

AN ORDINANCE DEFINING FOOD, POTENTIALLY HAZARDOUS FOOD, FOOD SERVICE ESTABLISHMENT, MOBILE FOOD UNIT, TEMPORARY FOOD SERVICE ESTABLISHMENT, 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 CHAPTER 8A OF THE CODE OF ORDINANCES OF THE CITY OF MESQUITE AND ORDINANCE NUMBERED 668, AND PROVIDING A PENALTY CLAUSE, A SEVERABILITY CLAUSE, AN EMERGENCY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the Environmental Health Official of the City of Mesquite has determined through study and review of the current ordinance regulating food service sanitation that it needs to be replaced by a Comprehensive Ordinance providing for uniform public health standards and requirements that protect the health of the consumer; and,

WHEREAS, the Environmental Health Official of the City of Mesquite has caused to be prepared and has presented to the City Council a proposed Comprehensive Ordinance regulating the permitting and inspection of food establishments within the City; and,

WHEREAS, after a thorough review, the City Council is of the opinion that said ordinance should be adopted to provide for the health, safety, and general welfare of the citizens within the community.

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

SECTION 1 - GENERAL PROVISIONS

A. Purpose

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

B. Definitions

For the Purpose of this Ordinance:

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

2. "CORROSION-RESISTANT MATERIALS" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use environment.

3. "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.

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

5. "EQUIPMENT" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machine, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

6. "FOOD" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

7. "FOOD-CONTACT SURFACE" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

8. "FOOD PROCESSING ESTABLISHMENT" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does include a storage place for food such as a distribution warehouse.

9. "FOOD SERVICE ESTABLISHMENT" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term also includes retail food/grocery stores, commissaries, schools, hospitals, nursing homes, day care centers, fruit stands, vending trucks, industrial feeding establishment, bars, private clubs, concession stand, catering service or public or nonprofit organization or institution serving food.

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

11. "KITCHENWARE" means all multi-use utensils other than tableware.

12. "LAW" means federal, state, and local statutes, ordinances, and regulations.

13. "MOBILE FOOD UNIT" means a vehicle-mounted food service establishment designed to be readily movable.

14. "PACKAGED" means bottled, canned, cartoned, or securely wrapped.

15. "PASTEURIZATION" means the process of heating every particle of milk or milk products to at least 143° F., and holding it at such temperature continuously for at least 30 minutes, or to 161° F., and holding at such temperature continuously for at least fifteen seconds in approved and properly operated equipment, provided that nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the health authority.

16. "PERSON" means any individual, partnership, corporation, association, or other legal entity.

17. "PERSON IN CHARGE" means the individual present in a food service establishment who is the apparent supervisor of the food service or food processing establishment at the time of the inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

18. "POTENTIALLY HAZARDOUS FOOD" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor free shell eggs or foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.

19. "PUSHCART" means a non-self-propelled vehicle limited to serving nonpotentially hazardous food or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

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

21. "REGULATORY AUTHORITY" means the Environmental Health Official of the City of Mesquite or his designated representative.

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

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

24. "SEALED" means free of cracks or other openings that permit entry or passage of moisture.

25. "SINGLE SERVICE ARTICLES" means 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.

26. "TABLEWARE" means multi-use eating and drinking utensils.

27. "TEMPORARY FOOD SERVICE ESTABLISHMENT" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

28. "UTENSIL" means any implement used in the storage, preparation, transportation, or service of food.

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

SECTION II - FOOD CARE

A. Food Supplies

1. General

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

2. Special Requirements

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

(b) Fresh and frozen shucked shellfish (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 were 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.

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

B. Food Protection

1. General

At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. The temperature of potentially hazardous food requiring refrigeration shall be 45° F. or below. Potentially hazardous food requiring hot storage shall be maintained at an internal temperature of 140° F. or above. Unless otherwise provided in this ordinance, these temperatures shall apply at all times.

2. Emergency Occurrences

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

C. Food Storage

1. General

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

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

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

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

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

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

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

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

2. Refrigerated Storage

(a) Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled thermometer, accurate to + or - 3° F., located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to + or - 3° F. may be used in lieu of indicating thermometers.

(b) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 45° F. 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 hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of 45° F. or below unless maintained in accordance with Section 11-C,3 of this ordinance.

