

ORDINANCE NO. 779

AN ORDINANCE REPEALING THE HEALTH ORDINANCE OF THE CITY OF ADDISON, AND ADOPTING A NEW HEALTH ORDINANCE FOR THE CITY OF ADDISON; PROVIDING FOR A PENALTY: AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON:

SECTION 1. Purpose. This ordinance shall be liberally construed and applied to promote its underlying purpose of protecting the public health.

SECTION 2. Definitions. For the purpose of these rules:

(A) "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

(B) "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

(C) "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.

(D) "Employee" means individuals having supervisory or management duties and any other person working in a food service establishment.

(E) "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.

(F) "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.

(G) "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.

(H) Food Service Establishments.

(1) "Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

(2) Any business where food or drink is prepared, served, or provided for the public with or without charge to be consumed on the premises or elsewhere such as a restaurant, delicatessen, catering kitchen or private club.

(3) Any stand where food or drink is prepared, served, or provided for the public with or without charge by private individual or by private, public or non-profit organization or institution such as a concession stand.

(4) Any retail business where food or drink is offered for sale or provided for the public in its raw, cooked or processed form such as a grocery; meat market; produce operation; drug store, service station, or variety store selling food items other than from vending machines.

(5) Any business or distribution center where food for public consumption is either stored or dispensed into the food chain such as an institutional food warehouse, private warehouse, frozen food locker or commissary.

(I) "Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

(J) "Kitchenware" means all multi-use utensils other than tableware.

(K) "Law" includes Federal, State and local statutes, ordinances and regulations.

(L) "Mobile food unit" means a vehicle-mounted food service establishment designed to be readily moveable.

(M) "Packaged" means bottled, canned or cartoned or securely wrapped.

(N) "Person" includes any individual, partnership, corporations, association, trustee or other legal entity.

(O) "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

(P) "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.

(Q) "Reconstituted" means recombining dehydrated food products with water or other liquids.

(R) "Regulatory authority" means the City Sanitarian of Addison or his authorized representative.

(S) "Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

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.

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

(U) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

(V) "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.

(W) "Tableware" shall mean all multi-use eating and drinking utensils including flatware (knives, forks and spoons).

(X) "Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

(Y) "Utensil" means any implement used in the storage, preparation, transportation or service of food.

### SECTION 3. 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 by the State or foreign shellfish control agency.

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

(B) Food Protection.

(1) General. At all times, including while being stored, prepared, displayed, served, or transported, food shall be protected

from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage and overhead 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 these rules.

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

(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 the manner that protects the food from splash and other contamination, and that permits easy

cleaning of the storage area; except that:

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

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

(c) Food and containers of food shall not be stored under exposed or unprotected sewer or water lines, except for automatic fire protection sprinkler heads that may be required by law. The storage of food, single service items, paper goods, equipment and utensils in toilet rooms, locker rooms, mechanical areas or vestibules is prohibited.

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

(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 not stored in the produce container or package in which it was obtained, shall be stored in a container with a tight fitting lid identifying the food by common name.

(2) Refrigerated Storage.

(a) Conveniently located refrigeration facilities or effectively insulated facilities shall be provided to assure the maintenance of all potentially hazardous food at required temperatures during storage. Each mechanically refrigerated facility storing potentially hazardous food shall be provided

with a numerically scaled indicating thermometer, accurate to  $+3^{\circ}\text{F.}$ , located to measure the air temperature in the warmest part of the facility and located to be easily readable. Recording thermometers, accurate to  $+3^{\circ}\text{F.}$ , 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  $45^{\circ}\text{F.}$  ( $7^{\circ}\text{C.}$ ) or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling or water circulation external to the food container so that the cooling period shall not exceed four (4) hours. Potentially hazardous food to be transported shall be prechilled and held at a temperature of  $45^{\circ}\text{F.}$  ( $7^{\circ}\text{C.}$ ) or below unless maintained in accordance with paragraph (3) (b) of subsection (C) of this rule.

