

ORDINANCE NO. 01-11-542

AN ORDINANCE DEFINING FOOD, POTENTIALLY HAZARDOUS FOOD, FOOD SERVICE ESTABLISHMENTS, MOBILE FOOD UNITS, TEMPORARY FOOD SERVICE ESTABLISHMENTS, REGULATORY AUTHORITY, UTENSILS, EQUIPMENT, ETC.; PROVIDING FOR THE SALE OF ONLY SOUND, SAFE, AND PROPERLY LABELED FOOD; REGULATING THE SOURCES OF FOOD; ESTABLISHING SANITATION STANDARDS FOR FOOD; FOOD PROTECTION, FOOD SERVICE OPERATIONS, FOOD SERVICE PERSONNEL, FOOD SERVICE EQUIPMENT, AND UTENSILS, SANITARY FACILITIES AND CONTROLS, AND OTHER FACILITIES; REQUIRING PERMITS FOR THE OPERATION OF FOOD SERVICE ESTABLISHMENTS; REGULATING THE INSPECTION OF SUCH ESTABLISHMENTS; PROVIDING FOR THE EXAMINATION AND CONDEMNATION OF FOOD; AND PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE, AND THE FIXING OF PENALTIES; REPEALING ANY ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING A PENALTY CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy, Texas hereby determines the necessity of providing regulations regarding food and food establishments within the City of Murphy, and

WHEREAS, the City Council of the City of Murphy hereby finds and determines that it is in the public interest to adopt regulations regarding food and food establishments within the City of Murphy to conform with current State Statute to provide reasonable regulations to control Food and Food Establishments in a manner which protects, promotes, and preserves the public health, comfort, convenience, safety and welfare of the community; and

WHEREAS, the City Council of the City of Murphy, after consideration of the regulations and all matters attendant and related thereto, is of the opinion that the recommended regulations are in the best interest of the City and its citizens and will promote the health, safety and welfare of the citizens of Murphy and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, THAT:

Section I. The City Council of the City of Murphy, Texas, does hereby adopt the following Regulations for Food Service, Sanitation and Food Establishments:

□ FOOD CODE

ARTICLE I. GENERAL PROVISIONS

Sec. 9-1. Purpose.

The function of this chapter is to protect the public health by establishing uniform requirements for food service operations.

The regulatory authority may also enforce state, federal statute or regulation applicable to a food service establishment operating within the City.

Sec. 9-2. Definitions.

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- (1) Adulterated food - A food containing any poisonous or deleterious substance as specified in the Texas Health and Safety Code, Chapter 431, as the same may be amended.
 - (2) Approved - Acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
 - (3) Base of operation - An operating base location to which a mobile food establishment to transportation vehicle returns as needed for such things as discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
 - (4) Bed & Breakfast - An establishment with rooms for rent that serves only breakfast to over-night guests. The establishment is not a retail food establishment and the owner or manager shall successfully complete an accredited food manager's certification course.
 - (5) Bed & Breakfast Food Establishment - An establishment that provides food service other than to its over-night guests. The establishment must meet the rules and regulations applicable to retail food establishments.
 - (6) Beverage - A liquid for drinking, including water.
 - (7) Child Care Center - Any facility licensed by the regulatory authority to receive 13 or more children for child care which prepares food for on-site consumption.
 - (8) Cleaned in place - The circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto
 - or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. The term does not include the cleaning of equipment such as band saws, slicers or mixers that are subject to in-place manual cleaning without the use of a CIP system.
 - (9) Code of Federal Regulation (CFR) - The compilation of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government.
 - (10) Commissary - Means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.
 - (11) Common dining area - A central location in a group residence where people gather to eat at mealtime. The term does not apply to a kitchenette or dining area located within a resident's private living quarters.
 - (12) Confirmed disease outbreak - A foodborne illness outbreak in which laboratory analysis of appropriate specimens identifies a causative organism and epidemiological analysis.
 - (13) Consumer - A person who is a member of the public, take possession of

food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer for resale.

- (14) Corrosion-resistant material - A material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.
- (15) Critical control point - A point or procedure in a specific food system where loss of control may result in an unacceptable health risk.
- (16) Critical - A provision of these rules that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, injury, or environmental health hazard.
- (17) Critical limit - The maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.
- (18) Dry storage area - A room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service items.
- (19) Easily cleanable - Means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (20) Employee - The permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food establishment.
- (21) Equipment - An article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slice, stove, steam table, temperature measuring device for ambient air, vending machine, warewashing machine, and similar items other than utensils, used in the operation of a food service establishment.
- (22) Failing score - When an establishment receives an accumulation of critical and non-critical violations resulting in a rating below standards.
- (23) Fish - Fresh or saltwater finfish, crustaceans and other forms of aquatic life other than birds or mammals, and all mollusks, if such animal life is intended for human consumption. The term includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.
- (24) Foodborne disease outbreak - An incident in which two or more persons experience a similar illness after ingestion of a common food, and epidemiological analysis implicates the food as the source of the illness; except that in the cases of botulism or chemical poisoning, one ill person shall constitute an outbreak.
- (25) Food-contact surface - A surface of equipment or a utensil with which food normally comes into contact; or a surface of equipment or a utensil from which food may drain, drip, or splash into a food, or onto a surface normally in contact with food.
- (26) Food employee - An individual working with unpackaged food, food

equipment or utensils, or food-contact surfaces.

- (27) Food establishment - An operation that stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service establishment; retail food store; satellite or catered feeding location; catering operation; market; remote catered operations; and that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders; restaurant take-out orders; or where consumption is on or off the premises; and regardless of whether there is a
- charge for the food. The term does not include: a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function, such as a religious or charitable organization's bake sale; Bed & Breakfast Limited facility as defined in these rules; or a private home.
- (28) Food processing plant - A commercial operation that manufacturers, packages, labels or stores food for human consumption and does not provide food directly to a consumer. The term does not include a food establishment as previously defined.
- (29) Fresh - Recently made, produced or harvested.
- (30) Hazard - A biological, chemical, or physical property that may cause an unacceptable consumer health risk.
- (31) Hazard Analysis Critical Control Point (HACCP) - A rational, systematic approach that identifies and monitors specific foodborne hazards (biological, physical or chemical) that may adversely affect the safety of the food product. This system utilizes the HACCP Principles as defined by the National Advisory Committee on Microbiological Criteria for Foods (NACMCF), 1992, or its successor document.
- (32) Hazard Analysis Critical Control Point Plan (HACCP) - A written document that delineates the formal procedures for following the HACCP principles developed by The National Advisory Committee on Microbiological Criteria for Foods.
- (33) Hermetically sealed container - A container that is designed and intended to be secure against the entry of microorganisms and, in case of low acid canned foods, to maintain the commercial sterility of its contents after processing.
- (34) Highly susceptible population - A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults; and in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a child care center.
- (35) Hot truck - A vehicle mounted food establishment which prepares foods on site within the vehicle. The vehicle is equipped to comply with regulations applicable to a fixed food service establishment.
- (36) Imminent health hazard - A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate
- correction or cessation of operation to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury.

