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ORDINANCE NO. 2613

AN ORDINANCE AMENDING CHAPTER 8A, "FOOD SERVICE ESTABLISHMENTS," OF THE CODE OF ORDINANCES OF THE CITY OF MESQUITE, TEXAS; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section I

That Chapter 8A, "Food Service Establishments," of the Code of Ordinances of the City of Mesquite, Texas, is hereby amended to read as follows:

FOOD AND FOOD ESTABLISHMENTS

- I. Any person who sells or conveys food or operates a food establishment shall obtain a permit from the Health Authority and shall comply with the requirements of this ordinance. The ordinance shall be liberally construed and applied to promote its underlying purpose of protecting public health.
- II. Definitions.
 - A. For the purpose of this ordinance.
 1. **ADULTERATED** shall mean the condition of food:
 - (a) If it bears or contains any poisonous or deleterious substance in quantity which may render it injurious to health;
 - (b) If it bears or contains any poisonous or deleterious substance for which no safe tolerance has been established by regulation;
 - (c) If it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption;
 - (d) If it has been processed, prepared, packed, or held under insanitary conditions where it may have become contaminated with filth, or whereby it may have been rendered injurious to health;
 - (e) If it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or
 - (f) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
 2. **APPROVED** shall mean acceptable to the Health Authority based on his or her determination as to conformance with appropriate standards and recognized public health practices.

3. **APPROVED SOURCE** shall mean a food processing establishment where the conditions and methods of preparation and/or packaging are subject to official regulation or inspection by federal, state and local regulatory authorities and where all federal, state and local regulations are complied with.
4. **CATERING TRUCK** means a vehicle from which approved, prepackaged foods are sold or conveyed in such a manner that no direct food contact results.
5. **CLOSED** shall mean tightly fitted together leaving no openings large enough to permit the entrance of vermin.
6. **CONCESSION FACILITY** shall mean a food service establishment located within a building or permanent structure equipped with electricity, public water supply, and sanitary sewer and which is operated in association with sports and athletic or similar recreational activities on a seasonal basis.
7. **CONDIMENTS** shall mean spices, salt, pepper, sugar, catsup, mustard, mayonnaise, sauces, non-dairy creamers, and other items added by the consumer to food.
8. **CONDITIONAL FOOD ESTABLISHMENT** means a food establishment which is permitted to operate up to 120 days while completing plan review procedures as specified in the City of Mesquite Environmental Health Department Construction and Equipment Standards for Food Establishments.
9. **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.
10. **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.
11. **EQUIPMENT** means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables and similar items other than utensils used in the operation of a food service establishment.
12. **EVENT** means a gathering of persons at a predetermined location and time with specific purposes and goals unrelated to the temporary sale of food. Events shall include, but not limited to, non-profit organization, fund-raising activities, circuses, carnivals, sports and athletic activities, cultural activities, national holiday celebrations, parades, and promotions of existing stationary businesses.
13. **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.

- 14. **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.
- 15. **FOOD ESTABLISHMENT** means any place where food is manufactured, packaged, prepared, sold or conveyed. The term includes food processing establishments, food service establishments, retail food stores as defined herein regardless of whether there is a charge for the food. The term does not include private homes where food is prepared or served for individual family consumption.
- 16. **FOOD PROCESSING ESTABLISHMENT** shall mean a commercial establishment in which food is manufactured or packaged for human consumption.
- 17. **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 there is a charge for the food. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles or food processing establishments.
- 18. **FRP WALLBOARD** shall mean fiberglass reinforced polyester wallboard with a thickness of 3/32 inch or greater.
- 19. **HEALTH AUTHORITY** shall mean the Health Official of the City of Mesquite or his designated representative.
- 20. **HEAVY FOOD PREPARATION** shall mean any area in which foods are prepared, utilizing a grill, griddle, deep-fat fryer, commercial type ovens, and any similar food preparation equipment; or any area subject to flooding or wet cleaning procedures due to the cutting or processing of meat, poultry, fish or pork. Heavy food preparation includes, but is not limited to cafeterias, fast food restaurants, full service restaurants, pizza preparation, donut preparation, meat and fish markets.
- 21. **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 contents after processing.
- 22. **HYGIENIC PRACTICES** shall mean the exhibition by food service employees of personal practices, and methods that reduce the likelihood of contaminating food, drink, and food-contact surfaces of equipment, utensils or single-service articles and that promote sanitary food preparation and service.
- 23. **KITCHENWARE** means all multi-use utensils other than tableware.
- 24. **LAW** means federal, state and local statutes, ordinances, regulations and rules.
- 25. **LIGHT FOOD PREPARATION** shall mean any area in which foods are prepared without the use of fryers, grills, or other similar equipment. Light food preparation is usually limited to the preparation of hot dogs, sandwiches, salads, or other similar exposed foods and fountain-type cold drinks.

- 26. **MISBRANDED** shall mean the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable labeling law.
- 27. **MOBILE FOOD UNIT** means a vehicle-mounted food service establishment designed to be readily moveable.
- 28. **NO FOOD PREPARATION** shall mean any area in which foods are provided pre-wrapped, from an approved source, with microwave or convection type ovens or self-contained frying devices. No food preparation is usually limited to pre-packaged sandwiches or similar food, candies, and containerized cold drinks.
- 29. **NON-FOOD CONTACT SURFACE** means a surface (including but not limited to shelf, counter, fan, or an exterior part of equipment) that does not normally come into contact with food in the operation of a food establishment.
- 30. **PACKAGED** means bottled, canned, cartoned, or securely wrapped.
- 31. **PERISHABLE FOOD** shall mean any food of such type or in such condition as may spoil.
- 32. **PERSON** includes any individual, partnership, corporation, association, trustee or other legal entity.
- 33. **PERSONAL HYGIENE** shall mean the application of hygienic practices by food service employees to food preparation, service, and dishwashing activities.
- 34. **PERSON IN CHARGE** means the individual present in a food establishment who is the actual or 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.
- 35. **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 4.5 or below or a water activity (Aw) value of 0.85 or less.
- 36. **PRE-COOKED LINKED PRODUCTS** shall mean certain products containing any combination of beef, pork, poultry, and vegetable protein, wrapped in a shell or membrane, cut into individual links, and thoroughly cooked. Such products may be reheated prior to serving but do not require further cooking.
- 37. **RECONSTITUTED** means recombining dehydrated food products with water or other liquids.
- 38. **REGULATORY AUTHORITY** means the state and local enforcement authority or authorities having jurisdiction over the food establishment, or those determined by the Commissioner of the Texas Department of Health as having jurisdiction.

39. **RETAIL FOOD STORE** means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; farmers markets; or food and beverage vending machines as defined in the Vending of Food and Beverages, 1978, Department of Health, Education and Welfare Publication No. (FDA) 78-2091.
40. **SAFE MATERIALS** means articles manufactured from or composed of materials that may not reasonably be expected to become a component of or otherwise affect the characteristics of any food either directly or indirectly. If materials are food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act as used, 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 they are not food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug and Cosmetic Act, as used.
41. **SAFE TEMPERATURES**, as applied to potentially hazardous food, shall mean temperatures of 45° F or below or temperatures of 140° F or above.
42. **SANITIZATION** means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for a sufficient amount of time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.
43. **SEAL** means to close the junction between surfaces in a way that prevents entry of moisture.
44. **SEALED** means free of cracks or other openings that permit the entry or passage of moisture.
45. **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.
46. **TABLEWARE** shall mean all multi-use eating and drinking utensils including flatware (knives, forks and spoons), chopsticks, and skewers.
47. **TEMPORARY FOOD ESTABLISHMENT** means a food establishment that operates at a fixed location for a period of time of not more than five (5) consecutive days in conjunction with a single event.
48. **UTENSIL** means any implement used in the storage, preparation, transportation, or service of food.

49. **WATER ACTIVITY** means the water in a food or medium that is available to microorganisms for growth. The water activity value is the point where the relative humidity of an atmosphere around a food neither gains nor loses water so that the two humidities are in equilibrium and the water vapor pressure of the food is the same as the atmosphere. The water vapor pressure of pure water at the same temperature is numerically equal to the water activity.
50. **WHOLESOME** shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

III. 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 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 nonreturnable 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 in accordance with law.
 - c. Only clean, whole eggs with an intact shell 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 internal temperature of potentially hazardous

food shall be 45° F (7° C) or below, or 140° F (60° C) or above at all times, except as otherwise provided in this ordinance.

- 2. **Emergency Occurrences.** In the event of an emergency occurrence, such as a flood, fire, power outage, or sewage back-up, which might result in contamination of food, or which might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the Health Authority.