(c) Frozen foods shall be kept frozen and shall be stored at a temperature of  $0^{\circ}\text{F.}$  ( $-18^{\circ}\text{C.}$ ) 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 shall be provided to assure the maintenance of food at the required temperature during storage. Each hot food facility storing potentially hazardous food shall be provided with a



numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}\text{F.}$ , located to measure the air temperature in the coolest part of the facility and located to be easily readable. Recording thermometers accurate to  $\pm 3^{\circ}\text{F.}$ , may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

(b) The internal temperature of potentially hazardous foods requiring hot storage shall be  $140^{\circ}\text{F.}$  ( $60^{\circ}\text{C.}$ ) or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of  $140^{\circ}\text{F.}$  ( $60^{\circ}\text{C.}$ ) or above unless maintained in accordance with paragraph (2) (b) of subsection (C) of this rule.

(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  $140^{\circ}\text{F.}$  ( $60^{\circ}\text{C.}$ ) except that:

(9)

(a) Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165°F. (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, Dry Eggs and Egg Products. Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.

(6) Reheating. Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165°F.

(74°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, accurate to +2°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) Under potable running water of a temperature of 70°F. (21°C.) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; 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) (a) All milk and milk products for drinking purposes shall have located on its container an expiration date and shall be provided to the consumer in an unopened, commercially filled package not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where it is necessary to provide individual servings under special institutional circumstances, milk and milk products may be poured from a commercially filled container provided such a procedure is

authorized by the regulatory authority. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or desert service, milk and milk products may be poured from a commercially filled container.

(2) (b) Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service. Individually served cream or half and half shall not reach a temperature above 45°F.

(3) Nondairy Product Dispensing. Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

(4) Condiment Dispensing.

(a) Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with paragraph (8) of subsection (E) 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 usage 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-self-dispensing utensils or through automatic service, ice-dispensing equipment. Ice dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the

ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap.

(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 re-served.

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

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

(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 over-wrapped 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.

#### SECTION 4. Personnel.

(A) Employee Health. No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

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

#### (C) Clothing.

- (1) The outer clothing of all employees shall be clean.
- (2) Employees shall use effective hair restraints to prevent the contamination of food or food-contact surfaces (cap or hair net only).
- (3) Employees shall remove all insecure jewelry, and during periods when food is manipulated by hand, remove from hands any jewelry that cannot be adequately sanitized.

(D) Employee Practices.

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

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

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

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

(E) Employer Responsibility.

(1) It shall be the responsibility of the owner/management to enforce items (A) through (D) of this section and to further certify to the city sanitarian that all employees are in compliance with this code.

(2) Management, and management alone, is responsible for employee compliance.

SECTION 5. Equipment and Utensils.

(A) Materials.

(1) General. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing

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

(2) Solder. If solder is used, it shall be composed of safe materials and be corrosion resistant.

(3) Wood. Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in paragraph (1) of subsection (A) of this rule, may be used for cutting blocks, cutting boards, salad bowls and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

(4) Plastics. Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods, and which meet the general requirements set forth in paragraph (1) of subsection (A) of this rule, 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, buckling, pitting, chipping and crazing.

(a) All food contact surfaces shall be of stainless steel construction.

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

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

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

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

(a) Without being disassembled; or

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

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

(3) In-Place Cleaning. Equipment intended for in-place cleaning shall be so designed and fabricated that:

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

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

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

(4) Pressure Spray Cleaning. Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches and connections.

(5) Thermometers. Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to  $\pm 2^{\circ}\text{F}$ .

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

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

stainless steel construction, internally, may be of properly printed galvanized metal, externally. Splash areas on wall or walls between cooking surface and vent-a-hood equipment shall be of stainless steel.

(8) Existing Equipment. Equipment which was installed in a food service establishment prior to the effective date of these rules, and which does not meet fully all of the design and fabrication requirements of this rule, shall be deemed acceptable in that establishment as long as there is no change of ownership, if it is in good repair, 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 these rules shall meet the requirements of these rules.

(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 within the meaning of paragraph

(2) (a) of subsection (C) of this rule if:

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

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

(3) Floor-Mounted Equipment.