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- (37) Kitchenware - All multi-use utensils other than tableware.
- (35) Law - Federal, state, and local statutes, ordinances, and regulations.
- (39) Linens - Fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.
- (40) Mobile food unit - A vehicle mounted food establishment designed to be readily moveable.
- (41) Molluscan shellfish - Any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.
- (42) Packaged - Bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant. The term does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.
- (43) Permit - The document issued by the regulatory authority that authorizes a person to operate a food permit.
- (44) Person in charge - 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.
- (45) Personal care items - Items or 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. The term includes such items as medicines; first-aid supplies; and other items such as cosmetics and toiletries such as toothpaste and mouthwash.
- (46) Personal items - Articles belonging to employees.
- (47) Poisonous or toxic materials - Substances that are not intended for ingestion including cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals; pesticides and rodenticides; and substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health.
- (48) Potable - Suitable or safe for drinking.
- (49) Potable water - Water that is fit for drinking.
- (50) Potentially hazardous food - Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does include clean, whole, uncracked, odor-free shell eggs. The term does not include foods which have a pH level of 4.5 or below or a water activity (Aw) value of 0.85 or less.
- (51) Premises - The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or the physical facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations, if a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

- (52) Pushcart - A non self-propelled mobile food unit limited to serving only prepackaged, nonpotentially, hazardous food or prepackaged ice cream. A pushcart is classified as a mobile food unit.
- (53) Ready-to-eat food - Food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. The term includes unpackaged potentially hazardous food that is cooked to the temperature and time required for the specific food under (229.164(k) of the Texas Food Establishment Rules; raw, washed, cut fruits and vegetables; whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.
- (54) Refuse - Solid waste not carded by water through the sewage system.
- (55) Regulatory authority - The Mayor of the City of Murphy, or his/her designated representative.
- (56) Safe material - An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food; an additive that is used as specified in V.T.C.A. Health and Safety Code,
- Chapter 431, or other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.
- (57) Sanitization - Effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce bacterial count, including pathogens, to a safe level on utensils and equipment.
- (58) Sealed - Free of cracks or other openings that allow the entry or passage of moisture.
- (59) Seasonal food establishment - A food service establishment that operates at a fixed location for a period greater than fourteen (14) consecutive days, but less than sixty (60) consecutive days in conjunction with a single event or celebration.
- (60) Sewage - Liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.
- (61) Single-service articles - Cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.
- (62) Single-use articles - Utensils and bulk food containers designed and constructed to be used once and discarded. The term includes items such as wax paper, butcher paper, plastic wrap, formed aluminum containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans which do not meet the material, durability, strength, and cleanability specifications under 229.165(a)(1), (c)(1), and (d)(1) of the Texas Food Establishment Rules (relating to Equipment, Utensils, and Linens) for multi-use utensils.

- (63) Slacking - The process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23 degrees Celsius (-10 degrees Fahrenheit) to -4 degrees Celsius (25 degrees Fahrenheit) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously lock-frozen food such as spinach.
- (64) Sound condition - Free from defect, decay or damage; healthy.
- (65) Sufficient size - As much as is needed; adequate to contain all materials.
- (66) Temporary food establishment - A food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.
- (67) Utensil - Any implement used in the storage, preparation, transportation, or service of food.
- (68) vending machine - A self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.
- (69) Vending machine location - The room, enclosure, space or area where one or more vending machines are installed and operated and includes the storage and servicing areas on the premises that are used to service and maintain the vending machines.
- (70) warewashing - The cleaning and sanitizing of food-contact surfaces of equipment and utensils.
- (71) wholesome - In good condition, healthy.

□ ARTICLE II. FOOD CARE

Sec. §2 I. Food supplies.

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

(1) Food establishment or manufacturers' dating information on food may not be concealed or altered.

(2) Food prepared in a private home may not be used or offered for human consumption.

(3) Potentially hazardous foods can only be sold from a permitted fixed facility.

(b) Special requirements.

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

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(2) Fresh and frozen shucked shellfish (oysters, clams, or mussels) 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 are received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

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

Sec. 9-22. Food protection.

(a) General. At all times including while being stored, prepared, displayed, served or transported, food shall be protected from potential contamination. Potential contamination to food includes,

□but is not limited to: dust, insects, rodents, unclean equipment and utensils, unnecessary handling by the use of sanitary disposable gloves, coughs and sneezes, flooding, drainage, and overhead drippage from condensation.

(b) Emergency occurrences. In the event of an occurrence, such as a fire, flood, extended power outage for a minimum of 45 minutes, or similar event which might result in the contamination of food, or which 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.

Sec. 9-23. Food storage.

(a) General.

(1) Food, whether raw or prepared, if removed from the container or package in which it was obtained shall be stored in a clean covered container intended for food storage except during necessary periods of preparation or service. Container covers shall be impervious and non-absorbent except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except

that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

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

(a) Metal pressurized beverage containers, and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture; and

(b) Containers may be stored on dollies or racks, provided such equipment is easily moveable.

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

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

□ (a) raw ready to eat food including other raw animal food such as fish, sushi or molluscan shellfish, or other raw ready to eat food such as vegetables and,

(b) cooked ready to eat food.

(5) Packaged food may not be stored in direct contact with ice or water if the food is subject to entry of water because of the nature of its packaging, wrapping, or container or its position in the ice or water. Unpackaged food may not be stored in direct contact with undrained ice with' the exception of whole, raw fruits and vegetables; cut, raw vegetables and tofu may be immersed in ice or water. Raw chicken and raw fish that are received immersed in ice in a shipping container may remain in that condition while awaiting preparation, display, service or sale.

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

(7) Proper separation and identification of employee's personal food and items must be stored in a manner that will prevent contamination of items intended for public

consumption.

(Co) Refrigerated storage.

(1) Conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of all potentially hazardous food at required temperatures during storage.

(2) Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to +/- 3 degrees Fahrenheit, located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to +/- 3 degrees Fahrenheit, may be used in lieu of indicating thermometers.

(3) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of forty (40) degrees Fahrenheit (five degrees Celsius) or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period shall not exceed four (4) hours. Potentially hazardous food to be displayed for sale or service or transported shall be pre-chilled and held at a temperature of forty (40) degrees Fahrenheit, (five (5) degrees Celsius) or below.

□ (4) Frozen foods shall be kept frozen and shall be stored at a temperature of zero (0) degrees Fahrenheit (-eighteen (18) degrees Celsius) or below.

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

(c) Date Marking.

(1) Prepared on premise ready-to-eat potentially hazardous food held refrigerated for more than twenty-four (24) hours in a food establishment shall be clearly marked at the time of preparation to indicate the date, including the day of preparation, by which the food shall be consumed which shall be seven (7) calendar days or less from the day that the food is prepared.

(2) Commercially processed ready-to-eat food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is

original
(7) opened in a food establishment, to indicate the date, including the day the container is opened,, by which the food shall be consumed which is seven calendar days or less after the original container is opened.

(d) Hot storage.

(1) Conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to + three (3) degrees Fahrenheit, located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to + three (3) degrees Fahrenheit, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

(2) The internal temperature of potentially hazardous foods requiring hot storage shall be one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) or above unless maintained in accordance with paragraph (b) (2) of this subsection.

□ Sec. 9-24. Food Preparation.

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

(b) Food employees shall prepare ready to eat foods using suitable utensils, such as tissue, spatulas, tongs, single use gloves or dispensing equipment.

(1) Food employees shall wash their hands as specified under Sec. 9-32.