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. However, 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. Food containers shall be stored on non-corrosive racks, dollies, or pallets, provided such equipment is easily moveable.
- c. 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 as may be required by law. The storage of food in toilet rooms or vestibules is prohibited.
- d. Food not subject to further washing or cooking before serving shall be stored in a manner that protects it against cross-contamination from food requiring washing or cooking.
- e. Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.
- f. Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar, or flour shall be stored in a container identifying the food by common name.

2. **Refrigerated Storage.**

- a. Conveniently located mechanical refrigeration facilities shall be provided to assure the maintenance of all potentially hazardous food at safe temperatures during storage. Each mechanically refrigerated facility storing

potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}$ F, located so as to measure the air temperature in the warmest part of the facility and be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}$ 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 (7° C) or below. Potentially hazardous foods of large volume or in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling, or external water circulation so that the cooling period shall not exceed four (4) hours. Potentially hazardous food to be transported shall be chilled and held at a temperature of 45° F (7° C) or below.
- c. Frozen foods shall be kept frozen and shall be stored at a temperature of 0° F (-18° C) 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. Conveniently located hot food storage facilities of a type approved by the Health Authority 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 a numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}$ F, located so as to measure the air temperature in the coolest part of the facility and to be easily readable. Recording thermometers, accurate to $\pm 3^{\circ}$ F, may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam table, 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 food requiring hot storage shall be 140° F (60° C) or above. Potentially hazardous foods to be transported shall be held in a device approved by the Health Authority at a temperature of 140° F (60° C) or above.

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. Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.
3. 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 140° F (60° C), except that:

- a. Poultry, poultry stuffing, stuffed meats, and stuffing containing meat shall be cooked to heat all parts of the food to at least 165° F (74° C) 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 (66° C).
 - c. Rare roast beef shall be cooked to an internal temperature of at least 130° F (54° C) and rare beef steak shall be cooked to a temperature of 130° F (54° C) 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, or Dry Eggs and Egg Products. Liquid, frozen, or 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 (47° C) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.
 7. Nondairy Products. Nondairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered, containers not exceeding one gallon in capacity and cooled to 45° F (7° C) or below within four hours after preparation.
 8. Product Thermometers. Metal stem-type numerically scaled indicating thermometers or electronic digital thermometers, accurate to $\pm 2^{\circ}$ F, shall be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures 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 (7° C); or
 - b. Uncovered under potable running water at a temperature of 70° F (21° C) or below, with sufficient water velocity to agitate and float off loose 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 Foods. Potentially hazardous food shall be kept at an internal temperature of 45° F (7° C) or below or, at an internal temperature of 140° F (60° C) or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130° F (54° C).
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. When milk and milk products 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.
 - b. Cream or half-and-half shall be provided in an individual service container or drawn from a refrigerated dispenser designed for such service.
3. Nondairy Product Dispensing. Nondairy creaming or whitening agents shall be provided in an individual service container, a protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.
4. Condiment Dispensing.
 - a. Condiments, shall be provided in individual packages, from dispensers, or from containers protected in accordance with paragraph (8) of subsection (c) of this rule.
 - 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 pour-type dispenser. Sugar for consumer use shall be provided in individual packages or in pour-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 service, ice-dispensing equipment. Ice dispensing utensils shall be stored on a clean surface 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. Reservice. 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 reserved.
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 protectors, display cases, or by other effective means. Enough hot or cold food facilities shall be available to maintain the safe temperatures of potentially hazardous food on display.
9. Reuse of Soiled Tableware. Consumers shall be prohibited from returning to self-service areas, such as salad bars and steam tables, with soiled tableware. Consumers may return to self-service areas only if additional cleaned and sanitized tableware is available, except that beverage cups and glasses may be used by consumers to take additional servings of beverages. The person in charge of a food establishment shall ensure compliance with this section.
- 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 these rules relating to food protection and food storage.

IV. Personnel.

A. Disease Control.

1. No person, while infected with a communicable disease that can be transmitted by food; or who is a carrier of organisms that can cause a communicable disease transmissible by food; or who is afflicted with a boil, an infected wound, or an acute respiratory infection, may work in a food establishment in any capacity in which he or she may contaminate food or food-contact surfaces with pathogenic organisms or transmit disease to other persons.
2. Duty of Person in Charge. If the person in charge of a food establishment knows or has reasonable cause to suspect that a person working in a facility of the establishment is in violation of Subsection (A) of this section, the person in charge of the establishment shall immediately remove the person from the facility, and shall immediately notify the Health Authority.

3. **Duty of Employee.** If a person who works in a food establishment facility knows or has reasonable cause to suspect that he or she is in violation of Subsection (A) of this section, he or she shall immediately inform the person in charge of that fact or belief.
4. **Duty of Health Authority.** The Health Authority may cause a person working or applying for work in a food establishment to be examined to determine if the person is in violation of Subsection (A) of this section. If the Health Authority has reasonable cause to suspect that a person working at a food establishment is in violation of Subsection (A) of this section, the Health Authority may take reasonably necessary action to prevent further infection of or transmission to others, including, but not limited to: a) Securing a morbidity report of the person; b) excluding the person from the food establishment; or c) if the Health Authority determines there is an imminent and serious threat to the public health or safety, closing the food establishment facility in which the person works until the Health Authority determines that the risk of infection of or transmission to others has been abated.

B. Food Service Managers.

1. **Registered Food Service Managers Required.** Within 120 days of the effective date of this ordinance, a food establishment shall employ at least one person who is a full-time, on-site supervisory employee of that food establishment responsible for food preparation and service and who has a valid and current food service manager registration issued by the Health Authority.
 - a. A food establishment is in compliance with the provisions of this section if there is one full-time registered food service "person in charge" on duty during all times of operation.
 - b. Food establishments that serve, sell, or distribute only prepackaged foods and non-potentially hazardous beverages, and temporary food establishments are exempt from the provisions of this section.
 - c. Compliance may be required of establishments having exemption if they have repeated or serious or critical food code violations, or if the establishment is judged by the Health Authority to be capable of causing foodborne illness.
 - d. The Health Authority may require additional certified operators in sufficient number to insure that all areas of food preparation and service, during times of operation, are under the direction of certified supervisory personnel. It shall be unlawful for any person, under these conditions, owning, operating, or managing a food establishment to allow said establishment to be operated with less than the required number of certified supervisory personnel.
2. **Registered Food Service Manager Replacement.** If a food establishment cannot meet the requirements of section (B) because of the termination or permanent transfer of a registered food service manager, the food establishment shall:

3. **Duty of Employee.** If a person who works in a food establishment facility knows or has reasonable cause to suspect that he or she is in violation of Subsection (A) of this section, he or she shall immediately inform the person in charge of that fact or belief.
4. **Duty of Health Authority.** The Health Authority may cause a person working or applying for work in a food establishment to be examined to determine if the person is in violation of Subsection (A) of this section. If the Health Authority has reasonable cause to suspect that a person working at a food establishment is in violation of Subsection (A) of this section, the Health Authority may take reasonably necessary action to prevent further infection of or transmission to others, including, but not limited to: a) Securing a morbidity report of the person; b) excluding the person from the food establishment; or c) if the Health Authority determines there is an imminent and serious threat to the public health or safety, closing the food establishment facility in which the person works until the Health Authority determines that the risk of infection of or transmission to others has been abated.

B. Food Service Managers.

1. **Registered Food Service Managers Required.** Within 120 days of the effective date of this ordinance, a food establishment shall employ at least one person who is a full-time, on-site supervisory employee of that food establishment responsible for food preparation and service and who has a valid and current food service manager registration issued by the Health Authority.
 - a. A food establishment is in compliance with the provisions of this section if there is one full-time registered food service "person in charge" on duty during all times of operation.
 - b. Food establishments that serve, sell, or distribute only prepackaged foods and non-potentially hazardous beverages, and temporary food establishments are exempt from the provisions of this section.
 - c. Compliance may be required of establishments having exemption if they have repeated or serious or critical food code violations, or if the establishment is judged by the Health Authority to be capable of causing foodborne illness.
 - d. The Health Authority may require additional certified operators in sufficient number to insure that all areas of food preparation and service, during times of operation, are under the direction of certified supervisory personnel. It shall be unlawful for any person, under these conditions, owning, operating, or managing a food establishment to allow said establishment to be operated with less than the required number of certified supervisory personnel.
2. **Registered Food Service Manager Replacement.** If a food establishment cannot meet the requirements of section (B) because of the termination or permanent transfer of a registered food service manager, the food establishment shall:

- a. Notify the Health Authority, in writing, within seven (7) days of the effective date of termination or permanent transfer of the registered food service manager; and
 - b. Employ another registered food service manager within thirty (30) days of the effective date of termination or permanent transfer of the previous registered food service manager.
 - c. During said thirty (30) day compliance period, a certified owner, operator, or manager shall be present at said establishment no less than twenty-five percent (25%) of the normal weekly operating hours of the establishment.
3. Registration. The Health Authority shall issue a food service manager registration to any person who submits the required application, pays the required fee, and provides evidence of completion of a Food Service Manager Certification course. An approved Food Service Manager Certification course shall meet the following minimum criteria:
- a. The course shall be taught by a person adequately trained in sanitary food handling who possesses the following qualification:
 - (i) The person is a registered professional sanitarian in the State of Texas or is registered by the National Environmental Health Association; or
 - (ii) The person possesses an earned four-year (or greater) college degree in the life sciences, food science, or nutrition.
 - b. The course is taught in a formal classroom setting or through an approved community college television (TV) course format.
 - c. The course requires a minimum of fifteen (15) instructional hours.
 - d. The course requires completion of a thorough examination with a score of 70% or greater accepted as passing.
 - e. The examination may be taken no more than two (2) times unsuccessfully before the food service manager is required to repeat the course.
 - f. The course curriculum shall include the following topics:
 - (i) Food temperature requirements
 - (ii) Types of foodborne illnesses
 - (iii) Prevention of foodborne illnesses
 - (iv) Food microbiology
 - (v) Infectious diseases transmittable through food
 - (vi) Disease reporting
 - (vii) Prevention of contamination
 - (viii) Vermin control
 - (ix) Approved food sources
 - (x) Personal hygiene of food handlers

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4. Food Service Manager Certification courses which are correspondence courses and which meet the requirements of section (3) except part (b) shall not be accepted as initial registration courses. Such courses may, if approved by the Health Authority, be accepted for refresher courses for renewal of registrations.
5. The Health Authority may require certified personnel to successfully complete additional training when:
 - a. The employing food service establishment has repeated or persistent violations of critical health code requirements and effective corrective action has not been instituted over a reasonable period of time; or
 - b. The employing food service establishment has been implicated by the Health Authority as the source of foodborne illness.
6. Renewal and Evidence of Registration.
 - a. Unless sooner revoked by the Health Authority, a food service manager registration expires three years from the date of issuance.
 - b. During those times a registered food service manager is on duty at a food establishment, the registered food service manager must possess evidence of registration.
 - c. Where required, the food managers registration certificate shall be prominently posted in the establishment.
 - d. A food service manager certificate of registration is not transferable.
7. A food service manager registration may be renewed for a subsequent three-year period if the applicant:
 - a. Submits application for renewal within thirty (30) days before expiration of the current food service manager registration; and
 - b. Pays to the City the required fee; and
 - c. Provides evidence that within the six months prior to submitting the application for renewal he or she has:
 - (i) Attended a food service manager refresher training course approved by the Health Authority, or
 - (ii) Received a passing score on a national examination for certification of food service managers that meets requirements of the United States Food and Drug Administration and the Texas Department of Health.
8. Denial of Registration or Renewal; Revocation of Registration.

a. The Health Authority may refuse to issue or renew a food service manager registration or may revoke a food service manager registration if the applicant or holder:

- (i) Has been convicted of interfering with the lawful inspection of a food establishment; or
- (ii) Makes a false statement of material fact in the application for registration or renewal of registration; or
- (iii) Was employed as a food service manager of an establishment where the establishment's food service permit was suspended two or more times within a 24-month period or where the establishment's food service permit was revoked.

9. The decision of the Health Authority to deny issuance or renewal of a food service manager registration, or to revoke a food service manager registration may be appealed to the Health Authority within ten (10) days of the denial or revocation. A hearing before the Health Committee will be provided at the earliest setting.

10. Fees. The fee for obtaining or renewing a food service manager registration shall be \$25.00. The fee for replacing a lost, stolen, or damaged certificate of registration shall be \$5.00.

C. Employee Responsibilities.

1. Within 180 days of the effective date of this ordinance, any person who does not possess a valid certificate (food handler's card) of satisfactory completion of an approved course of study in sanitary food handling within thirty (30) days after his or her employment in a food establishment shall not be allowed to continue his or her employment. Every certificate issued hereunder shall remain effective for a period of three years, and may be renewed upon successful completion of additional approved refresher courses. The Health Authority shall be responsible for conducting or arranging for the conducting of an approved course of study in sanitary food handling, as often as may be reasonably necessary for carrying out the purposes of this section. Persons possessing a valid food service manager registration shall be exempt from this requirement.

a. Each applicant for a food handler's card shall pay the City of Mesquite a fee of \$10.00. The fee for replacing a lost, stolen, or damaged certificate of registration shall be \$5.00.

b. Current food handler's cards and/or current food service manager certification for each employee, shall be available at said food service establishment for review by the Health Authority.

c. Food service owners, managers, and persons in charge of any food service establishment, shall upon request by the Health Authority provide documentation of the dates of employment of any employee of said establishment.

2. **Personal Cleanliness.** Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work and again 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.
3. **Clothing.**
 - a. All employees, while engaged in food preparation, food service, and utensil washing shall wear an approved uniform with a clean smock top worn outside pants or a clean full length apron over outer clothing. Shorts and similar clothing shall be prohibited in food preparation and utensil washing areas.
 - b. The outer clothing of all employees shall be clean.
 - c. Employees working in food preparation and utensil cleaning areas shall use effective hair restraints (hair nets, hats, or caps) to prevent the contamination of food or food-contact surfaces. Hair spray shall not be considered an effective hair restraint. Employees with long hair shall be required to gather and tie their hair behind the head, in addition to wearing approved hair nets, hats, or caps.
 - d. Employees engaged in food preparation shall remove all loose or unsecured jewelry and, when manipulating food by hand, shall remove from the employees' hands, any jewelry that cannot be adequately sanitized.
 - e. Employees involved only in the conveying of meals and drinks to dining areas, such as waiters or waitresses, shall meet all personal hygiene requirements in Section IV deemed necessary by the Health Authority. The Health Authority may waive or modify certain requirements for employees involved in minimal food handling capacities.
4. **Employee Practices.**
 - a. Employees shall consume food only in designated dining areas. An employee dining area may be so designated only if consumption of food in this area poses no risk of contamination of food, equipment, utensils, or other items needing protection.
 - b. Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in equipment-washing, utensil-washing, or food preparation areas. Employees shall use tobacco only in designated areas. An area may be so designated only if the use of tobacco products poses no risk of contamination of food, equipment, utensils, or other items needing protection.
 - c. Employees shall handle soiled tableware in a way that minimizes contamination of their hands.
 - d. Employees shall maintain personal cleanliness and shall conform to hygienic practices during all working periods in the food establishment.

- e. The person in charge of a food establishment shall place on the walls in food preparation, food service, toilets, utensil washing, and employee break rooms, any signs or placards provided by the Health Authority. Such signs and placards shall contain information including, but not limited to, personal hygiene, disease prevention, tableware and utensil sanitization. All signs and placards shall be maintained in specified areas, readable, and uncovered by other material.
- f. Insanitary practices such as scratching the head, placing fingers on or about the mouth or nose, and indiscriminate and uncovered sneezing or coughing shall be prohibited during food preparation and service in food preparation, service, and dishwashing areas.

V. Equipment and Utensils.

A. Materials.

- 1. General. Multi-use equipment and utensils shall be constructed of 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. Single-service articles shall be made from clean, sanitary, and safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste nor shall they contribute to the contamination of food.
- 2. Solder. If solder is used, it shall be composed of safe materials and be corrosion resistant.
- 3. Wood. Wood may be used for bakers' tables and 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.
- 4. Plastics. Safe plastic or safe rubber or 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 (1) of subsection (A) of this section are permitted for repeated use.
- 5. Mollusk and Crustacea Shells. Mollusk and crustacea shells may be used only once as a serving container. Further reuse of such shells for food service is prohibited.
- 6. Single-service. Reuse of single-service articles is prohibited.

B. Design and Fabrication.

- 1. 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, bucking, pitting, chipping and crazing.

- a. Food-contact surfaces and packaging surfaces shall be made of stainless steel or other material approved by the Health Authority that is smooth and easily cleanable. 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 may be used but only to the extent necessary for the proper functioning of such equipment.
 - 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 clean, fabricated from safe materials, and is grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or ice storage bin. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or 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 nut, 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 connections.