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

(1) Sealed to the floor; or

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

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

(b) Equipment is easily movable if:

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

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

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

(4) Aisles and Working Spaces. Aisles and working spaces between units of equipment and walls, shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks and dollies shall be positioned to provide accessibility to working areas.

SECTION 6. 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) Non-food contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.

(2) Wiping Cloths.

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

(b) Moist cloths 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) (1 thru 7) of subsection (A) of this rule, 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 rule, 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 utensils and equipment is done manually; provided, that existing establishments not having a three (3) compartment sink that can demonstrate an acceptable procedure for washing, rinsing and sanitizing utensils and equipment may be exempt from this requirement by the regulatory authority. Sinks shall be large enough to permit

the complete immersion of the utensils and equipment and each compartment sink shall be supplied with hot and cold potable running water. A two (2) compartment sink will be acceptable where only single-service tableware is used. Suitable equipment shall be made available if washing, rinsing and sanitizing cannot be accomplished by immersion.

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

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

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

- (1) Sinks shall be cleaned prior to use; and
- (2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean; and
- (3) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and
- (4) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in paragraphs (3) (e) (1 thru 7) of subsection (A) of this rule.

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

(1) Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least 170°F. (77°C.); or

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

(3) 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 a temperature of at least 75°F. (24°C.); or

(4) Immersion for at least one (1) minute in a clean solution containing chlorine and bromine made up at 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

(5) 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 compounds refers to products approved and registered with the U.S. Environmental Protection Agency; or

(6) 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

(7) Immersion in a clean solution containing any other chemical sanitizing agent approved by the Texas Board of Health that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chloring as a hypochlorite at a temperature of at least 75°F. (24°C.) for one (1) minute; or

(8) 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

(9) 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) (7) of subsection (A) of this rule, in the case of equipment too large to sanitize by immersion.

(f) When hot water is used for sanitizing, the following facilities shall be provided and used.

(1) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F. (77°C.); and

(2) A numerically scaled indicating thermometer, accurate to +3°F., convenient to the sink for frequent checks of water temperature; and

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

(b) The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A 3/4 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  $\pm 3^{\circ}\text{F.}$ , 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 movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

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

(g) Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for

sanitization may be used provided that:

- (1) The temperature of the wash water shall not be less than 120<sup>o</sup>F. (49<sup>o</sup>C.); and
- (2) The wash water shall be kept clean; and
- (3) Chemicals added for sanitization purposes shall be automatically dispensed; and
- (4) Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturers' specifications for time and concentration; and
- (5) The chemical sanitizing rinse water temperature shall be not less than 75<sup>o</sup>F. (24<sup>o</sup>C.) nor less than the temperature specified by the machine's manufacturer; and
- (6) 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.

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

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

Wash temperature	150 <sup>o</sup> F. (66 <sup>o</sup> C.)
Final rinse temperature	180 <sup>o</sup> F. (82 <sup>o</sup> C.)

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

Wash temperature 165°F. (74°C.)

Final rinse temperature 165°F. (74°C.)

(3) Single-tank conveyor machine:

Wash temperature 160°F. (71°C.)

Final rinse temperature 180°F. (82°C.)

(4) Multi-tank, conveyor machine:

Wash temperature 150°F. (66°C.)

Pumped rinse temperature 160°F. (71°C.)

Final rinse temperature 180°F. (82°C.)

(5) 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.)

(i) 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.

(a) 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 lines 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) Presetting in dining areas of food establishments is allowed providing all unprotected, unused, preset tableware shall be collected for washing and sanitizing after the meal period; and after any place at a table is occupied. Counter areas in food establishments shall not be permitted to pre-set tableware.

(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 lines 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.

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

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

## SECTION 7. Sanitary Facilities and Controls.

### (A) Water Supply.

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

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

(3) Bottled Water. Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled 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 temperatures shall be provided to all fixtures and equipment that use water.

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

(B) Sewage. All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law. Nonwater carried sewage disposal facilities are prohibited, except as permitted by Rule .010 (pertaining to temporary food service establishments) or as permitted by the regulatory authority in remote areas or because of special situations.