(2) Gloves, use limitation. Hands must be washed prior to use of gloves. If used, single-use-gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation. slash resistant gloves that are used to protect the hands during operations requiring

cutting shall be used in direct contact only with food that is subsequently cooked as specified by these rules, such as frozen food or a primal cut of meat. Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves are covered with a smooth, durable, and non-absorbent glove or a single-use glove. cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required in these rules such as frozen food or a primal cut of meat.

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

(d) Cooking potentially hazardous foods. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) except that:

(1) Poultry, poultry stuffing, stuffed meats and stuffing containing meat shall be cooked to heat all parts of the food to at least one hundred sixty-five (165) degrees Fahrenheit (seventy-four (74) degrees Celsius) with no interruption of the cooking process.

(2) Pork and any food containing pork shall be cooked to heat all parts of the food to at least one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees Celsius).

(3) Rare roast beef shall be cooked to an internal temperature of at least one hundred thirty (130) degrees Fahrenheit (fifty-four (54) degrees Celsius), and rare beef steak shall be cooked to a temperature of one hundred thirty (130) degrees Fahrenheit (fifty-four (54) degrees Celsius), unless otherwise ordered by the immediate consumer.

(4) Reconstructed and/or ground beef products shall be cooked to an internal temperature of at least one hundred fifty-five (155) degrees Fahrenheit for a minimum of fifteen (15) seconds, unless otherwise ordered by the immediate consumer.

(5) Consumers shall be informed by brochures, deli case menu advisories, label statements, table tents, placards, or other effective written means of the potential hazards of raw animal food such as raw marinated fish; raw molluscan shellfish; steak tartar; partially cooked food such as lightly cooked fish, rare meat and soft cooked eggs that to ensure its safety, the food should be cooked to proper temperatures.

(6) Food establishments which deliver shellfish to a consumer for raw consumption shall inform consumers by brochures, deli-case or menu advisories,

label statements, table tents, placards, or other effective written means of the significantly increased risk associated with certain especially vulnerable consumers eating such shellfish in raw or undercooked form. The language in the advisory shall be as follows unless otherwise approved by the Retail Foods Division of the Texas Department of Health in response to a written request from the food establishment:

THERE IS A RISK ASSOCIATED WITH CONSUMING RAW OYSTERS OR ANY RAW ANIMAL PROTEIN. IF YOU HAVE CHRONIC ILLNESS OF THE LIVER, STOMACH, OR BLOOD, OR HAVE IMMUNE DISORDERS, YOU ARE AT THE GREATEST RISK OF ILLNESS FROM RAW OYSTERS AND SHOULD EAT OYSTERS FULLY COOKED. IF UNSURE OF YOUR RISK, CONSULT YOUR PHYSICIAN.

(e) Parasite destruction. Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of -4 degrees Fahrenheit or below for seven (7) days in a freezer or -31 degrees Fahrenheit or below for fifteen (15) hours in a blast freezer. Records must be maintained for (ninety) 90 calendar days beyond the time of service or sale of the fish. If the fish are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *thunnus obesus* (Bigeye tuna) or *Thunnus thynnus* (Bluefin, Northern), the fish may be served or sold in raw, raw-marinated or partially cooked ready-to-eat form without freezing.

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

(g) Liquid, frozen, dry eggs and egg products

(1) Liquid, frozen, dry eggs and egg products shall be obtained pasteurized. Pasteurized liquid, frozen or dry eggs shall be substituted for raw eggs in preparation of: Caesar salad, hollandaise sauce or bernaise sauce, mayonnaise, eggnog, ice cream and egg fortified beverages.

(2) Shell eggs that are broken, combined in a container, and not cooked immediately are prohibited.

(h) Reheating. Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to one hundred sixty-five (165) degrees Fahrenheit (seventy-five (75) degrees Celsius) or higher throughout before being served or before being placed in a hot food storage

facility. Steam tables, bainmaries, warmers, and similiar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

(i) Cooling. Potentially hazardous foods that have been cooked and are required to be cooled shall be rapidly cooled to 40°F (5°C) or below within four (4) hours of preparation. Potentially hazardous foods shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container.

(j) Product thermometers. Metal stem-type numerically scaled indicating thermometers, accurate to +/- two degrees Fahrenheit, shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

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

(1) In refrigerated units not to exceed forty (40) degrees Fahrenheit (five (5) degrees celsius; or

(2) Completely submerged under running water at a water temperature of seventy (70) degrees Fahrenheit (twenty-one (21) degrees Celsius) or below, with sufficient water velocity to agitate and float off loose particles in an overflow; or

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

(4) As part of the conventional cooking process

(1) Slacking. Frozen potentially hazardous food that is slacked to moderate the temperature shall be held under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit or less or at any temperature if the food remains frozen.

□Sec.9-25. Food display and service.

(a) Potentially hazardous foods. Potentially hazardous food shall be kept at an internal temperature of forty (40) degrees Fahrenheit (five (5) degrees Celsius) or below or at an internal temperature of one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) or above during storage, preparation, display, service and transport, except that rare roast beef shall be held for service at a temperature of at least one hundred thirty (130) degrees Fahrenheit (fifty-four (54) degrees Celsius).

(b) Time as a public health control. If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially

hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:

- (1) The food shall be marked, labeled, tagged or otherwise unmistakably identified to indicate the time which is four hours past the point when the food was removed from temperature control;
- (2) The food shall be cooked and served, served if a ready-to-eat food or discarded within four hours of the time at which the food was removed from temperature control;
- (3) The food in unmarked containers or packages or marked to exceed a four (4) hour time limit shall be discarded; and
- (4) written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request, to ensure compliance.

(c) Milk and cream dispensing.

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

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

□ Nondairy products dispensing. Nondairy cream shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

(e) Condiment dispensing.

(1) Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with paragraph 0a) of this subsection.

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

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

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

- (1) Stored in the food with the dispensing utensil handle extended out of the food; or
- (2) Stored clean and dry; or
- (3) Stored in running water; 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.

(h) Reservice. Once served to a consumer, portions of left-over food shall not be served again except that packaged food, other than potentially hazardous foods, that is still packaged and is still in sound condition may be served.

(i) Display equipment. Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases or by other effective means. The minimum height requirement for sneeze guards is eighteen (18) inches unless otherwise specified by the regulatory authority. Enough hot or cold food facilities shall be available to maintain the required temperatures of potentially hazardous foods on display.

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

Sec. 9-26. Food Transportation.

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

Sec. 9-27. HACCP Plan Requirements.

When a HACCP plan is required.

(1) Before engaging in an activity that requires a HACCP plan, a food establishment shall submit to the regulatory authority for approval a properly prepared HACCP plan as specified under paragraph (2) of this subsection and the relevant provisions of these rules if a variance is required. A food establishment shall have a properly prepared HACCP plan as specified in the Texas Food Establishment Rules (25 TAC 229.161 - 229.175).