5. **Thermometers.** Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled or digital electronic and accurate to $\pm 2^{\circ}$ F.
6. **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 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 maintained in a clean and sanitary condition. Nonfood-contact surfaces in food preparation, serving and dishwashing areas shall not be composed of wood or wood products.
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; filters shall be kept clean.
8. **Existing Equipment.** Equipment which was installed in a food establishment prior to the effective date of this ordinance and which does not fully meet 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, it is in good repair, it is 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 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 shall be installed to facilitate the cleaning of the equipment and adjacent areas.
 - b. Equipment is portable if:
 - (i) It is small and light enough to be moved easily by one person; and
 - (ii) It has no utility connection, a utility connection that disconnects quickly, or 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 movable, shall be:

- (i) Sealed to the floor; or
- (ii) Installed on a raised platform of concrete or other smooth masonry in a manner that meets the requirements for sealing or floor clearance; or
- (iii) 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:

- (i) It is mounted on wheels or casters; and
- (ii) It has no utility connection, a utility connection that disconnects quickly, or 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 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. If exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls.

4. Aisles and Working Space. 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.

VI. Cleaning, Sanitization 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 that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.
- e. Nonfood-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.

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 or sponges 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 paragraph (3)(e) (i through vii) of subsection (A) of this ordinance and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- c. Moist cloths or sponges used for cleaning nonfood-contact surfaces of equipment, such as counters, dining table tops and shelves shall be clean and rinsed as specified in paragraph (2)(b) of subsection (A) of this ordinance and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

3. Manual Cleaning and Sanitizing.

- a. A three (3) compartment sink shall be used if washing, rinsing and sanitizing of food preparation utensils and equipment is done manually. 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.
- b. Non-corrosive drain boards, easily movable dish tables, or air-drying racks of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

c. Food preparation equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

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

- (i) Sinks shall be cleaned prior to use; then
- (ii) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean; then
- (iii) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; then
- (iv) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in paragraphs (3)(e) (i through vii) of subsection (A) of this ordinance.

e. The food-contact surfaces of all food preparation equipment and utensils shall be sanitized by:

- (i) Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least 170° F (77° C); or
- (ii) Immersion for at least one (1) minute in a clean solution containing at least 50 parts per million (mass/volume) of available chlorine as a hypochlorite and a temperature of at least 75° F (24° C); or
- (iii) Immersion for at least one (1) minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75° F (24° C); or
- (iv) Immersion for at least one (1) minute in a clean solution containing chlorine and bromine made up at a strength of 25 parts per million total available halogen at a temperature of not less than 75° F (24° C), and not to be used after its strength has been reduced below 12.5 parts per million; or
- (v) Immersion in a solution containing an approved quaternary ammonium compound (Q.A.C.) at a strength and for a period of time as stated on the product's officially approved label. Quaternary ammonium compound refers to products approved and registered with the U.S. Environmental Protection Agency; or

- (vi) Immersion in a solution containing acid sanitizer compounds at a strength and for a period of time as stated on the product's officially approved label. Acid sanitizer compounds refers to products approved and registered with the U.S. Environmental Protection Agency; or
 - (vii) Immersion in a clean solution containing any other chemical sanitizing agent approved by the Texas Board of Health and the Health Authority that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75° F (24° C) for one (1) minute; or
 - (viii) Treatment with steam free from harmful materials or additives in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
 - (ix) Rinsing, spraying or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under paragraph (3)(e)(vii) of subsection (A) of this ordinance in the case of equipment too large to sanitize by immersion.
- f. When hot water is used for sanitizing, the following facilities shall be provided and used.
- (i) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water temperature of at least 170° F (77° C);
 - (ii) A numerically scaled indicating thermometer, accurate to $\pm 3^{\circ}$ F, convenient to the sink for frequent checks of water temperature; and
 - (iii) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware and equipment in the hot water.
- g. 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. Commercial dishwashing machines shall be used if reusable tableware is provided for customers. Cleaning and sanitizing may be accomplished by spray-type or immersion dishwashing machines or by any other type of machine or device if the device 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 as 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 water 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 manufacturers' 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 moveable 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 operation. Equipment and utensils shall be placed in racks, trays, baskets, or on conveyors such that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.
- g. Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used provided that:
 - (i) The temperature of the wash water shall not be less than 120° F (49° C);
 - (ii) The wash water shall be kept clean;
 - (iii) Chemicals added for sanitization purposes shall be automatically dispensed;
 - (iv) Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturers' specifications for time and concentrations.

- (v) The chemical sanitizing rinse water temperature shall be not less than 75° F (24° C) nor less than the temperature specified by the machine's manufacturer; and
 - (vi) Chemical sanitizers used shall be approved and a test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.
- b. 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 below:
- (i) Single tank, stationary-rack, dual-temperature machine:

Wash temperature	150° F (66° C)
Final rinse temperature	180° F (82° C)
 - (ii) Single tank, stationary-rack, single-temperature machine:

Wash temperature	165° F (74° C)
Final rinse temperature	165° F (74° C)
 - (iii) Single-tank, conveyor machine:

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

Wash temperature	150° F (66° C)
Pumped rinse temperature	160° F (71° C)
Final rinse temperature	180° F (82° C)
 - (v) Single-tank, pot, pan, and utensil washer (either stationary or moving-rack):

Wash temperature	140° F (60° C)
Final rinse temperature	180° F (82° C)
 - (vi) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

5. Drying. After sanitization, all equipment and utensils shall be air dried. The use of towels is prohibited.

B. Equipment and Utensil Storage.

- 1. 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.

2. Storage.

- a. Cleaned and sanitized utensils and equipment shall be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer or water lines except for automatic fire protection sprinkler heads that may be required by law.
- b. Utensils shall be air dried before being stored or shall be stored in a self-draining position.
- c. Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for knives, forks and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.
- d. If presetting is practical, 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. When the Health Authority finds evidence of contamination of tableware by either visual or microbiological examination, presetting of unwrapped tableware shall be prohibited.

3. Single-Service Articles.

- a. Single-service articles shall be stored at least six inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer or water lines, except for automatic fire protection sprinkler heads that may be required by law.
- b. 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.
- c. Single-service knives, forks and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his or her 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.

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

VII. Sanitary Facilities and Controls.

A. Water Supply.

1. **General.** Enough potable water for the needs of the food 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 establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system.
3. **Bottled Water.** Bottled and packaged potable water shall be obtained from an approved source 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.
4. **Water Under Pressure.** Water under pressure at the required temperature 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. Nonwater carried sewage disposal facilities are prohibited except where water carried disposal methods have been determined by the Health Authority to be impractical. Under such conditions, only facilities which have been approved by the Health Authority shall be used, and operation of these facilities shall be in conformance with applicable state and local laws.

C. Plumbing.

1. **General.** Plumbing shall be sized, installed and maintained according to law. There shall be no cross-contamination 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.
2. **Nonpotable Water System.** A nonpotable water system is permitted only for such as air-conditioning and fire protection and only if the system is installed according to law. Nonpotable water shall 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 backsiphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

4. **Grease Interceptors or Traps.** Grease interceptors or traps shall be required when any foods are prepared using a grill, griddle, deepfat fryer, commercial type ovens, and any similar food preparation equipment. Grease interceptors or traps shall be located outside the establishment and shall meet the requirements of the currently adopted edition of the Uniform Plumbing Code.
5. **Garbage Grinders.** All establishments which utilize a commercial dish machine shall install an approved commercial garbage grinder in the dishwashing area; provided that food establishments in operation as of the passage of this ordinance may be required to install garbage grinders if the lack of such equipment contributes to violations of section VII (F), Garbage and Refuse. The Health Authority may require garbage grinders in other food establishments to prevent violations of section VII (F), Garbage and Refuse.
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, portable equipment or utensils are placed. When a dishwashing machine is located within five feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

D. Toilet Facilities.

1. **Toilet Installation.** Toilet facilities shall be installed according to law, shall be the number required by law, shall be conveniently located and shall be accessible to employees at all times. All food establishments shall provide at least one employee toilet.
2. **Toilet Design.** Toilets 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. Toilet rooms shall have exhaust fans and floor drains. Floors shall be graded to drain.
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. Toilet rooms used by women shall have at least one covered waste receptacle. Easily cleanable receptacles shall be provided for waste material.

E. Lavatory Facilities.

1. **Lavatory Installation.** Lavatories shall be at least the number required by section VIII(H), shall be installed according to law and shall be located to permit convenient use by all employees in food preparation, food service, and utensil-washing areas. Lavatories shall be accessible to employees at all times. 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 (120° F minimum temperature) 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 fifteen seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.
3. Lavatory Supplies. A supply of hand-cleaning soap or detergent shall be available at each lavatory. A supply of sanitary towels shall be conveniently located near each lavatory. Common, reusable towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities. Automatic hand blow-dryers shall be prohibited in food preparation, utensil washing, and employee-only restrooms.
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. Plastic bags or wet-strength paper bags shall be securely tied or closed before disposal. Garbage and refuse bags shall be placed in dumpsters or commercial containers in an unbroken condition.
 - b. Garbage and refuse containers used in food preparation and utensil-washing areas shall be kept covered except during periods of continuous use.
 - c. Containers stored outside the establishment, 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 (120° F minimum temperature) 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.
 - f. When a food establishment shares a dumpster or commercial container with one or more other businesses, the person in charge of the food establishment shall be responsible for correcting any violations of section VII(F).