(C) Plumbing.

(1) General. Plumbing shall be sized, installed and maintained according to law. There shall be no cross-connection between the potable water supply and any 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 purposes such as air-conditioning and fire protection and only if the system is installed according to law and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food or utensils.



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

(3) Backflow. The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and 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 Traps. Grease traps are required and shall be of size designated and located in accordance with the specifications of the governing authority. Food service establishments, with seating capacity of 50 or more, are required to have a 750 lb. capacity grease trap, unless otherwise decided upon by health authority. Grease traps shall be located to be easily accessible for cleaning.

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

(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.

(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.

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

(E) Lavatory Facilities.

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

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

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

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

(F) Garbage and Refuse.

(1) Containers.

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

(b) Containers used in food preparation and utensil-washing areas shall be kept covered.

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

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

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

(2) Storage.

(a) Garbage and refuse on the premises shall be stored in a manner to make 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 nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

SECTION 8. Construction and Maintenance of Physical Facilities.

(A) Floors.

(1) Floor Construction. Floors and floor coverings of all food prep areas food storage, and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of quarry tile, terrazzo, ceramic tile or a durable grade of seamless vinyl or plastic and shall be maintained in good repair. Nothing in this rule shall prohibit the use of antislip floor covering in areas where necessary for safety reasons.

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

(3) Prohibited Floor Covering. The use of sawdust wood shavings, peanut hulls or similar material as a floor covering is prohibited.

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

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

(3) Disposal.

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

(b) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration that prevents the escape of particulate matter in accordance with 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. 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.

(3) Only licensed exterminators shall conduct spraying in a food service or food processing facility. This spraying shall be conducted before or after food preparation and service hours only.

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

(7) 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.

(B) Walls and Ceilings.

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

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

(3) Exposed Construction. Studs, joists and rafters shall not be exposed in those areas listed in paragraph (2) of subsection (B) of this rule. If exposed in other room or areas, they shall be finished to provide an easily cleanable surface.

(4) Utility Line Installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or

(D) Lighting.

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

(2) Protective Shielding.

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

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

(E) Ventilation.

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

(2) Special Ventilation.

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



prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in paragraph (2) of subsection (B) of this rule.

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

(6) Covering Material Installation. Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

(C) Cleaning Physical Facilities.

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

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

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

(F) Dressing Rooms and Locker Areas.

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

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

(G) Poisonous or Toxic Materials.

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

(2) 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.

(H) Premises.

(1) General.

(a) Food service 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 service establishments shall be surfaces with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling and kept free of litter.

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

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

(2) Living Areas. No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

(3) Laundry Facilities.

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

(a) Clean clothes and linens shall be stored in a clean place and stored away from food storage and food preparation areas and protected from contamination until used.

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

(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 service establishment. This exclusion does not apply to edible fish, crustacea, shellfish or to fish in aquariums. Patrol dogs, accompanying security or police officers or guide dogs accompanying blind persons, shall be permitted in dining areas.

SECTION 9. Mobile Food Units.

(A) Mobile Food Service.

(1) General. Mobile food units shall comply with the requirements of these rules, except as otherwise provided in this paragraph and in paragraph (2) of subsection (A) of this rule. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some

or all potentially hazardous food, and when no health hazard will result, may waive or modify requirements of this rule relating to physical facilities, except those requirements in this rule of paragraphs (4) and (5) of subsection (A); paragraph (1) of subsection (B); and paragraphs (1) and (2) of subsection (C).

(2) Restricted Operation. Mobile food units that serve only food that is prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of these rules, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of these rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its commissary.

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

(4) Water System. A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand-washing, in accordance with the requirements of these rules. The water inlet shall be located in such a position that it will not be contaminated by waste discharge, road dust, oil or grease and it shall be kept capped when not being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service.

All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of these rules.

(5) Waste Retention. If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(B) Commissary.

(1) Base of Operations.

(a) Mobile food unit shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations. The regulatory authority shall have the right to inspect said commissary upon request.