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

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

3. Hot Storage

(a) Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to + or - 3° F., located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers, accurate to + or - 3° F., 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.

(b) The internal temperature of potentially hazardous foods requiring hot storage shall be 140° F. or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140° F. or above unless maintained in accordance with Section 11-C,2,(b) of this ordinance.

D. Food Preparation

1. General

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

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

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

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

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

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

4. Dry Milk and Dry Milk Products

Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.

5. Liquid, Frozen, Dry Eggs and Egg Products

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

6. Reheating

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

7. Non-Dairy Products

Non-dairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon in capacity and cooled to 45° F. or below within four hours after preparation.

8. Product Thermometers

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

9. Thawing Potentially Hazardous Foods

Potentially hazardous foods shall be thawed:

(a) In refrigerated units at a temperature not to exceed 45° F.;

or

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

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

(d) As part of the conventional cooking process.

E. Food Display and Service

1. Potentially hazardous food requiring refrigeration shall be kept at an internal temperature of 45° F. or below. Potentially hazardous food requiring hot storage shall be kept at an internal temperature of 140° F. or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130° F.

2. Milk and Cream Dispensing

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

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

3. Non-Dairy Product Dispensing

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

4. Condiment Dispensing

(a) Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with Section 11-E, 8 of this ordinance.

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

5. Ice Dispensing

Ice for consumer use shall be dispensed only by employees with scoops, tongs, or other ice dispensing utensils or through automatic self-service, ice dispensing equipment. Ice dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extending 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.

6. 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:

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

(b) Stored clean and dry; or

(c) Stored in running water; or

(d) 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.

7. Re-Service

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

8. Display Equipment

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

9. Re-use of Tableware

Re-use 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.

F. 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 ordinance relating to food protection and food storage.

G. Coding and Dating on Food

Food in grocery stores, convenience stores, etc. that contains shelflife coding shall be monitored by the Health Department to determine the dates are being utilized by the food industry.

SECTION III - PERSONNEL

A. Employee Health

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 or food processing 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. Personal Cleanliness

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

C. Clothing

1. The outer clothing of all employees shall be clean.

2. Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces. Hair spray shall not be considered an effective hair restraint.

D. Employee Practices

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

2. 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.

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

4. Employees shall handle soiled tableware in a way that minimizes contamination of their hands.

E. Health Cards

1. The City of Mesquite Health Department, upon application from any person desiring to work at or be employed by any establishment preparing and/or dispensing food or drink for human consumption, and upon compliance with the following provisions, shall issue a health card:

(a) Said applicant shall satisfactorily pass a physical examination given by a qualified physician; the results of such examination to be made available to and approved by the regulatory authority of the City of Mesquite.

(b) That each applicant for a health card shall pay the City of Mesquite a fee of \$1.00.

2. A health card issued by the City of Mesquite Health Department shall be valid for a period of 12 months from date of issue.

3. It shall be unlawful for any person to work at or to be employed at, or for any person to employ or allow another person to work at any food service establishment without having first obtained the health card required in this section.

SECTION IV - EQUIPMENT & UTENSILS

A. Materials

1. 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, easy cleanable, and durable

under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.

2. Solder

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

3. Wood

Hard maple or equivalently non-absorbent material that meets the general requirements set forth in Section IV-A,1 of this ordinance may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

4. Plastic and Rubber

Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in Section IV-A,1 of this ordinance, are permitted for repeated use.

5. Mollusk and Crustacea Shells

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

6. Single Service

Re-use of single service articles is prohibited.

B. Design and Fabrication

1. General

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

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

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

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

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

2. Accessibility

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

(a) Without being disassembled; or

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

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

3. In-Place Cleaning

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

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

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

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

4. Pressure Spray Cleaning

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

5. Thermometers

Indicating thermometers required for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to + or - 2° F.

6. Non-Food-Contact Surfaces

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

7. Ventilation Hoods

Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

8. Existing Equipment

Equipment that was installed in a food service or food processing establishment prior to the effective date of this ordinance, and that does not fully meet all of the design and fabrication requirements of this section, shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are non-toxic. Replacement equipment and new equipment acquired after the effective date of this ordinance shall meet the requirements of this ordinance.

C. Equipment Installation and Location

1. 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.