2. Storage.

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

3. Disposal.

- a. Garbage and refuse shall be disposed of by an approved commercial service at least twice per week 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 the law. Areas around incineration facilities shall be kept clean and orderly.

G. Insect and Rodent Control.

1. General. Effective measures intended to minimize the presence of rodents, flies, cockroaches and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.
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 by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Take-out windows and non-overhead type receiving doors shall have automatically activated air curtains or other approved mechanical insect control devices. 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.

VIII. Plan Review, Construction, and Maintenance of Physical Facilities.

- A. **General.** Any person desiring to operate a food establishment shall submit plans in accordance with this section. All food establishments shall be constructed of materials which facilitate cleaning, minimize deterioration, and prevent vermin harborage. Food establishments shall be maintained in accordance with this section.
- B. **Plans Required.** When a food establishment is hereafter constructed, extensively remodeled, changes ownership, significantly changes the menu as determined by the Health Authority, or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or alteration showing layout, arrangement, and construction materials of work areas and the location, size, and types of fixed equipment and facilities shall be submitted to the Health Authority for approval before such work is begun.
- C. **Floor Surfaces.**
1. **Food Preparation Areas.** The Health Authority shall establish approved floor surfaces in food preparation areas based upon the degree of preparation expected. Food establishments involved in heavy preparation shall incorporate quarry tile, cement-based terrazzo tile, or an equivalent floor covering as approved by the Health Authority. Food establishments involved in light food preparation shall incorporate a commercial grade sheet vinyl or equivalent floor covering as approved by the Health Authority. Establishments involved in no food preparation shall incorporate sealed concrete, vinyl asbestos tile, or an equivalent floor covering as approved by the Health Authority. An approved sealer shall be required at the floor/wall interface.
 2. **Toilets.** Food establishments involved in heavy preparation shall install floor coverings of quarry tile, ceramic tile, cement-based terrazzo tile, or an equivalent material as approved by the Health Authority. Food establishments involved in light food preparation, with the exception of child care facilities, shall install commercial grade sheet vinyl or an equivalent floor covering as approved by the Health Authority. Establishments that are not involved in the preparation of food shall install sealed concrete, vinyl asbestos tile, or an equivalent material as approved by the Health Authority. An approved sealer shall be required at the floor/wall interface. Child care facilities shall install quarry tile, ceramic tile, cement-based terrazzo tile, or an equivalent material as approved by the Health Authority.
 3. **Walk-in Coolers.** Food establishments storing potentially hazardous foods in walk-in coolers shall install in the cooler quarry tile flooring or an equivalent material as approved by the Health Authority. Food establishments storing non-potentially hazardous foods in walk-in coolers shall install in the cooler sealed concrete or an equivalent material as approved by the Health Authority.
 4. **Dry Storage Areas.** All food establishments with dry storage areas not exposed to excessive moisture shall install sealed concrete, vinyl asbestos tile, or an equivalent material as approved by the Health Authority. A more moisture resistant flooring may be required if the dry storage area is subject to moisture.

5. Floors shall be smooth, durable, and non-absorbent, and shall be maintained in a condition that facilitates thorough and rapid cleaning. Floors shall be free of cracks, chips, holes, and deterioration. The Health Authority shall require repair or replacement of any floor which fails to meet the requirements of this section.
6. Floor Carpeting. Carpeting, if used as floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, food service, (including salad bar areas), equipment-washing, 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.
7. Prohibited Floor Covering. The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.
8. Mats and Duckboards. Mats and duckboards shall be non-absorbent, grease resistant materials and of such size, design, and construction as to facilitate cleaning. Duckboards shall not be used as storage racks.
9. 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.

D. Floor Drains.

1. Food Preparation Areas. Floor drains shall be required in food preparation, dishwash, bar, and service areas of food establishments involved in heavy food preparation; provided, floor drains may be waived in existing food service establishments that change ownership.
2. Toilets. Floor drains shall be required in toilets of food establishments involved in heavy and light food preparation. Floor drains shall be required in child care facilities.

E. Grease Interceptor/Trap Requirements. The capacity of any required grease interceptor/trap shall be determined by the Health Authority. All grease interceptors/traps shall be located exterior to the food service establishment.

F. Wall Surfaces.

1. Food Preparation Areas. The Health Authority shall establish approved wall surfaces in food preparation areas based upon the degree of preparation expected. Food establishments involved in heavy and light preparation, with the exception of child care facilities, shall install wall surfaces of FRP, ceramic tile, certain types of bricks sealed with light-colored epoxy paint, or equivalent materials as approved by the Health Authority in all food preparation, tableware and utensil washing, and service areas. Wall surfaces must extend eight (8) feet in height or to the ceiling if the ceiling height is less than eight (8) feet. The Health Authority shall require durable and easily cleanable wall surfaces in areas exposed to excessive splash in establishments not involved in food

preparation. Wall surfaces in food preparation areas of child care facilities shall be smooth, light-colored epoxy or enamel painted, taped and bedded sheetrock or an equivalent material as approved by the Health Authority.

2. **Toilets.** Food establishments involved in heavy and light food preparation, including child care facilities, shall install FRP, ceramic tile, certain types of brick sealed with light-colored, enamel or epoxy paint, or equivalent materials as approved by the Health Authority. Wall surfaces must extend at least four (4) feet in height with the remainder consisting of any light-colored, smooth, washable material. Wall surfaces in toilet facilities of establishments that are not involved in food preparation shall be of any smooth, light-colored, washable material as approved by the Health Authority.
 3. **Walk-In Coolers.** Wall surfaces shall be smooth, easily-cleanable, and capable of withstanding effects of low temperature and moisture.
 4. **Dry Storage Areas.** Wall surfaces shall be smooth, light-colored, and washable.
 5. **Walls** shall be smooth, durable, and non-absorbent and shall be maintained in a condition that facilitates thorough and rapid cleaning and shall be free of cracks, chips, holes, and deterioration. The Health Authority shall require repair or replacement of any wall which fails to meet the requirements of this section.
- G. Ceiling Requirements.** Ceilings shall be of light color, smooth, relatively non-absorbent, durable, and easily-cleanable. Ceiling materials may be washable drop-in panels, vinyl-coated panels, taped and bedded sheetrock with light-colored epoxy or enamel paint, or an equivalent material as approved by the Health Authority. The Health Authority shall require repair or replacement of any ceiling which fails to meet the requirements of this section.
- H. Sink Requirements.**
1. **Food Preparation Areas.** Free-standing handwash lavatories shall be required and conveniently located in the food preparation, service and utensil washing areas. A free-standing, stainless steel, three (3) compartment sink with basins large enough to allow immersion of the largest utensil shall be installed in the dishwash area if all kitchen utensils cannot be sanitized in the commercial dishwasher. A free-standing, stainless steel, two (2) compartment sink shall be required in bakery preparation, produce washing areas, convenience stores, and other establishments which utilize equipment and utensils which require cleaning but do not require sanitization. A free-standing, stainless steel, four (4) compartment sink shall be required in bar areas if all glassware is not sanitized in a commercial dishwasher. A mop sink or curbed area with a floor drain shall be required in all food establishments.
 2. **Toilets.** A handwash lavatory is required to be located in or immediately adjacent to each toilet facility.

I. Equipment Specifications, and Requirements.

1. **Food Preparation, Dishwash, Bar, and Service Areas.** Food contact surfaces shall be stainless steel with the exception of certain approved polymer cutting boards. Baking tables on which no potentially hazardous foods are prepared may be hard rock maple. Customer service counters, food packaging areas, take-out windows, and similar areas shall be surfaced with a material that is smooth, non-absorbent, durable and easily cleanable as approved by the Health Authority. Soft drink syrup canisters or containers shall be situated on six (6) inch high non-corrosive racks or within non-corrosive pans with one (1) inch curbs. Cabinets, tables, or other similar equipment made of wood, particle board, or formica shall not be allowed in areas subject to moisture; provided, child care facilities shall be authorized to install cabinets with formica covered or sealed wood exterior surfaces and light-colored, enamel, or epoxy-painted wood interiors. A commercial dishwasher with a final rinse temperature of 180° F or an approved chlorine residual, shall be required in all food service establishments utilizing re-usable tableware; provided, child care facilities shall be authorized to use an approved residential style dishwasher.
2. **Toilets.** Self-closing devices shall be required on restroom doors in all food establishments.
3. **Walk-in Coolers.** Shelving racks shall be stainless steel, epoxy-coated non-corrosive metal or equivalent as approved by the Health Authority.
4. **Dry Storage Areas.** Shelving shall be light-colored, epoxy or enamel painted wood if the storage area is not subject to moisture. Alternate shelving may be required if the storage area becomes subject to moisture.
5. **Equipment shall be maintained in a condition that facilitates thorough and rapid cleaning and in working order.** The Health Authority may require certain equipment to be approved by the National Sanitation Foundation (NSF) for its intended use, and shall require repair or replacement of any equipment which fails to meet the requirements of this section.