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

(C) Servicing Area and Operations.

(1) Servicing Area.

(a) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying,

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

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

(c) The construction of the walls and ceilings of the servicing area is exempted from the provisions of subsection (B) of Rule .008.

(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 unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(b) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with subsection (B) of Rule .007.



(D) All mobile food service units shall be required to secure, from the sanitation officer, a health permit to operate within the corporate limits in the City of Addison and must display a sign on both doors as to the name of the company.

(E) Permit Fees. The permit fee to operate a mobile food service unit, within the City of Addison, shall be twenty dollars (\$20.00) per year.

(F) Permits must be kept in the truck at all times.

#### SECTION 10. Temporary Food Service Establishments.

(A) General. A temporary food service establishment shall comply with the requirements of these rules except as otherwise provided in this rule. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and when no health hazard will result, may waive or modify requirements of these rules.

#### (B) Restricted Operations.

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

(2) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries

filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs or fish is prohibited. This prohibition does not apply; however, to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of these rules, is obtained in individual servings, is stored at a temperature of 45°F. (7°C.) or below, or at a temperature of 140°F. (60°C.) or above, in facilities that meet the requirements of these rules, and is served directly in the unopened container in which it was packaged.

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

(D) Equipment.

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

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

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

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

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

(H) Waste. All sewage, including liquid waste, shall be disposed of according to law.

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

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

(K) Walls and Ceilings of Food Preparation Areas.

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

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

CH6 SECTION 11. Enforcement Provisions

Permit/License:

It shall be unlawful for any person to operate a food-service or food processing establishment within the Town of Addison, who does not possess a valid permit/license issued by the regulatory authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit/license. Permits/licenses shall not be transferrable from one person to another person or place. A valid permit/license shall be posted in every establishment. Permits are renewable annually following the procedure in these rules.

(A) Issuance of permits/licenses.

Any person desiring to operate a food service or food processing establishment shall make written application for a permit/license provided by the regulatory authority. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the names of the partners, together with their addresses shall be included; the location and type of the proposed establishment; and the signature of the applicant, inclusive dates not to exceed fourteen (14) days, must be included.

(B) Permit/License fee of \$40.00 will accompany each application. The permit/license shall be valid for one year. Permits/licenses are to be renewed on an annual basis by filing of a permit/license renewal application and fee with the regulatory authority. Applicants shall not, under any circumstances, be entitled to a refund of permit/license fee after an application has been filed.

Upon receipt of new and renewal application, the regulatory authority shall make an inspection of the establishment to determine compliance with the provisions of this ordinance. If the inspection reveals that the applicable requirements of this ordinance have been met, a permit/license shall be issued to the applicant by the regulatory authority. All such permits must be displayed in public view.

(C) Suspension of permits/licenses:

Permits/licenses may be suspended by the regulatory authority for failure of the holder to comply with the requirements of this ordinance, or if the operations of the establishment does not comply with the requirements of this ordinance, or if the operations of the food service establishment otherwise constitutes a substantial hazard to public health.

Whenever a permit/license holder or operator has failed to comply with any notice issued under the provisions of this ordinance, the permit/license holder or operator shall be notified in writing that the permit/license 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 regulatory authority by the permit/license holder.

Notwithstanding the other provisions of this ordinance, whenever the regulatory authority finds unsanitary or other conditions in the operation of an establishment which in his judgement, constitutes a

substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit/license holder or operator citing such conditions, corrective action to be taken; and if deemed necessary, such order shall state that the permit/license is immediately suspended, and all food operations are to be immediately suspended. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the regulatory authority, shall be afforded a hearing as soon as possible.

(D) Reinstatement of Suspended Permits/License:

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

(E) Revocation of Permits/Licenses:

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

suspended for cause pending its revocation of a hearing relative thereto. If no request for hearing is filed within the five (5) day period, the revocation of the permit/license becomes final.

(F) Notices:

A notice provided for in this ordinance is properly served when it is delivered to the holder of the permit/license, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit/license.