(2) Contents of a HACCP plan. For a food establishment that is required under paragraph (1) of this subsection to have a HACCP plan, the plan and specifications shall indicate:

(a) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the regulatory authority

(b) A flow diagram by specific food and category type identifying critical control points and providing information on the following:

(i) Ingredients, materials, and equipment used in the preparation of the food and

(ii) Formulation or recipes that delineate methods and procedural control measures that address the food safety concerns involved;

(c) food employee and supervisory training plan for the person(s) in charge and employee(s) pertaining to public health and the safety and integrity of food;

(d) a statement of standard operating procedures for the plan under consideration including and clearly identifying:

(1) each critical control point;

(2) the critical limits for each critical control point;

(3) the method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,

(4) the method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical controlpoints;

(5) Action to be taken by the person in charge if the critical limits for each critical control point are not met; and

(6) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and

(e) additional scientific data or other information, as requested by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.

Confidentiality, trade secrets.

The regulatory authority shall treat as confidential in accordance with the requirements of' the Public Information Act, Texas Government Code Chapter 552, information that meets the criteria for a trade secret and is contained on inspections report forms and in the plans as specifications submitted.

□ ARTICLE III. PERSONNEL

Sec. 9-31. Employee health.

- (a) No person while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.
- (b) There shall be a manager on duty at all times who has completed a food service manager's certification course from any accredited institution or firm of their choice as approved by the health authority.
- (c) All food service workers shall be required to successfully complete a foodhandlers class approved by the City of Murphy within thirty (30) days of hire.
- (d) Food 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.
- (e) The owner or person in charge shall require food employees to provide information about their health and activities as they relate to diseases that are transmissible through food.

Sec. 9-32. Personal cleanliness.

Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, when applying gloves or changing gloves, and

after smoking, eating drinking, or using the toilet. Foodhandlers shall keep their fingernails clean, trimmed, filed and unpainted.

Sec. 9-33. Clothing.

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

□ (b) Except as provided under paragraph (c) of this subsection, 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.

(c) This section does not apply to food employees such as counter staff, hostesses, and wait staff who only serve beverages and wrapped or packaged foods, if they present a minimal risk of contaminating exposed food, clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

(d) Employees shall remove all jewelry, and during periods when food is manipulated by hand, remove from hands any jewelry that cannot be adequately sanitized.

Sec. 9-34. Employee practices.

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

Co) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in equipment washing or utensil washing or food preparation areas.

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

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

Sec. 9-35-9-40. Reserved.

□ ARTICLE IV. EQUIPMENT AND UTENSILS

Sec. 9-41. Materials.

(a) General. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Equipment, utensils, and single service articles shall not impart odors, color, or taste, nor contribute to the contamination of

food.

(c) Lead. Pewter alloys containing lead in excess of 0.05% may not be used as food contact surfaces. Solder and flux containing lead in excess of 0.2% may not be used as a food contact surface.

(c) Solder. If solder is used, it shall be composed of safe materials and be corrosion resistant and comply with Uniform Plumbing Code, Chapter 8.

(d) Wood. Hard maple or equivalently nonabsorbent materials that meets the general requirements set forth in paragraph (a) of this subsection may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

(e) Plastics. Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in paragraph (a) of this subsection, are permitted for repeated use.

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

(g) Single-service. Reuse of single-service articles is prohibited.

□ Sec. 9-.42. Design and fabrication.

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

(c) Equipment in new or extensively remodeled establishments shall be National Sanitation Foundation or equivalent approval. Any other equipment is subject to approval by the regulatory authority.

(1) Food contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits and similar imperfections, and free difficult to clean internal comers and crevices.

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

(3) 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.

(4) 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.

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

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

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

(1) without being disassembled; or

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

□ a (3) By easy disassembling with the use of only simple tools such as a mallet, screwdriver, or an open-end wrench.

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

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

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

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

that (4) Clean in Place (CIP) equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure

all interior food contact surfaces throughout the fixed system are being effectively cleaned.

(e) Pressure spray cleaning. Fixed equipment designed and fabricated to be cleaned

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

(f) Thermometers. Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled and accurate to + two (2) degrees Fahrenheit.

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

(h) Ventilation hoods design. Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food contact surfaces.

(1) Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place. All ventilation hoods and related equipment must be installed according with the City of Murphy Mechanical Code.

□ - (2) Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.

(i) Existing equipment. Equipment which was installed in a food service establishment prior to the effective date of this chapter, and which does not meet fully all of the design and fabrication requirements of this rule, shall be deemed acceptable in that establishment as long as there is no change of ownership, in good repair and capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this Chapter shall meet the requirements of this chapter.

Sec. 9-43. Equipment installation and location.

(a) 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.

(b) Table mounted equipment.

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

(2) Equipment is portable within the meaning of subparagraph (1) of this paragraph if.

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

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

(c) Floor-mounted equipment. Floor mounted equipment, unless readily moveable, shall be:

(1) sealed to the floor; or

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

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

(d) Equipment is easily movable iff

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

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

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

(e) 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.

□ ARTICLE V. CLEANING, SANITATION, AND STORAGE OF EQUIPMENT UTENSILS

Sec. 9-51. Equipment and utensil cleaning and sanitization.

(a) Cleaning frequency.

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

(2) The food contact surfaces of equipment shall be kept free of food debris and other oil accumulations. Equipment food contact surfaces and utensils shall be clean to sight and touch.

(3) Equipment food contact surfaces and utensils shall be cleaned and sanitized before each use with a different type of raw animal food such as beef, fish, lamb, pork or poultry; each time there is a change from working with raw foods to working ready-to-eat foods; between uses with raw fruits or vegetables and with potentially hazardous food before using or storing a food temperature measuring device and at any time during the operation when contamination may have occurred.

(4) The food contact surfaces of cooking and baking equipment, similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day (or at a frequency to preclude accumulation of soil residues). This shall not apply to hot oil cooking equipment and oil filtering equipment.

(5) The food contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

(6) The Regulatory Authority approves the cleaning schedule based on consideration of:

(a) characteristics of equipment and its use;

(b) the type of food involved;

(c) the amount of food residue accumulation, the temperature at which the food is maintained during the operation, and the potential for rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.

□ (7) Nonfood contact surfaces of equipment shall be cleaned as often as is

necessary to keep the equipment free of accumulations of dust, dirt, food particles, and other debris.

(b) Wiping cloths.

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

(2) Moist cloths for wiping used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in an approved sanitizing solution and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

(3) Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops and shelves shall be clean and rinsed as specified in ("0)(2) of this paragraph, and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

(4) Sponges may only be used for scraping and scouring soiled dishware.

(C) Manual cleaning and sanitizing.

(1) A three (3) compartment sink shall be used for washing, rinsing and sanitizing of utensils and equipment done manually. Existing establishments not having a three (3) compartment sink that can demonstrate an acceptable procedure for washing, rinsing and sanitizing utensils and equipment may be exempt from this requirement by the regulatory authority. Sinks shall be large enough to permit the complete immersion of the utensils and equipment and each compartment sink shall be supplied with hot and cold potable running water. Suitable equipment shall be made available if washing, rinsing and sanitizing cannot be accomplished by immersion. Two (2) compartment sinks are not acceptable.

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

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

(4) Except for fixed equipment and utensils too large to be cleaned in sink compartments,

manual washing, rinsing and sanitizing shall be conducted in the following sequence:

- (a) Sinks shall be cleaned prior to use; and
- (b) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean; and
- (c) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and
- (d) Equipment and utensils shall be sanitized in the third compartment according to one (1) of the methods included in sub-paragraphs (5) a-e of this paragraph.