2. Table Mounted Equipment

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

(b) Equipment is portable within the meaning of Section IV-C,2,(a) of this ordinance if:

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

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

3. Floor-Mounted Equipment

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

(1) Sealed to the floor; or

(2) Installed on a raised platform on 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 mounted floor mixers

may be elevated to provide at least a four-inch clearance between the floor and equipment if no part of the floor under the mixer is more than six inches from cleaning access.

(b) Equipment is easily movable if:

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

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

(c) Unless sufficient space is provided for easy cleaning between, behind and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.

4. 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.

SECTION V - CLEANING, SANITATION, AND

STORAGE OF EQUIPMENT AND UTENSILS

A. Equipment and Utensil Cleaning and Sanitization

1. Cleaning Frequency

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

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

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

(d) The food contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

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

2. Wiping Cloths

(a) 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.

(b) Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Section V-A,3(f) of this ordinance and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

(c) Moist cloths used for cleaning non-food-contact surfaces of equipment such as counters, dining table tops and shelves shall be clean and rinsed as specified in Section V-A,2,(b) of this ordinance and used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

3. Manual Cleaning and Sanitizing

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

(b) Drain boards or easily movable dish tables of adequate size shall be washed manually or cleaned through pressure spray methods.

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

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

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

(1) Sinks shall be cleaned prior to use.

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

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

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

(h) 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 and used.

4. Mechanical Cleaning and Sanitizing

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

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

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

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

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

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

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

(1) The temperature of the wash water shall not be less than 120° F.

(2) The wash water shall be kept clean.

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

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

(5) The chemical sanitizing rinse water temperature shall be not less than 75° F. nor less than the temperature specified by the machine's manufacturer.

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

(h) Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature stated in Section V-A, 4, (h), (1) through (5) of this ordinance:

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

Wash temperature 150° F.
Final rinse temperature 180° F.

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

Wash temperature 165° F.
Final rinse temperature 165° F.

(3) Single-tank, conveyor machine:

Wash temperature 160° F.
Final rinse temperature 180° F.

(4) Multitank, conveyor machine:

Wash temperature 150° F.
Pumped rinse temperature 160° F.
Final rinse temperature 180° F.

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

Wash temperature 140° F.
Final rinse temperature 180° F.

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

(1) The temperature of the wash water shall not be less than 120⁰ F.

(2) The wash water shall be kept clean.

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

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

(5) The chemical sanitizing rinse water temperature shall be not less than 75⁰ F. nor less than the temperature specified by the machine's manufacturer.

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

(h) Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature stated in Section V-A, 4, (h), (1) through (5) of this ordinance:

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

Wash temperature 150⁰ F.
Final rinse temperature 180⁰ F.

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

Wash temperature 165⁰ F.
Final rinse temperature 165⁰ F.

(3) Single-tank, conveyor machine:

Wash temperature 160⁰ F.
Final rinse temperature 180⁰ F.

(4) Multitank, conveyor machine:

Wash temperature 150⁰ F.
Pumped rinse temperature 160⁰ F.
Final rinse temperature 180⁰ F.

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

Wash temperature 140⁰ F.
Final rinse temperature 180⁰ F.

4. Prohibited Storage Area

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

SECTION VI - SANITARY FACILITIES AND CONTROLS

A. Water Supply

1. General

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

2. Transportation

All potable water not provided directly by pipe to the food service or food processing 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.

3. Bottled Water

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

4. Water Under Pressure

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

5. Steam

Steam used in contact with food or food contact surfaces shall be free from any harmful materials or additives.

B. Sewage

All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law. Non-water-carried sewage disposal facilities are prohibited, except as permitted by Sections IX-A,1 through 8 of this ordinance (pertaining to temporary food service establishments) or as permitted by the regulatory authority in remote areas or because of special situations.

C. Plumbing **00066**

1. General

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

2. Nonpotable Water System

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

3. Backflow

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

4. Grease Traps

Grease traps are required in food service and food processing establishments. Sizes of the grease traps shall be governed by the Plumbing Code of the City of Mesquite. Unless otherwise approved, grease traps shall be located on the outside of the buildings to be easily accessible for cleaning.

5. Garbage Grinders

Garbage grinders are required, and shall be installed and maintained according to the Plumbing Code of the City of Mesquite.

