When a food service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food service establishment, properly prepared plans and specifications for such construction, remodeling or alterations, showing layout, arrangement and construction materials of work areas, and the location, size and type of fixed equipment and facilities, shall be submitted to the health officer for approval before such work is begun.

B The health officer shall approve such plans only if they comply with the requirements of this chapter, but no such approval shall constitute approval under any other state, county, district or municipal regulation governing the use, construction, or occupancy of property.

#### 11.42.926 PROCEDURE WHEN INFECTION IS SUSPECTED

When the Health Commissioner has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, the Health Commissioner shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The Health Commissioner may require any or all of the following measures:

A The immediate exclusion of the employee from all food service establishments.

B The immediate closure of the food service establishment concerned until, in the opinion of the Health Commissioner, no further danger of disease outbreak exists.

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

D Adequate medical and laboratory examinations of the employee, or other employees, and of his and their body discharges.

11.42.928 APPOINTMENT OF FOOD SERVICE ADVISORY COUNCIL-COMPOSITION-TERMS OF OFFICE OF MEMBERS - DUTIES: The Mayor shall appoint a council to be known as the Food Service Advisory Council to advise and consult with the Health Division on carrying out the administration

of this chapter and all amendments thereto, relating to food service establishments. The Council shall consist of the Health Commissioner of the City of St. Louis who shall serve as chairman, the Assistant Health Commissioner in charge of the Bureau of Environmental Health Services, the Administrative Chief of the Food Control Service, the President of the local chapter of the Missouri Restaurant Association, and the following four appointed members:

A A person recommended by the Health Commissioner who is a representative of Consumers familiar with the need for services provided by food service establishments to be chosen from groups other than the groups hereinafter specified.

B Two persons to be selected from a list of our candidates, each of whom holds or represents the holder of a permit of a food service establishment under this chapter, submitted by the President of the local chapter of the Missouri Restaurant Association of the Health Commissioner for recommendation.

C One other person recommended by the Health Commissioner who holds or represents the holder of the permit of a food service establishment under this chapter. Each member appointed to the food Service Advisory Council under Ordinance 56470 approved March 29, 1973, shall continue to serve subject to the following paragraph. Each current or future appointed member shall hold office for a term of four years or until replaced by someone from the above categories appointed by the Mayor only after recommendation by the original recommending agency or person. Any member appointed to replace a member or fill a vacancy prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Within thirty (30) days after the enactment of this chapter or within thirty (30) days after the occurrence of a vacancy or the expiration of a term, the Health Commissioner shall send recommendations to the Mayor for his consideration for appointments to the Food Service Advisory Council. Within thirty (30) days after receipt of any recommendations the Mayor shall appoint individuals to the food Advisory Council. The Food Service Advisory Council shall meet as frequently as the Health Commissioner deems necessary but no less than once each year. Upon request by three or more members, it shall be the duty of the Health Commissioner to call a meeting of the Council, within ten (10) days.

11.42.930 PENALTIES Any person, including the responsible officer of any person who is convicted of violating any provisions of this chapter, shall be punished by a fine of not less than \$1.00 nor more than \$500, or by imprisonment for not more than ninety (90) days or by both such fine and

imprisonment. The City Counselor, on behalf of the City of St. Louis, may take any other action in law or equity to abate any violations of this chapter. Each day a violation continues shall constitute a separate offense.

11.42.932 ENFORCEMENT INTERPRETATIONS This chapter shall be enforced by the Health Commissioner in accordance with the interpretations thereof contained in the compliance provisions of the Food Code, 1993 Recommendations of the United States Public Health Service, Food and Drug Administration of the U.S. Department of Health and Human Services, and the Food Service Sanitation Manual of the Chicago Department of Health, Food/Dairy Protection Division (revised September 1994). Certified copies shall be on file in the City Register's office.

11.42.934 FEE AMOUNTS All food service establishment permit fees shall be in the form of a check, money order, or bank check (no cash), payable to the Health Commissioner of the City for deposit with the Treasurer of the City of St. Louis as General Revenue.

A The initial fee for a permit for a new food service establishment shall be thirty-five dollars (\$35).

B Renewal fees:

1) Thirty-five dollars (\$35) if the total gross sales of the food service establishment for the prior year were one hundred thousand dollars (\$100,000) or less.

2) One hundred dollars (\$100) if the total gross sales of the food service establishment for the prior year were greater than one hundred thousand dollars and not more than five hundred thousand dollars (\$500,000).

3) One hundred and fifty dollars (\$150) if the total gross sales for the prior year were in excess of five hundred thousand dollars (\$500,000).

11.42.936 RESTAURANT LICENSES: Subject to approval by the voters of the City of St. Louis of the fee herein, Section One of Ordinance No. 58789 is hereby repealed and the following enacted in lieu thereof:

Section One. On all restaurants and itinerant restaurants there shall be levied and collected as a license fee the sum of twenty-five dollars (\$25) annually, payable in advance, to the License Collector. Any person or persons, firm or corporation who shall carry on the business of a restaurant or itinerant

restaurant without first obtaining a license therefore from the license collector, shall be deemed guilty of an infraction and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100). Should the voters of the City of St. Louis fail to approve the fee contained in this section, Section One of Ordinance No. 58789 shall not be repealed and shall continue in full force and effect.

11.42.938 EFFECTIVE DATE OF PERMIT AND LICENSE FEES The permit fees contained in Chapter 11.42.934 and the license fee contained in Chapter 11.42.936 shall be effective upon approval by the voters of the City of St. Louis.

**11.43.000 SECTION (K) REPEAL**

11.43.002 REPEAL All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**11.43.100 SECTION (L) SEPARABILITY AND EMERGENCY CLAUSE**

11.43.102 SEPARABILITY CLAUSE Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said chapter shall not be affected thereby.

11.43.104 EMERGENCY CLAUSE: The passage of this chapter being deemed necessary for the immediate preservation of the public health, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>02/23/96</b>	<b>02/23/96</b>	<b>H&amp;H</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>03/01/96</b>			<b>03/08/96</b>	<b>03/15/96</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	



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