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

- (a) Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least one hundred seventy-one (171) degrees Fahrenheit (seventy-seven degrees Celsius); or
- (b) Immersion for at least one (1) minute in a clean solution containing at least five (50) parts per million of available chlorine as a hypochlorite and a temperature of at least seventy-five (75) degrees Fahrenheit (twenty-four degrees Celsius); or
- (c) Immersion for at least one (1) minute in a clean solution containing at least twelve and one-half (12.5) parts per million of available iodine and have a pH not higher than five (5.0) and at a temperature of at least seventy-five (75) degrees Fahrenheit (twenty-four (24) degrees Celsius); or
- (d) Immersion in a solution of quaternary ammonia shall have a minimum temperature of 24°C (75°F); have a concentration of 200 ppm or as indicated by the manufacturer use directions included in the labeling and used in water with 500 mg/L hardness or less or in water having a hardness no greater than specified by the manufacturer label.
- (e) Immersion in a clean solution containing any other solution of chlorine, quaternary ammonia or iodine may be used if it can be demonstrated that sanitization is achieved and they are approved by the regulatory authority or other chemical sanitizers may be used if approved by the regulatory authority

and applied in accordance with the manufacturers use directions included in the labeling.

- of (f) Treatment with steam, free from harmful materials or additives in the case
equipment too large to sanitize by immersion, but in which steam can be
confined; or
- clause (g) Rinsing. Spraying or swabbing with a chemical sanitizing solution at least
twice the strength required for that particular sanitizing solution under
e of this subparagraph, in the case of equipment too large to sanitize by
immersion

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

sanitizing (a) An integral heating device or fixture installed in, on, or under the
of compartment of the sink capable of maintaining the water at a temperature
one hundred seventy-one (171) degrees Fahrenheit (seventy-seven (77)
degrees Celsius); and

degrees (b) A numerically scaled indicating thermometer, accurate to +/- three (3)
temperature; Fahrenheit, convenient to the sink for frequent checks of water
and

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

(7) when chemicals are used for sanitization, a test kit or other device that
accurately measures the parts per million concentration of the solution shall be
provided, available, and used.

(d) Mechanical cleaning and sanitizing.

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

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

(3) Machine or water line mounted numerically scaled indicating thermometers accurate to +/- three (3) degrees Fahrenheit, shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

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

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

(6) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of 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.

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

(a) The temperature of the wash water shall not be less than one hundred twenty (120) degrees Fahrenheit (forty-nine (49) degrees Celsius); and

(b) The wash water shall be kept clean; and

(c) Chemicals added for sanitization purposes shall be automatically dispensed; and

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

(e) The chemical sanitizing rinse water temperature shall not be less than seventy-five (75) degrees Fahrenheit (twenty-four (24) degrees Celsius) nor less than the temperature specified by the machine's manufacturer, and

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

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

(a) Single-tank, stationary-rack, dual-temperature machine:
Wash temperature 150°F (74°C)
Final rinse temperature 180°F (82°C)

(b) Single-tank, stationary-rack single-temperature machine:
Wash temperature 165°F (74°C)
Final rinse temperature 165 °F (74°C)

(c) Single-tank, conveyor machine:
Wash temperature 160°F (71 °C)
Final rinse temperature 180°F (82°C)

(d) Multi-tank, conveyor machine:
Wash temperature 150°F (66°C)
Pumped rinse temperature 160°F 71 °C
Final rinse temperature 180°F (82°C)

(e). Single-tank, pot, pan, and utensil washer (either stationary or moving rack):

Wash temperature 1400F (60oC)
Final rinse temperature 1800F (82oC)

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

□ (e)-Drying. After sanitization, all equipment and utensils shall be air-dried. The use of towels is prohibited.

Sec. 9-52. Equipment and Utensil Storage.

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

(c) Storage.

(1) Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be

placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

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

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

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

(c) Single service articles.

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

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

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

(d) Prohibited Storage Area. The storage of food, equipment, utensils or single-service articles in toilet rooms or vestibules is prohibited.

ARTICLE VI. SANITARY FACILITIES AND CONTROLS

Sec. 9-61. Water supply.

(a) General. Enough potable water for the needs of the food service establishment shall be provided

from a source constructed and operated according to law.

(b) 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 law.

(c) 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.

(d) Water under pressure. Water under pressure at the required temperatures shall be provided at all fixtures and equipment that use water.

(e) Hot water. Hot water generation and distribution systems shall be sufficient to meet peak hot water demands throughout the food establishment. Water under pressure at the required minimum temperature of 110°F (45°C) must be provided.

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

Sec. 9-62. Sewage.

All sewage, including liquid waste, shall be disposed of by a public sewage system. Nonwater carried sewage disposal facilities are prohibited, except as permitted by Article IX, section 9-92(h) of this chapter (relating to temporary food service establishments) or as permitted by the regulatory authority as provided in Chapter 21 of this Code.

Sec 9-63. Plumbing.

(a) General. Plumbing shall be sized, installed and maintained in accordance with the current plumbing code as adopted and enforced by City's Building Inspection Department. There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated,

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

(c) Backflow.

(1) The potable water system shall be installed to preclude the possibility of backflow. A backflow or backsiphon prevention device installed on a water supply system shall meet American Society of Sanitary Engineering (ASSE) standards for construction, installation, maintenance, inspection and testing for that specific application and type of device.

(2) An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than 25 millimeters (1 inch). Air gaps may be approved based on Section 601-C of the UPC.

(3) A backflow prevention device shall be located so that it may be serviced and maintained.

(4) A hose shall not be attached to a faucet unless a backflow prevention device is installed

(d) Grease traps.

(1) Grease traps shall be required and located to be easily accessible for cleaning.

(2) Shall be located outside the food preparation area unless otherwise approved by the regulatory authority.

(3) If located inside the food preparation area, the lid must be flush to the floor.

(e) Garbage grinders. If used, garbage grinders shall be installed and maintained according to law.

(f) Drains. 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. Floors drains must be properly covered with drain grates. When a dishwashing machine is located within five (5) feet of a trapped floor drain, the dishwasher waste outlet may be connected as in (c) above to a 'properly vented floor drained trap if permitted by the Uniform Plumbing Code, Chapter 6.

Sec 9-64. Toilet facilities.

(a) Toilet installation. Toilet facilities shall be installed, shall be the number required in accordance with Uniform Plumbing Code, shall be conveniently located, and shall be accessible to employees at all times. At least one (1) restroom is required for employee use.

when four (4) or more employees of different sex are employed, two (2) restrooms are required. Two (2) restrooms are required with on-premise consumption at any food service establishment. Restrooms must be accessible to the public in establishments with on-site consumption.

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

(c) Toilet rooms. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance.

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

□ Sec 9-65. Lavatory facilities.

(a) Lavatory installation. Lavatories shall be at least the number required by law, shall be installed according to law, and shall be located to permit convenient use by all employees in food preparation areas and utensil-washing areas. Lavatories shall be accessible to employees at all times. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

(b) Handsinks. A separate sink assigned for handwashing provided with hot and cold running water tempered through a mixing valve shall be located to be accessible to each food preparation and utensil washing area. As a general rule, a handsink shall be located within twenty-five (25) linear feet of food preparation and utensil washing areas so it is convenient for employees to wash hands. Floor pedals, knee pedals, electronic eye and metered faucets are allowable. A liquid soap dispenser and individual sanitary hand towels are required. Blow dryers are not allowed in food preparation areas.