6. Drains

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

D. Toilet Facilities

1. Toilet Installation

Toilet facilities shall be installed according to the City of Mesquite Plumbing Code, shall be the number required by the Code, shall be conveniently located, and shall be accessible to employees and patrons.

2. Toilet Design

Toilet and urinals shall be designed to be easily cleanable.

3. 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. Separate facilities shall be available for patrons and for male and female employees if the number of employees exceed four and both sexes are employed. In the case of take-out operations where patrons do not eat on the premises, a single toilet room in the kitchen is acceptable.

4. Toilet Fixtures

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

E. Lavatory Facilities

1. Lavatory Installation

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

(b) A lavatory for handwashing shall be accessible to employees in food preparation areas.

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

2. Lavatory Faucets

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

3. Lavatory Supplies

Soap or detergent dispensers shall be available at each lavatory. The use of bar soap is prohibited. 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.

4. Lavatory Maintenance

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

F. Garbage and Refuse

1. Containers

(a) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags or wet-strength paper bags shall be used to line these containers.

(b) Garbage containers used in food preparation and utensil washing areas shall be kept covered after they are filled and when not in actual use.

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

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

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

2. Storage

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

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

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

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(d) Requests for special pickup of construction/remodeling debris shall be made through the Sanitation Department of the City of Mesquite.

3. Disposal

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

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

G. Insect and Rodent Control

1. General

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

2. Openings

Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects and rodents by tight-fitting self-closing doors, closed windows, door guards, 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 16 mesh to the inch.

SECTION VII - CONSTRUCTION AND

MAINTENANCE OF PHYSICAL FACILITIES

A. Floors

1. Floor Construction

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

2. Floor Carpeting

Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment and utensil

washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.

3. Prohibited Floor Covering

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

4. Floor Drains

Properly installed, trapped floor drains shall be provided in floors that are water-flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of vinyl asbestos tile, quarry or terrazzo tile, ceramic tile or similar materials, and shall be graded to drain. Floor drains are required in restrooms, food preparation areas, and close to entrances of walk-in refrigerated units.

5. 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.

6. Floor Junctures

In all new or extensively remodeled establishments utilizing concrete, quarry, terrazzo, ceramic tile or similar flooring materials, and where water-flush cleaning methods are used, the junctures between walls and floors shall be coved and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more than 1/32 inch.

7. Utility Line Installation

Exposed utility 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.

B. Walls and Ceilings

1. Maintenance

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

2. Construction

The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules shall be

light colored, smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.

3. Exposed Construction

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

4. 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 walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, toilet rooms and vestibules.

5. Attachments

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

6. Covering Material Installation

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

C. Cleaning and Physical Facilities

1. General

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

2. Utility Facility

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

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D. Lighting

1. General

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

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

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

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

2. Protective Shielding

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

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

E. Ventilation

1. General

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

2. Special Ventilation

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

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

F. Dressing Rooms and Locker Areas

1. 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 storage.

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2. Locker Areas

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

G. Poisonous or Toxic Materials

1. Materials Permitted

There shall be present in food service and food processing establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

2. Labeling of Materials

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

3. Storage of Materials

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

(1) Insecticides and rodenticides;

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

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

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

4. Use of Materials

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

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

5. Personal Medications

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

6. First-Aid Supplies

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

H. Premises

1. General

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

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

(c) Only articles necessary for the operation and maintenance of the food service and food processing establishments shall be stored on the premises.

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

2. Living Areas

Operation of a food service or food processing establishment is not allowed in any residentially zoned district. Food service operations may not be conducted in any room used as living or sleeping quarters.

3. Laundry Facilities

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

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

4. Linens and Clothes Storage

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

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

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5. Cleaning Equipment Storage

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

6. Animals

Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind/deaf persons, shall be permitted in dining areas.

SECTION VIII - MOBILE FOOD

UNITS OR PUSHCARTS

A. Mobile Food Service

1. General

Mobile food units or pushcarts shall comply with the requirements of this section, except as otherwise provided in this paragraph and in Section VIII-A,2 of this ordinance. 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 section relating to physical facilities, except those requirements of Section VIII-A,4, VIII-A,5, VIII-B,1, VIII-C,1, VIII-C,2 of this ordinance.