(G) Hearings:

The hearing provided for in this section shall be conducted by a regulatory committee at a time and place designated by the regulatory authority. The regulatory committee shall be comprised of the City Health Officer, the City Fire Marshal and two other members engaged to food establishment works, e.g. restaurant owner, cafeteria manager, etc. Based upon the record of such hearing the regulatory authority shall make a finding and shall sustain, modify or recind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit/license holder by the regulatory authority.

(H) Fees:

The applicant shall not be entitled refunding of a permit/license fee where a permit/license is revoked or suspended.

**ADD** SECTION 12. Inspection of Food Service and Food Processing Establishments.

(A) Access. Agents of the regulatory authority, after proper identification, shall be permitted to enter any food service or food processing establishment at any reasonable time, and as often as necessary,

for the purpose of making inspections to determine compliance with these rules. The agents shall be permitted to examine the records of the establishments to obtain information pertaining to food and supplies purchased, received or used or to persons employed.

(B) Report of Inspections. Whenever an inspection is made of a food service or food processing establishment, the findings shall be recorded on the inspection report form referred to as enclosure 1 of these rules. The copy of the inspection report form shall be furnished to the owner or person in charge at the completion of the inspection and constitutes a written notice. The inspection report form shall summarize the requirements of 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 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.

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

(1) If a potential health hazard exists, such as an obvious lack of sanitization, refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority.

(2) All violations of 4- or 5- point weighted items shall be corrected within a time specified by the regulatory authority,



but in any event, not to exceed five (5) days. A written report shall be sent to the regulatory authority indicating what action has been taken to correct the deficiencies noted.

(3) All 1- or 2- point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(4) When rating score of the establishment is less than sixty (60), the establishment shall initiate corrective action on all identified violations within forty-eight (48) hours. One or more re-inspections shall be conducted at reasonable time intervals to assure correction.

(5) In the case of temporary food service establishments, all violations shall be corrected within 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 regulatory authority.

### SECTION 13. Examination and Condemnation of Food.

The regulatory authority may examine and collect samples of food as often as necessary for the enforcement of these rules. The regulatory authority shall, upon written notice to the owner or person in charge specifying the reason therefore, place under detention any food which it has probable cause to believe is adulterated or misbranded in accordance with the provisions of Section 6, and paragraph (2) of Section 21, Article 4476-5, Texas Civil Statutes, The Texas Food, Drug and Cosmetic Act.

### SECTION 14. Procedure When Infection is Suspected.

When the regulatory authority has reasonable cause to suspect the possibility of disease transmission from any food service establishment

employee, it may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:

- (A) The immediate exclusion of the employee from all food service establishments.
- (B) The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists.
- (C) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease.
- (D) Adequate medical and laboratory examination of the employee, of other employees and of his and their body discharges.

#### SECTION 15. Plan Review.

When a food service or food processing establishment is constructed or remodeled, or when an existing structure is converted for said use, properly prepared plans and specifications for such constructions, remodeling, or alteration, showing layout, arrangement and construction materials, and the location, size and type of fixed equipment and facilities, shall be submitted to the regulatory authority for approval before such work is to begin.

#### SECTION 16. Enforcement Interpretation.

This Ordinance shall be enforced by the regulatory authority or his representative.

#### SECTION 17. Penalties.

That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed guilty of a misdemeanor thereof and upon conviction shall be punished by a fine not to exceed the sum of

Two Hundred (\$200.00) Dollars. Each day upon which such a violation occurs constitutes a separate violation.

SECTION 18.

All other Ordinances and parts of Ordinances in conflict with this Ordinance shall be, and the same are hereby repealed, but the repeal of such Ordinances or parts of Ordinances shall not affect any right, property or claim which was or is vested in the City of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the Ordinances or sections thereof so repealed.

SECTION 19.

That the fact that the present Health Code is inadequate and out of date creates an urgency and an emergency in the preservation of the public health, safety and welfare and requires this ordinance to take effect from and after its passage as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS  
this the 13 day of April, 1982.

Mayor *[Signature]*

ATTEST:

*Jacque Sharp*  
City Secretary