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

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

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

Sec 9-66. Garbage and refuse.
(a) Containers.

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

(2) Containers used in food preparation and utensil-washing areas shall be kept covered except when actually in use.

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

(4) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulate. The Regulatory Authority may require additional service, dumpsters or larger dumpsters to accommodate the garbage and refuse that accumulates at the food service establishment.

(5) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas.

(6) Suitable facilities, including hot water and detergent or steam shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage. Power washing and contracted cleaning services shall be performed according to applicable law.

(b) Storage.

(1) Garbage and refuse on the premises shall be stored in a manner to make it inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited.

(2) Cardboard or other packaging materials that does not contain food residues and that is awaiting regularly scheduled delivery to a recycling or

disposal site may be stored outside in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

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

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

□ (c) Disposal.

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

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

Sec 9-67. Insect and rodent control.

(a) General. Effective measures intended to prevent the presence of rodents, flies, cockroaches and other insects on the premises shall be utilized as determined by the regulatory authority. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(b) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device. Insect control devices shall be installed so that the devices are not located over food preparation area, and dead insects and insect fragments are prevented from being impelled onto or falling on exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles.

(c) Preventive application for insect and rodent control shall be performed by a certified pest control operator.

(d) Opening to the outside shall be effectively protected against the entrance of rodents. Outside

openings shall be protected against the entrance of insects by tight-fitting, self-closing doors.

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

ARTICLE VII. CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

.Sec 9-71. Floors.

(a) Floor construction. Floors and floor coverings of all food preparation, food service, 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 stainless steel, terrazzo, ceramic or quarry tile, or the equivalent as approved by the Regulatory Authority and shall be maintained in good repair. Sealed concrete and vinyl composition tile (VCT) are not acceptable as a floor surface for areas mentioned above

(b) Durable grades of sheet vinyl may be used in dry storage areas. Sealed concrete may be used in walk-in freezer units maintaining a temperature of 0°F or below. Nothing in this rule shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons

(c) Floor carpeting. A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas, toilet room areas where handwashing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to grease, moisture, flushing, or spray cleaning methods. If carpeting is installed as a floor covering in areas other than those specified above, it shall be: securely attached to the floor with a durable mastic, by using a stretch and tack method, or by another method; and install tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and the edges of the carpet secured by metal stripping or some other means.

(d) Prohibited floor covering. The use of cardboard, sawdust, wood shavings, peanut hulls, or similar materials as a floor covering is prohibited.

(e) Floor drains. Proper 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. Properly trapped floor drains are required in all restrooms. Such floor drains shall be constructed of stainless steel, terrazzo, ceramic tile, quarry tile or similar material and shall be graded to drain.

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

(g) Floor junctures. In all new or extensively remodeled establishments utilizing stainless steel, terrazzo, ceramic tile, quarry tile or similar materials, and where water flush cleaning methods are used, the junctures between walls and floors shall be of the same material.

(h) Utility line installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled

establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

Sec 9-72. walls and ceilings

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

(b) Construction. The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, dry storage areas, food storage areas, equipment-washing and utensil washing areas, toilet rooms and vestibules shall be light colored, smooth, nonabsorbent, and easily cleanable such as FRP (fiberglass reinforced paneling), stainless steel ceramic tile, quarry tile, terrazzo or equivalent approved by the Regulatory Authority.

(c) Exposed construction. Studs, joists, and rafters shall not be exposed in those areas listed in paragraph (c) of this subsection. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface. ~

(d) Utility line installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in paragraph (c).

(e) Attachments. Light fixtures, vent covers, wall-mounted fans, decorative

materials, and similar equipment attached to the walls and ceilings shall be easily cleanable and shall be maintained in good repair.

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

Sec 9-73. Cleaning physical facilities.

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

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

Sec 9-74. Lighting.

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

(b) All light fixtures must be maintained, clean, operational, and in good repair.

(c) Protective shielding.

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

(2) Infra-red or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed. Teflon coated safety bulbs are allowed.

Sec. 9-75. Ventilation.

(a) General. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be installed and operated according to law, kept clean, maintained in good repair, vented to the outside, and shall not create an unsightly, harmful or unlawful discharge.

(b) Special ventilation.

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

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

(3) Ventilation hoods are required for any cooking, grilling, baking, and frying areas or as required by the latest edition of the Uniform Mechanical Code.

Sec. 9-76 Dressing rooms and locker room areas.

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

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

(c) Personal items. Personal items shall not be stored in food storage, food preparation or food service areas.

Sec. 9-77. Poisonous or toxic materials.

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

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

(c) Storage of materials

(1) Poisonous or toxic materials consist of the following three (3) categories:

(a) Insecticides

and rodenticides; (b) Detergents, sanitizers, 'and related cleaning or drying agents; (c) Caustics, acids, polishes, and other chemicals.

(2) Each of these categories shall be stored and located to be physically separated from each other. All poisonous or toxic materials shall be stored in cabinets or in similar physically separated compartments or [facilities used [for no other purpose. To preclude potential

contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergent or sanitizers at utensil or dishwashing stations.

(d) Use of Materials.

(1) Bactericides, cleaning compounds or other compounds intended for use on food contact surfaces, shall not be used in a way that leaves a toxic residue on such surfaces, nor in a way that constitutes a hazard to employees or other persons.

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

(e) Personal medications.

(1) Only those medications that are necessary for the health of employees shall be allowed in the food establishment. This section:, does not apply to medicines that are stored or displayed for retail sale..

(2) Medicines that are in a food establishment for the employee's use shall be labeled' and located to prevent the contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(3) Refrigerated Medicines, Storage. Medicines belonging to employees or to children in a day care center that require refrigeration and are stored in a food refrigerator shall be stored in a package or container and kept inside a covered, leak proof container that is identified for the storage of medicines; and located so that they are inaccessible to

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

Sec.9-78. Premises.

(a) General

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

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

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

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

Co) Living areas. Living or sleeping quarters within a food service establishment is prohibited.

(c) Laundry facilities.

(1) 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 premises, an electric, gas, or steam dryer shall be provided and used.

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

(d) Linens and clothes storage.

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

(2) Soiled clothes and lines shall be stored outside the food preparation area in nonabsorbent containers or washable laundry bags until removed for laundering.

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

□ (f) Animals. Live animals, including birds, and turtles shall be excluded from

within the food

service operational premises and from immediately adjacent areas under the control of the food service establishment. This exclusion does not apply to shellfish, or to fish in aquariums. Live fish tanks are subject to removal by the regulatory authority if not maintained in clean, sanitary condition. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons shall be permitted in dining areas.

ARTICLE VIII. MOBILE FOOD UNITS

Sec. 9-8I. Mobile food service.

(a) General. Mobile food units shall comply with the requirements of this Chapter, except as

otherwise provided in this paragraph and in paragraph (c) of this subsection. 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, may prohibit the sale of some or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this Ordinance relating to physical facilities, except those requirements in this rule of paragraphs (d) and (e) of this subsection, section 9-82(a) of this section and subsection 9-83(a) and (b) of this article.