J. Cleaning Physical Facilities.

1. **General.** Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. 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.** At least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of lavatories, utensil-washing, equipment-washing, or food preparation sinks for this purpose is prohibited. The use of utility sinks for handwashing shall be prohibited.

K. Lighting Requirements.

1. **Food Preparation Areas.** All light fixtures in food preparation, dishwash, and service areas must be equipped with protective covers. Light intensities shall be at least fifty (50) foot candles on all work surfaces. All other areas shall have light intensities of at least thirty (30) foot candles.
2. **Toilets.** Light intensities shall be at least twenty (20) foot candles.
3. **Walk-In Coolers.** Light intensities shall be at least thirty (30) foot candles.
4. **Dry Storage Areas.** Light intensities shall be at least twenty (20) foot candles.

L. 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.

M. 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, service, or for utensil-washing or storage.
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.

N. Poisonous or Toxic Materials.

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

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.

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, nor in a way 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.

O. Premises.

1. General.

- a. Food establishments and all parts of the property used in connection with operations of the establishments shall be kept free of litter.
- b. The walking and driving surfaces of all exterior areas of food 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 of water, kept free of litter, and maintained in good repair.
- c. Only articles necessary for the operation and maintenance of the food establishment shall be stored on the premises.
- d. It shall be an offense to allow any person not employed by the food establishment nor performing tasks essential to the operation of the food establishment to traverse through the food preparation, food service, or utensil washing area.

2. **Living Areas.** No operation of a food establishment shall be conducted in any room used as a living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.
 3. **Laundry Facilities.**
 - a. Laundry facilities in a food 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.
 - 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 non-absorbent containers or washable laundry bags until removed for laundering.
 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 to facilitate 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 immediately adjacent areas under the control of the food establishment. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers or certified guide dogs accompanying blind or deaf persons shall be permitted in dining rooms.
- P. Effective measures as prescribed by the Health Authority shall be taken to protect each food establishment against the entrance of vermin.

IX. Catering Trucks.

A. General Requirements.

1. This section shall apply to the sale and conveyance of food from catering trucks. The sale or conveyance of food from any other type of vehicle shall be prohibited, except as provided in section X.
2. **Permit.** All catering trucks shall have a valid food service permit and such permit shall be maintained in the catering truck at all times. The permit shall

bear the name of the company, owner or manager, the vehicle number and the vehicle registration plate number (license plate). The permit shall remain valid for one year.

B. Catering Trucks.

1. **Food Storage Areas.** All food storage areas in catering trucks shall be maintained free of rust and corrosion, clean, and protected from contamination.
2. **Food Items.** All foods, conveyed from catering trucks shall be prepackaged, single-service size, wholesome, and unadulterated. All foods shall be obtained from an approved source. Potentially hazardous foods shall be hermetically sealed, labeled as to type of food, location of preparation, and date of preparation. All potentially hazardous food shall be disposed of at the end of each day of operation. Sale of certain foods, such as boiled eggs, may be prohibited during months in which daily temperatures exceed 90° F.
3. **Condiments.** All condiments shall be served in single-service containers, or approved, commercially-filled, dispenser-type containers. Bulk dispensers, bottles, or other containers shall not be permitted for conveyance of any condiment.
4. **Food Handling.** No direct food handling of any type shall be permitted by catering truck operators or customers. It shall be unlawful for catering truck operators to sell, dispense, or convey ice in any manner, except from an approved automatic ice dispenser. Soft drinks and tea shall be conveyed only in prepackaged cans, bottles or cartons. Hot coffee may be conveyed from bulk dispensers into single-service cups. All hot potentially hazardous foods shall be maintained at 140° F or above in a mechanical warming oven. All cold potentially hazardous food shall be maintained at 45° F or below.
5. **Waste Retention.** If liquid waste results from operation of a catering truck, 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 catering truck is in motion. All connections on the vehicle for servicing catering truck waste disposal facilities shall be of a different size or type than those used for supplying potable water to the catering truck. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

C. Commissary.

1. **Base of Operations.**
 - a. Catering trucks shall operate from a commissary or other fixed food service establishment permitted to sell food at the wholesale level 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 catering units shall be constructed and operated in compliance with the requirements of these rules.

D. Servicing Area and Operations.

1. Servicing Area.

- a. A catering truck servicing area shall be provided at the commissary and shall provide 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. A servicing area is not required where only packaged food is placed on the catering truck or where catering trucks do not contain waste retention tanks.
- b. The surface of the servicing area shall be constructed of a smooth, non-absorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean and be graded to drain.

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 catering truck 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 VII of this ordinance.

X. Temporary Food Establishments.

A. General. A temporary food establishment shall comply with the requirements of this ordinance except as otherwise provided in this section. The degree of regulation of a temporary food establishment shall depend upon the type of foods (potentially hazardous or non-potentially hazardous) conveyed from the establishment. A temporary food establishment permit shall be obtained prior to the preparation or sale of any food product. The permit shall allow conveyance of food from an approved temporary facility at a single location for no more than five consecutive days. A temporary food establishment permit shall be issued only if food is to be sold or conveyed in conjunction with an event. Each separate event shall require a separate temporary food establishment permit.

B. Temporary Sale of Potentially Hazardous Foods.

- 1. Potentially hazardous foods may be prepared and sold from approved food trailers and permanent structures on a temporary basis provided the following conditions are met:

- a. A temporary food establishment permit shall be obtained from the Health Authority. An application for such permit shall be filed prior to the scheduled event.
- b. **Structure.** Floors, walls, and ceilings of mobile trailers shall meet or exceed structural requirements as detailed in Section VIII of this ordinance. Permanent facilities such as churches and retail stores, utilized as a temporary food establishment, shall meet structural requirements as approved by the Health Authority.
- c. **Refrigeration.** Mechanical refrigeration capable of maintaining all potentially hazardous food products at 45° F or below shall be provided in the temporary food service facility. All bulk storage of potentially hazardous foods shall be located on-site in approved refrigeration equipment.
- d. **Sanitary Facilities and Controls.**
 - (i) **Water Supply.** Hot and cold running water under pressure with a water heater volume sufficient to handle daily handwashing and utensil sanitizing demands shall be provided in the temporary food service facility if potentially hazardous foods are conveyed.
 - (ii) **Waste Retention.** Waste water shall be drained to a sanitary sewer or collected on-site in an approved holding tank for later disposal.
- e. **Equipment and Utensils.**
 - (i) **Sinks.** A three-compartment sink for washing, rinsing and sanitizing utensils may be required by the Health Authority for temporary food service facilities involved with preparation of potentially hazardous food. If required, the use of a three-compartment sink shall be in accordance with Section VI.A.3.d.i-iv.
 - (ii) **Hot Holding Devices.** Approved electric, gas fired, or canned fuel hot holding devices with sufficient capacity to maintain all hot, potentially hazardous foods at 140° F or above shall be available in temporary food service facilities.
 - (iii) **Food Contact Surfaces.** All food contact surfaces shall be constructed of stainless steel, or other material approved by the Health Authority.
 - (iv) **Vent Hoods.** Ventilation hoods with grease intercepting filters shall be installed in temporary food service facilities if grills or deep fryers of any type are utilized inside a structure or mobile food unit.

- f. **Food Supplies.** All food products shall be made with ingredients from approved sources.

- 2. **Potentially hazardous food may be prepared and sold from facilities other than mobile food trailers and permanent structures provided the following conditions are met:**
 - a. **A temporary food establishment permit shall be obtained from the Health Authority.** An application for such permit shall be filed prior to the scheduled event.

 - b. **Only those potentially hazardous foods that require limited preparation as determined by the Health Authority shall be authorized for preparation and conveyance.**

 - c. **Refrigeration.** Mechanical refrigeration capable of maintaining all potentially hazardous food products at 45° F or below shall be provided in the temporary food establishment. All bulk storage of potentially hazardous foods shall be located on site in approved refrigeration equipment.

 - d. **Effective insect control measures such as screening, fans, or combinations of insect control methods shall be provided.**

 - e. **Condiments.** All condiments shall be served in single service containers or from bottles with manual pump dispensers. No open condiment containers shall be permitted.