2. Restricted Operation

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

3. Single-Service Articles

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

4. Water System

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

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

B. Commissary

1. Base of Operations

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

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

C. Servicing Area and Operations

1. Servicing Area

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

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

(c) The construction of the walls and ceilings of the servicing area is exempted from the provisions of Sections VII-B, 1 through 6 of this ordinance.

2. Servicing Operations

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

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

SECTION IX - TEMPORARY FOOD SERVICE

A. Temporary Food Service Establishments

1. General

A temporary food service establishment shall comply with the requirements of this ordinance, except as otherwise provided in this ordinance. 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 potential hazardous foods, and when no health hazard will result, may waive or modify requirements of this ordinance.

2. Restricted Operations

(a) These provisions are applicable whenever a temporary food service establishment is permitted under the provisions of Section IX-A, 1 of this ordinance, to operate without complying with all the requirements of this section.

(b) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this ordinance, is obtained in individual servings, is stored at a temperature of 45° F. or below or at a temperature of 140° F. or above in facilities meeting the requirements of this ordinance, and is served directly in the unopened container in which it was packaged.

3. Ice

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

4. Equipment

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

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

5. Single-Service Articles

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

6. 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 capable of producing enough hot water for these purposes shall be provided on the premises:

7. Wet Storage

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

8. Waste

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

9. 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.

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10. Floors

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

11. Walls and Ceilings of Food Preparation Areas

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

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

SECTION X - COMPLIANCE PROCEDURES

A. Permits

1. General

It shall be unlawful for any person to operate a food service or food processing establishment within the City of Mesquite, or its police jurisdiction, who does not possess a valid permit issued to him by the City of Mesquite Health Department. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be conspicuously posted in every establishment. Permits for temporary establishments shall be issued for a period of time not to exceed fourteen (14) days.

2. Issuance of Permits

(a) Any person desiring to operate a food-service or food-processing establishment shall make written application for a permit to be issued by the City of Mesquite Health Department. 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 names 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 establishment, it shall also include the inclusive dates of the proposed operation.

(b) A permit fee shall accompany each application. Permits shall be valid for a period of one (1) year from the date of issuance unless suspended or revoked. Permits are to be renewed on an annual basis by the filing of a permit renewal application and fee with the regulatory authority. Applicants shall not under any circumstances be entitled to a refund of permit fees after an application has been filed. The permit fee and renewal fee schedule is as follows:

(1) One to ten employees	\$150.00
Eleven to twenty-six	200.00
Twenty-seven or more employees	250.00
(2) Temporary food-service establishment	\$50.00
(3) Mobile food-service establishment	\$75.00
(4) Concessions	\$10.00
(5) Day Care Centers	\$50.00

Fees shall not be charged for permits to operate Mesquite Independent School District cafeterias nor City owned and operated food-service establishments.

(c) Prior to approval of an application for permit, the regulatory authority shall inspect the proposed food service or food processing establishment to determine compliance with the requirements of this ordinance.

(d) The regulatory authority shall issue a permit to the applicant if its inspection reveals that the proposed food service or food processing establishment complies with the requirements of this ordinance.

3. Suspension of Permit

(a) The regulatory authority may, without warning, notice, or hearing suspend any permit to operate a food service or food processing establishment if the holder of the permit does not comply with the requirements of this ordinance or if the operation of the establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by the following paragraph of this ordinance. When a permit is suspended, operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for hearing within 20 days of receipt of a request for hearing.

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

4. Revocation of Permit

(a) The regulatory authority, may after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this ordinance or for interference with the regulatory authority in the performance of duty.

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

5. Service of Notices

A notice provided for in this ordinance is properly served when it is delivered to the holder of the permit or person in charge, or when it is sent by certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.

6. Hearings

The hearings provided for in this section shall be conducted by the Health Committee at a time and place designated by it. The Health Committee shall consist of five members appointed by the City Council. Members of the Committee shall possess the following qualifications:

- One shall be the City Health Officer, who shall preside as chairman;
- One shall be a Medical Doctor currently licensed under the laws of the State of Texas;
- One shall be engaged in Food Service per se - i.e., a cafe or restaurant owner;
- One member shall be a disinterested layman;
- One member shall be a licensed building contractor.

Based upon the record of such hearing, the Health Committee shall make a finding and shall 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.