(b) Restricted Operations. Mobile food units that serve only food that is prepared, packaged in

individual servings, transported and stored under conditions meeting the requirements of those sections, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this chapter pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its commissary.

(1) Pushcarts shall be limited to pre-packaged ice cream or pre-packaged non-potentially hazardous food as approved by the regulatory authority.

(2) Food prepared in a private home may not be used or offered for human consumption from a mobile unit. Food must comply with all labeling laws.

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

(d) Water system. A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to lhmish enough hot and cold water for food preparation, utensil clemfing and sanitizing rind handwashing, in accordance

□ with the requirements of this Chapter. The water inlet shall be located in such a position that it will not be contaminated by waste discharge, road dust, oil or grease, and it shall be kept capped when not being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this Chapter.

e) Waste retention. If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least fifteen (15) percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All liquid waste shall be disposed of in compliance with all existing laws to include Chapter 21 of this Code. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of different size and type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(1) Vehicle identification. Mobile food units shall identify the vehicle with characters three inches high on both exterior sides of the unit stating the name of the company.

(2) Registration. Mobile food units must comply with all state and local laws pertaining to registration of the vehicle.

Sec. 9-82. Commissary; base of operations.

(a) Mobile food units 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. A letter from the commissary is required at the time of permit application and at each renewal of the permit.

(b) The commissary or other fixed food service establishment, used as a base of operation for mobile food units, shall be constructed and operated in compliance with the requirements of this chapter or by the approval of the regulatory authority.

Sec. 9-83 Servicing area and operations.

(a) Serving area.

(I) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of

liquid wastes

□ separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or where mobile food units do not contain waste retention tanks.

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

(3) The construction of the walls and ceilings of the servicing area is exempt from the provisions of Article VII, section 9-72 of this chapter (relating to construction and maintenance of physical facilities).

Serving operations.

(1) Portable 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.

(2) The mobile food unit. liquid waste retention tank, where used, shall be thoroughly flushed and drained, during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with Article VI of this chapter (relating to sanitary facilities and controls).

Sec. 9-84. Catering Services.

(a) A person shall not engage in a catering service unless the service is affiliated with a food service establishment operating from a fixed facility that is permitted by the regulatory authority.

(b) A catering service shall comply with the requirements of Section 9 as the regulatory authority determines is necessary to protect public health and safety.

ARTICLE IX. TEMPORARY FOOD SERVICE

Sec. 9-91. General.

(a) A temporary or seasonal food service establishment shall comply with the requirements of this chapter except as otherwise provided in this rule. 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. The operation of a temporary food service establishment may not exceed fourteen (14) consecutive days per event. The operation of a seasonal food service establishment is greater than fourteen (14) days, but less than sixty (60) consecutive days per event.

(b) If the temporary food service establishment is outdoors, every food preparation and serving area must have a fire resistant overhead covering that protects the interior of the facility from the weather. Floors must be constructed of concrete, asphalt, tight wood or other similar easily cleanable material, and kept in good repair. Outdoor events will last no longer than seventy-two (72) hours.

(c) All food shall be prepared in a permitted food establishment or on the premises. No food or beverage stored or prepared in a private home may be offered for sale, sold or given away from a temporary or seasonal food facility.

(d) All food and beverages shall, be protected at all times from unnecessary handling and shall be stored, displayed and served so as to be protected from contamination.

(e) The regulatory authority may establish additional structural or operational requirements as necessary to ensure that food is of a safe and sanitary quality.

(t) The regulatory authority may limit the number of seasonal (4) or temporary (6) permits issued per establishment per calendar year.

Sec. 9-92. Restricted operations.

(a) These provisions are applicable whenever a temporary food service establishment is permitted, under the provisions of section 9-91 of this section, to operate without complying with all the requirements of this Ordinance.

(b) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurter that only require seasoning and cooking, shall be prepared or served unless otherwise approved by the Health Authority. 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, however, to any potentially hazardous food that has been prepared or packaged under conditions meeting the requirements of this chapter, is obtained in

□ individual servings, is stored at a temperature of forty (40) degrees Fahrenheit (five (5) degrees Celsius), or below, or at a temperature of one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) or above, in facilities that meet the requirements of this chapter, and is served directly in the unopened container in which it was packaged.

(c) Ice. Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of this chapter. The ice shall be obtained only in chipped, crushed, or cubed form and in a 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.

(d) Equipment.

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

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

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

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

(g) Wet storage. The storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

(h) Waste. All sewage, including liquid waste, shall be disposed of according to law. All refuse shall be disposed of in a manner approved by the regulatory authority.

(i) Handwashing. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of at least warm running water, soap, and individual paper towels.

□ (j) Floors. Floors shall be constructed of concrete, asphalt, tight wood or other similar cleanable material, and kept in good repair.

(k) walls and ceiling of food preparation areas.

(1) Ceilings shall be made of wood, canvas, or other materials that protect the interior of the establishment from the weather. Walls and ceiling of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors of 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.

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

ARTICLE X. BED AND BREAKFAST .EXTENDED ESTABLISHMENTS

(a) General. Bed and breakfast extended establishments shall comply with the minimum requirements of this section.

(b) Food supplies. Food shall be obtained from approved sources, shall be in sound condition, and be safe for human consumption.

(c) Food preparation and protection.

(1) Food shall be prepared and protected in accordance with these rules.

(2) All food temperature requirements shall be met in accordance with these rules.

(d) Cleaning and sanitizing.

(1) Manual. A three compartment sink shall be used if washing, rinsing and sanitizing of utensils and equipment is done manually; or a two compartment sink may be utilized if single service tableware is provided, or when an approved detergent sanitizer is used.

□ (2) Mechanical. Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils either by chemical or mechanical sanitization.

(e) Personal hygiene. Employees shall conform to good hygienic practices as required in Sections 9-31 thru Section 9-34.

(f) Employee restrooms. A restroom shall be available for use by employees.

(g) Equipment and utensil design and construction. All equipment and utensils shall be constructed of safe materials and maintained in good repair.

(h) Handsinks.

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(1) Location. An accessible and, conveniently located handsink shall be provided in or immediately adjacent to food preparation areas

(2) Intended use. Handsink(s) shall be, used for no other purpose other than handwashing.

(i) Food contact surfaces. All food contact surfaces, counters, or work surfaces in the establishment shall be smooth, non-absorbent and easily cleanable.

(j) Insect proof/rodent proof.

(1) Food service preparation and storage areas shall be constructed and maintained to prevent the entry of pests and other vermin.

(2) Pesticides and rodenticides shall be applied according to law.

(k) Equipment shall be provided to maintain potentially hazardous food at the temperatures required by these rules.

(i) Garbage receptacles. Impervious receptacles shall be provided for storage of garbage and refuse.

(m) Sewage. Sewage shall be disposed through an approved facility that is:

□ (1) a public sewage treatment plant; or

(2) an individual sewage disposal system that is sized, constructed, maintained, and operated according to law.

(n) water supply. Hot and cold water under pressure shall be provided and shall be from an approved source.

ARTICLE XI. INSPECTION AND ENFORCEMENT

Sec. 9-101. Authority.

The provisions of this chapter shall be enforced by the director of health and his/her representatives. The director of health and his/her representatives have the authority to issue citations to persons violating the provisions of this chapter. It shall be unlawful for any person to interfere with a health specialist, director of health or designee in the performance of his duties as prescribed in this chapter.