 - f. **Sanitary Facilities, Equipment and Utensils.**
 - (i) **Water Supply.** A suitable temporary hand wash facility shall be located within 30 feet of food preparation areas. Handwash sinks shall have a minimum of five (5) gallon capacity. The sink shall be supplied with running water through gravity flow or a marine-type hand pump. Suitable hand soap and paper towels shall be provided. Adequate containers for holding wastewater shall be provided at the hand wash facility.

 - (ii) **All tableware conveyed to consumers shall be single service articles.**

 - (iii) **A three-compartment sink for washing, rinsing, and sanitizing utensils may be required by the Health Authority for temporary establishments, other than mobile food trailers and permanent establishments, if the temporary food establishment is involved in the preparation of potentially hazardous food. If required, use of the three-compartment sink shall be in accordance with Section VI,A,3,d,i-iv.**

- (iv) **Hot Holding Devices.** Approved electric, gas fired, or canned fuel hot holding devices with sufficient capacity to maintain all hot, potentially hazardous foods at 140° F or above shall be available in temporary food establishments.
 - (v) **Food Contact Surfaces.** All food contact surfaces must be easily cleanable and shall consist of stainless steel, plastic laminated wood, polymer cutting boards, or equivalent as approved by the Health Authority.
 - (vi) **Toilet Facilities.** Toilet facilities shall be available and readily accessible, but in no case shall toilet facilities be greater than 300 feet from food preparation areas.
- g. **Garbage and Refuse Disposal.** Trash cans with liners and tight fitting lids shall be provided, convenient, adequate in number, and properly maintained to minimize vermin, odors, and litter.
- h. **The Health Authority may waive certain requirements in Section B.2. above for temporary food establishments in which only certain pre-packaged potentially hazardous foods are conveyed.**

C. Temporary Sale of Non-Potentially Hazardous Foods and Certain Pre-Cooked, Linked Products.

1. **Non-potentially hazardous foods and certain pre-cooked linked products may be conveyed on a temporary basis from food trailers, permanent structures, and open air booths provided the following conditions are met:**
- a. **Permit.** A temporary food service permit shall be obtained from the Health Authority. An application for such permit shall be filed prior to the scheduled event.
 - b. **Approved Foods.** The following non-potentially hazardous food products may be conveyed from a temporary food service facility; fruits, vegetables, prepackaged chips, candy, popcorn, soft drinks, cakes, cookies, nachos, and snow cones. Home canned foods shall be prohibited. Other non-potentially hazardous foods shall be approved or prohibited on a case-by-case basis. With the exception of certain baked desserts, no food shall be prepared in home (residential) kitchens. All baked desserts shall be individually wrapped and protected from contamination, unless a handwash lavatory is provided at point of sale or conveyance. Certain pre-cooked linked products, such as frankfurters, may be conveyed from temporary food service facilities.
 - c. **Condiments.** All condiments shall be served in single serving containers or from bottles with manual pump dispensers. No open condiment containers shall be permitted.
 - d. **Sanitary Facilities, Equipment and Utensils.**

- (i) **Water Supply.** Handwash facilities with a minimum five (5) gallon capacity shall be required in temporary facilities that convey unpackaged non-potentially hazardous foods or pre-cooked linked products. The sink shall be supplied with running water through gravity flow or a marine-type hand pump. Adequate containers for holding wastewater shall be provided at the handwash facility.
 - (ii) All tableware conveyed to consumers shall be single service.
 - (iii) A sufficient number of cleaned and sanitized utensils and kitchenware shall be provided to safely prepare and serve food during the event.
 - (iv) **Hot Holding Devices.** Approved electric or gas fired hot holding devices with sufficient capacity to maintain hot potentially hazardous foods at 140° F or above shall be available in temporary food service facilities when pre-cooked linked products, or similar foods are served.
 - (v) **Food Contact Surfaces.** All food contact surfaces shall be easily cleanable and consist of stainless steel, plastic laminated wood, polymer cutting boards, or equivalent as approved by the Health Authority.
 - (vi) **Food Protection.** Food items shall be wrapped in single-service portions, unless a handwash sink is provided at the point of sale or conveyance. Foods such as nachos and snow cones shall be maintained in approved containers with tight-fitting lids to reduce contamination.
 - (vii) **Condiments.** All condiments shall be served from single-service containers or from bottles with manual pump dispensers. No open condiment containers shall be permitted.
 - (viii) **Toilet Facilities.** Toilet facilities shall be available and readily accessible, but in no case shall toilet facilities be more than 300 feet from food preparation areas.
- e. **Garbage and Refuse Disposal.** Trash cans with liners and tight-fitting lids shall be provided, convenient, adequate in number, and properly maintained to minimize vermin, odors, and litter.
- f. The Health Authority may waive some or all of the requirements in Sections (C)(1)(c) - (C)(1)(e) above for temporary food establishments in which only baked desserts, fruits, and vegetables are sold.

D. Produce Sales by Growers.

1. Owners or lessees of land zoned for agricultural purposes who grow fruits and vegetables (produce) on said land shall be allowed to sell such produce upon the

lot or lots on which it was grown. Produce may be sold by the grower on an annual basis provided a permit is obtained from the Health Authority.

- E. **Inspections.** The Health Authority may inspect temporary food establishments at any reasonable time. The Health Authority shall require certain temporary food establishments to be inspected and to be in compliance with all applicable sections of this ordinance prior to the scheduled event.
- F. **Personnel Practices.** Temporary food service facility employees shall abide by all applicable sections of this ordinance with respect to personal hygiene and sanitary food handling practices. Employees may be required to obtain a food handlers certificate prior to the event. Temporary food establishment employees shall be exempt from the Manager registration requirements of this ordinance.
- G. The sale or conveyance of fish or shellfish products (except certain pre-packaged frozen products) from temporary food establishments is prohibited.

XI. Itinerant Vendors and Delivery of Food.

- A. This section is applicable to the sale or conveyance of food by itinerant vendors, persons delivering previously ordered food, and all other sales and conveyance of food, other than catering trucks.
- B. **Itinerant Sales or Conveyance of Food.**
 - 1. It shall be unlawful for any person to sell or convey potentially hazardous foods or perishable foods (such as produce) from house to house or place to place in any zoning within the City of Mesquite.
 - 2. Any person who sells or conveys non-potentially hazardous, commercially pre-packaged foods from house to house or place to place within the City of Mesquite shall obtain a permit from the Health Authority.
 - 3. Any person desiring to sell or convey, from house to house or place to place, non-potentially hazardous foods which are not commercially pre-packaged shall apply for a permit. The Health Authority shall approve or deny the application based on the type of non-potentially hazardous food intended for sale or conveyance.
 - 4. Any foods sold or conveyed from house to house or place to place shall meet all applicable requirements of this ordinance related to approved source, temperature control, labeling, protection from contamination, wholesomeness, etc.
 - 5. Any person who sells or conveys food from house to house or place to place shall comply with all provisions of Chapter 14 of the City of Mesquite Code of Ordinances (Solicitors, Vendors and Outdoor Sales).

C. Delivery of Food.

1. This section pertains to persons who deliver food which has been ordered by individuals or businesses in the City of Mesquite from an itinerant vendor, through United States mail, by telephone or other means of communication.
2. Any person who delivers food previously ordered, to the person who placed the order, shall comply with all applicable sections of this ordinance related to approved source, temperature control, labeling, protection from contamination, wholesomeness, etc.
3. Vehicles used for the delivery of food previously ordered, to the person who placed the order, shall meet the following minimum criteria:
 - a. The vehicle shall comply with all State of Texas rules for motor vehicles.
 - b. The vehicle shall be equipped or maintained to adequately store food during transportation to prevent contamination, adulteration, or damage to the food or to containers in which the food is stored.
 - c. The vehicle shall be maintained in a clean and sanitary condition.
4. Any person who delivers food previously ordered, to the person who placed the order, shall not be required to obtain a permit from the Health Authority provided that:
 - a. The Health Authority shall have the authority to inspect the vehicle, food products, and any invoices and bills of lading at any reasonable time and shall have all authorities defined in Section XIII, Enforcement.
 - b. The person delivering food shall comply with all applicable sections of this ordinance.
5. Any person who solicits orders for food from house to house or place or place shall comply with all provisions of Chapter 14 of the City of Mesquite Code of Ordinances (Solicitors, Vendors and Outdoor Sales).

XII. Concession Facilities.

- A. General. Concession facilities are food service establishments operated from permanent structures and are generally associated with athletic and recreational facilities. Concession facilities are seasonal and often operate more days per year than temporary food establishments but significantly less days per year than permanent food establishments. The degree of regulation of a concession facility shall depend upon the type of foods (potentially hazardous or non-potentially hazardous) conveyed, the volume of food conveyed, and the number of days of operation per year.
- B. A concession facility permit shall be obtained from the Health Authority prior to operation. The person in charge of a concession facility shall ensure that all necessary inspections are arranged prior to opening for the season.