7. Application After Revocation

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

B. Inspections

1. Inspection Frequency

An inspection of a food service or food processing establishment shall be performed at least four times annually. Additional inspections of the food service operations shall be performed as often as necessary for the enforcement of this ordinance.

2. Access

Representatives of the regulatory authority, after proper identification, shall be permitted to enter any food service or food processing establishment at any reasonable time for the purpose of making inspections to determine compliance with this ordinance. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used. Failure to allow inspection shall be grounds for revocation of permit.

3. Report of Inspections

Whenever an inspection of a food service or food processing establishment is made, the findings shall be recorded on the inspection report form provided by the regulatory authority. The inspection report form shall summarize the requirements of the ordinance and shall set forth a weighted point value for each requirement. Inspection remarks shall be written to reference, by section number, the section violated, and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.

4. Correction of Violations

(a) At least once every three months, the regulatory authority shall inspect food service and food processing establishments located in the City of Mesquite. Should the rating score fall below "80", the inspector shall specify a specific period of time in writing for correction of violations. The regulatory authority shall make as many additional inspections and reinspections as are necessary for the enforcement of this ordinance.

(b) In the case of temporary food service operations, all violations shall be corrected within twenty-four hours. If violations are not corrected within twenty-four hours, the establishment shall immediately cease food service operations until authorized to resume by the regulatory authority.

(c) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until the health hazard is eliminated.

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

C. Examination and Condemnation of Food

Food may be examined or sampled by the regulatory authority as often as necessary for enforcement of this ordinance. The regulatory authority may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefore, place a hold order on any food which it believes is in violation of the food supplies section, or any other section of this ordinance. The regulatory authority shall tag, label, or otherwise identify any food subject to the hold order. No food subject to the hold order shall be used, served, or moved from the establishment. The regulatory authority shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within seventy-two (72) hours after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance.

D. Review of Plans

1. Submission 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 converted except in accordance with plans and specifications approved by the regulatory authority.

2. Pre-Operational Inspection

Whenever plans and specifications are required by the regulatory authority, an inspection shall be conducted of the food service or food processing establishment prior to the start of operations. The inspection by the regulatory authority will be conducted to determine compliance with the approved plans and specifications and with requirements of this ordinance.

E. Procedure When Infection Is Suspected

1. General

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

(a) The immediate exclusion of the employee from employment in the establishment.

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

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

(d) The immediate closing of the establishment concerned when the hazard justifies such action. When such action is taken a hearing must be scheduled forthwith but not later than twenty-four (24) hours after closing. A hearing may be held before the Municipal Judge or, in his absence, such person as the City Manager may designate. Said person shall not be employed in city health services.

SECTION XI - ENFORCEMENT

It shall be unlawful for any person to violate any of the provisions of this ordinance or for any person who owns, operates or is in charge of a food service establishment to allow any person employed at the food service establishment to violate any of the provisions of this ordinance. The provisions of the ordinance shall be enforced by representatives of the Health Department. The Environmental Health Official and his representatives have the authority to issue citations to persons violating the provisions of this ordinance. It shall be unlawful for any person to interfere with an Inspector or the Environmental Health Official in the performance of their duties as prescribed by this ordinance.

SECTION XII - REPEALER

Chapter 8A of the Code of Ordinances of the City of Mesquite, Texas, and Ordinance No. 668, and any other ordinance of the City, or any provision of any other ordinance of the City, in conflict herewith, are hereby repealed in their entirety.

SECTION XIII - PENALTY CLAUSE

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Any person, firm, company, partnership, corporation or association violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not more than TWO HUNDRED DOLLARS (\$200.00) for each such violation. Each day upon which such violation occurs constitutes a separate violation. In addition thereto, such persons may be enjoined from continuing such violation.

SECTION XIV - SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable; and if any phrase, clause, sentence or section of this ordinance shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining section, paragraph, sentence, clause or phrase of this ordinance.

SECTION XV - EMERGENCY CLAUSE

The fact that the present ordinance of the City of Mesquite which governs food and food service establishments is inadequate and out of date creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately and after publication of the caption of said ordinance, as the law in such cases provides, and it is accordingly ordained.

SECTION XVI - EFFECTIVE DATE

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of June, A.D., 1986.

Mrs. Brunhilde Nyström
Mrs. Brunhilde Nyström
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
City Attorney

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