Sec. 9-102. Access.

Agents of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time, for the purpose of making inspections to determine compliance with this chapter. The agents shall be permitted to examine

the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed.

Sec. 9-103. Report of inspections.

Whenever an inspection is made of a food service establishment, the findings shall be recorded on the inspection report form provided by the regulatory authority. The original of the inspection report form shall be furnished to the owner or person in charge at the completion of the inspection and constitutes a written notice. The inspection report form shall summarize the requirements of this chapter. The completed form is a public document that shall be made available for public disclosure to any person who requests it according to law.

□ Sec. 9-104. Correction of violations.

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

- (1) If an imminent health hazard exists, such as complete lack of sanitization, refrigeration, or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority.
- (2) All violation of critical items shall be corrected within a time specified by the regulatory authority, but in any event, not to exceed ten (10) days.
- (3) All non-critical items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection, but not to exceed ninety (90) days.
- (4) When the establishment receives a failing score; the establishment shall cease operations immediately. The establishment shall remain closed until re-opened by the regulatory authority.
- (5) In the case of temporary food service establishments, all violations shall be corrected immediately.

Sec. 9-105. Examination and condemnation of food.

(a) The regulatory authority may examine and collect samples of food as often as necessary for the enforcement of this chapter. The regulatory authority shall denature or destroy such food or bring it into compliance with the provisions of this chapter.

(b) The regulatory authority shall, upon written notice to the owner or person in charge specifying the reason, place under detention any food, which it has probable cause to believe, is adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the regulatory authority, and neither food nor the containers shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without the permission of the regulatory authority.

After the owner or person in charge has been afforded a hearing as provided for in Sec. 9-107 of this article and on the basis of evidence produced at such hearing, or on the basis of examination in the event a written request is not received within ten (10) days the regulatory authority may cancel

□ the hold order or may oversee the disposal of the food placed under the hold order or direct the owner or person in charge to bring it into compliance with the provisions of this chapter.

Sec. 9-106. Procedure when infection is suspected.

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

- (1) The immediate exclusion of the employee from all food service establishments;
- in (2) The immediate closing of the food service establishment concerned until the opinion of the regulatory authority, no further danger of disease outbreak exists;
- (3) Restriction of the employee's services to some area of the establishment where there.
- (4) Adequate medical and laboratory examination of the employee, of other employees and of his and their body discharges;
- returning (5) A medical release shall be required for excluded employee prior to to work.

Sec. 9-107. Permit.

(a) Required; transferability. It shall be unlawful for any person to operate a food-service or food-processing establishment within the City of Murphy or its police jurisdiction,

who does not possess a valid permit issued to him by the regulatory authority.
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 (1) person to another person or place. A valid permit shall be posted in every establishment. Permits for temporary establishments shall be issued for a period of time not to exceed fourteen (14) days. Seasonal permits may be issued for a period not to exceed sixty (60) days.

(b) Review of plans. Whenever a food service or food processing establishment is constructed or extensively remodeled, and whenever an existing structure is converted to use as a food service operation, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas,

and the type and model of proposed fixed equipment and facilities. The regulatory authority shall approve the plans and specifications if they meet the requirements of this ordinance. No food service or food processing establishment shall be constructed, extensively remodeled, or convened except in accordance with plans and specifications approved by the regulatory authority. A preoperational inspection will be conducted in each food service establishment or food processing establishment prior to the start of operations to determine compliance with approved plans and with the requirements of this chapter.

(c) Application. Any person desiring to operate a food service or food processing establishment shall make written application and pay the appropriate fee for a permit provided by the regulatory authority. Such application shall include the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and if a partnership, the name of the partners, together with their addresses shall be included; the location and type of the proposed establishment; and the signature of the applicant or applicants. If the application is for a temporary or seasonal establishment, permit fees and applications must be received forty-eight (48) hours prior to the event, it shall also include the inclusive dates of the proposed operation.

(d) Fees. Food establishment annual permit fees shall be reviewed, set, and adopted by ordinance of the City Council of the City on a regular basis.

No fee shall be charged to any food establishment owned and operated by a governmental agency, independent school district, institution of purely public charity or church; however, such establishments shall comply with all other requirements of

this chapter.

(e) Inspection; issuance of permit. Upon receipt of such an application, the regulatory authority shall make an inspection of the establishment to determine compliance with the provisions of the article. When inspection reveals that the applicable requirements of this article have been met, a permit shall be issued to the applicant by the regulatory authority.

(f) Suspension of permits. Permits may be suspended temporarily by the regulatory authority for failure of the holder to comply with the requirements of this article.

Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this division, the permit holder or operator shall be notified in writing that the permit is, upon service of this notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the permit holder within five (5) days.

Notwithstanding the other provisions of this chapter, whenever the regulatory authority finds unsanitary or other conditions in the operation of the establishment which in his judgement constitutes a substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit holder or

operator citing such conditions, specifying the corrective action to be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all food operations are immediately to be suspended. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the regulatory authority, shall be afforded a hearing as soon as possible.

(g) Reinstatement of suspended permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of the reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the condition causing the suspension of the permit has been corrected, the regulatory authority shall make a reinspection. If the applicant in complying with the requirements of this article, the permit shall be reinstated.

(h) Revocation. For serious or repeated violations of any of the requirements of this article, or for interference with the regulatory authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the regulatory authority. Prior to such action, the regulatory authority shall notify the permit holder in writing, stating the reasons for which the permit shall be permanently revoked at the end of five (5) days following service of this notice, unless a request for a hearing is filed with the regulatory

authority, by the permit holder within such five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(i) Penalty. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not less than one (\$1.00) dollar, nor more than two-thousand (\$2,000.00) dollars for each conviction. In the case of a continuing violation, each day during which an individual violates this article it shall be construed as separate offenses as provided in section 1-4. Additionally, the City shall be entitled to pursue other civil and criminal remedies to which it is entitled under law.

(j) Hearings. The hearing provided for in this section shall be conducted by a permit appeals committee at a time and place designated by the regulatory authority. The permit holder shall be notified of such hearing no less than five (5) days prior to the hearing date. The permit appeals committee shall be appointed by the regulatory authority and be comprised of the city health specialist, the city chief building official and one (1) other member engaged in food establishment work, i.e. restaurant owner, cafeteria manager, grocery store operator, etc. The regulatory authority shall maintain a list of such persons, from which members to the permit appeals committee, may be appointed on a rotating basis. Based upon the record of such hearing, the regulatory authority shall, upon the affirmative vote of the majority, make a finding to sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the regulatory authority within five (5) days after the date of the hearing.

□ Section III. All provisions of the Ordinances of the City of Murphy, codified or uncodified, in conflict with the provisions of this Ordinance are repealed, and all other provisions of the Ordinances of the City of Murphy, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section V. The repeal of any Ordinance or part of Ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality

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under any section or provisions of any Ordinances at the time of passage of this' Ordinance.

Section VI. Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO THOUSAND AND 00/100 DOLLARS (\$2,000.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

Section VII. This Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED THIS THE 19TH DAY OF NOVEMBER, 2001

Roy W. Bentle, MAYOR

ATTEST:

Linda B. Marley, CITY SECRETARY

APPROVED AS TO FORM:

Jerry Gilmore, CITY ATTORNEY