- C. Concession facilities shall comply with all requirements of Sections I, II, III, IV, V, VI, VII, VIII, XII, and XIII of this ordinance provided that the Health Authority may waive certain requirements which are deemed unnecessary for protection of public health.

XIII. Enforcement Provisions.

A. Permits.

1. **General.** No person shall sell, offer to sell, or convey food or operate a food establishment within the City of Mesquite, Texas, without having first obtained a permit issued by the Health Authority. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in plain view of customers in every food establishment. A conditional food establishment permit may be issued to the new owner of an existing food establishment pending completion of plan review requirements as specified in Section VIII.
2. **Application.** A person desiring to operate a food service establishment shall make written application for a permit on forms provided by the Health Authority. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm, corporation, or partnership. If the applicant is a partnership, the names of the partners, together with their addresses shall be included. The application shall also include the location and type of the proposed food establishment, the signature of the applicant or applicants, or agents, and such other information as may be required by the Health Authority. If the application is for a temporary food establishment, it shall also include the inclusive dates of the proposed operation.
3. **Permit Fees.**
 - a. **Permanent, fixed food service establishments:**

1-9 Employees	-	\$150.00/year
10-19 Employees	-	\$200.00/year
Over 19 Employees	-	\$250.00/year
 - b. **Temporary food service establishment:**
 - (i) Non-potentially hazardous foods - \$25.00/event
 - (ii) Potentially hazardous foods - \$50.00/event
 - (iii) Potentially hazardous foods, approved food trailer - \$50.00/event
 - (iv) Temporary permits for persons possessing a permanent annual permit, with approved food trailer - \$25.00/event
 - c. **Catering Trucks - \$100.00/year/vehicle**
 - d. **Concession Facilities - \$50.00/year**

e. Day Care Centers - \$100.00/year

f. Itinerant Sales - \$100.00/year

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 establishment shall comply with all other requirements of this ordinance.

4. Operating Authority. A permit issued under this article gives only the person in charge to whom the permit is issued the authority to operate the food establishment identified on the permit. As a lawful condition to the operation of the establishment, the Health Authority may impose in the permit such additional requirements relating to the operation of the food establishment as he or she determines necessary to protect the public health and safety.
5. Duration. Permits granted under the provision of this article, unless otherwise specified, shall remain in force for one year from date of issuance unless suspended or revoked for cause. Permits shall remain the property of the City of Mesquite.
6. Suspension of Permits. Permits may be suspended temporarily by the Health Authority for repeated failure of the permit holder to comply with the requirements of this ordinance. Whenever a permit holder or operator has failed to correct a violation after receiving two written notices for the violation, the Health Authority may suspend the permit. The permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority by the permit holder. Notwithstanding the other provisions of this ordinance, whenever the Health Authority finds insanitary or other conditions in the operation of a food service establishment which constitute a substantial hazard to the public health, a written notice may be issued to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If necessary, such order may state that the permit is immediately discontinued. Any person to whom such an order is issued shall comply immediately herewith, but upon written request to the Health Authority, shall be afforded a hearing before the Health Committee as soon as possible. A closure order shall be prominently posted until such time the permit is reinstated.
7. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make written application for a reinspection for the purpose of reinstating the permit. Within 10 days following the receipt of a request, which shall include a statement signed by the applicant that in his or her opinion, the conditions causing suspension of the permit have been corrected, the Health Authority shall make a reinspection. If upon reinspection, the applicant is complying with the requirements of this ordinance, then the permit shall be reinstated.

8. **Revocation of Permits.** For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Health Authority in the performance of his or her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the permit holder, within such 5-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
9. **Hearings.** The hearings provided for in this section shall be conducted by the Health Committee at a time and place designated by them. 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 Health Authority.

B. Inspection.

1. **Frequency.** The Health Authority shall inspect each food establishment located in the City of Mesquite, or its police jurisdiction, and shall make as many inspections and reinspections as are necessary for the enforcement of the ordinance.
2. **Access to Establishments.** Agents of the Health Authority, after proper identification, shall be permitted to enter any food establishment within the City of Mesquite any time the person in charge is present (whether or not the food establishment is open for business) for the purpose of making inspections to determine compliance with this Ordinance. Such agents shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and information about persons employed by the establishment.
3. **Consent to Inspection.** Applications for and operation of a food establishment inside the City of Mesquite constitutes consent for the Health Authority to inspect the food establishment to determine compliance with this ordinance. It shall constitute an offense for any person to hinder, physically prevent, interfere with, or otherwise obstruct the lawful inspection of a food establishment by the Health Authority. Such actions may also constitute reason for suspension of permit. In addition, it shall also constitute an offense if any person willfully provides false information to the Health Authority as it relates to enforcement of the provision of this ordinance.
4. **Report of Inspections.** Whenever a routine inspection is made of a food establishment, the findings shall be recorded on the inspection report form included in this ordinance. The original of the inspection report shall be furnished to the owner or person in charge at the completion of the inspection and constitutes written notice. The inspection report form shall summarize the requirements of these rules and shall set forth a weighted point value for each requirement. The rating score of the establishment shall be the total of the

weighted point value for each requirement. The rating score of the establishment shall be the total of the weighted point value for each requirement. The rating score of the establishment shall be the total of the weighted point value for all violations, subtracted from one hundred (100). The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

5. **Inspection Form.** For purposes of routine inspection, the Health Authority shall use the included form for rating the code compliance of a food establishment as noted in Attachment A.
 6. **Correction of Violations.** The routine inspection report and or the associated notice of violation 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.
 - a. If an imminent health hazard exists, including but not limited to a complete lack of sanitization or refrigeration; or if a sewage backup threatens contamination of food or equipment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Health Authority.
 - b. All violations of 4- or 5-point weighted items shall be corrected within a time specified by the Health Authority, but in any event, not to exceed 48 hours.
 - c. All 1- or 2-point weighted items shall be corrected within a time specified by Health Authority, but in any event, by the time of the next routine inspection.
 - d. When the rating score of the establishment is less than sixty (60), the Health Authority may immediately suspend the permit, otherwise the establishment shall complete corrective action on all identified violations within a maximum of forty-eight (48) hours.
 - e. In the case of temporary food establishments, all violations shall be corrected within a maximum of twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the Health Authority.
- C. **Examination and Condemnation of Food.** Agents of the Health Authority may examine and collect samples of food as necessary for the enforcement of this ordinance. The Health Authority shall, upon written notice to the owner or person in charge specifying the reason therefor, destroy or place under detention any food which the Health Authority has reasonable cause to believe is adulterated or misbranded. Under a detention order, food shall be suitably stored. It shall be unlawful for any person to remove or alter a detention order, notice or tag placed on food by the Health Authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, used, or destroyed without permission of the Health Authority, except on order by a court of competent

jurisdiction. After the owner or person in charge has had a hearing as provided for in Section XIII(A)(9) of this ordinance, and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the detention order, or may by written order direct the owner or person in charge of the food which was placed under detention to denature or destroy such food or to bring it into compliance with the provisions of this ordinance. An order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

- D. Procedure When Infection is Suspected. When the Health Authority has reasonable cause to suspect the possibility of disease transmission from any food 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 Health Authority may require any or all of the following measures:
1. The immediate exclusion of the employee from all food service establishments;
 2. The immediate closing of the food service establishment concerned until the Health Authority determines that no further danger of disease outbreak exists;
 3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
 4. Adequate medical and laboratory examination of the employee, of other employees, and of his or her body discharges.
- E. Food Service Establishments Outside Jurisdiction of the Health Authority. Food from food establishments outside the jurisdiction of the Health Authority of the City of Mesquite, may be sold within the City of Mesquite if such food service establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

Section 2

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 establishment to allow any person employed at the food 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 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 Health Official in the performance of their duties as prescribed by this ordinance.

Section 3

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 THOUSAND DOLLARS (\$2,000.00) for each such violation. Each day upon which such violation occurs constitutes a separate violation. In addition thereto, such person(s) may be enjoined from continuing such violations.

Section 4

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 5

That the Code of Ordinances of the City of Mesquite, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 6

This ordinance shall be and become effective on and after its approval and adoption and it is so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 3rd day of July, A.D., 1989.

George A. Venner, Sr.
George A. Venner, Sr.
Mayor

ATTEST:

Lynn Prugel
Lynn Prugel
City Secretary

APPROVED AS TO FORM:

B. J. Smith
B. J. Smith
City Attorney

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