Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

AFIAC. No MRPIAC or AFIAC committee member shall receive any compensation for services thereof.
(Ord. 110052 § 1(part), 1981.)

10.13.810Implementing personnel.
The overall coordination of the implementation and enforcement of this chapter shall be by a veterinarian licensed by the state of Washington. Department inspectors used to enforce this chapter shall be persons who have been actively engaged in the preparing and/or processing of meat for a minimum of five (5) years.
(Ord. 110052 § 1(part), 1981.)

Chapter 10.14
COMMERCIAL FISHING BOAT RETAIL SALES

Sections:

10.14.010Title.
10.14.020Purpose and policy declared.
10.14.030Specific definitions.
10.14.040Adopted definitions.
10.14.110General requirements.
10.14.120Application for retail commercial fishing boat permits.
10.14.130Permit fee due date, amounts, and refunds.
10.14.140Permit duration and expiration dates.
10.14.150Permit issuance and denial.
10.14.210Dispensing authorized upon receipt of permit.
10.14.310Consumer protection standards affecting advertisements, displays, labeling, and frozen aquatic food.
10.14.320Dispensing of certain crustacea and shellfish prohibited.
10.14.410Sanitation standards for personnel of retail commercial fishing boats.
10.14.420Sanitation standards for retail commercial fishing boat operations.
10.14.430Construction and sanitation standards for retail commercial fishing boats.
10.14.510Unlawful possession or dispensing of aquatic foods.
10.14.520Commercial dispensing of aquatic foods restricted.
10.14.530Unlawful use or alteration of permits, marks, numbers or other insignia.
10.14.610Inspection of commercial fishing boats and equipment thereon.
10.14.620Examination and inspection of aquatic food products.
10.14.630Examination and inspection of records.
10.14.640Removal of orders, tags, marks and aquatic food.
10.14.710Rulemaking.
10.14.720Temporary prohibition against dispensing.
10.14.730Suspension of permit.
10.14.740Revocation of permits.
10.14.750Appeal of inspector's or Director's order or decision.
10.14.760Injunctions.
10.14.770Penalty.
10.14.800Recognition of activity exempt from municipal regulation.

10.14.010Title.
This chapter may be cited as the “Commercial Fishing Boat Retail Sales Code.”
(Ord. 110940 § 1(part), 1982.)

10.14.020Purpose and policy declared.
A. This chapter is enacted as an exercise of the police power of The City of Seattle to protect and preserve the public peace, health, safety, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

B. It is expressly the purpose of this chapter to regulate the storing and dispensing by commercial fishermen of aquatic food originating from outside of Washington State and to provide for and promote the health, safety, and welfare of the general public, but not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

C. It is the specific intent of this chapter to place the obligation to comply with its requirements upon the person who engages in operations or activities within its scope, and no

For current SMC, contact
the Office of the City Clerk

provision of or term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

D. Nothing contained in this chapter is intended to be or shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of the person who engages in operations or activities subject to the provisions of, or regulated by, this chapter to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.

(Ord. 110940 § 1(part), 1982.)

10.14.030Specific definitions.

For the purposes of this chapter, unless the context clearly indicates a different meaning:

A. "Adulterated" means:

1. Containing or bearing any toxic, deleterious or unwholesome substance of any kind in a quantity that may render aquatic food injurious to health;

2. Bearing or containing any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;

3. Consisting in whole or in part of any substance otherwise unfit for human consumption;

4. Prepared, processed, or held under an unsanitary condition, such that contamination may have occurred or such that the aquatic food may have been rendered injurious to health;

5. Being in whole or in part the product of a diseased animal or aquatic fauna, or an animal that has died or has been killed for any reason other than food production; or

6. Contained in a container composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.

B. "Commercial fishing" means engaging in fishing as a substantial means of livelihood, not for sport.

C. "Dress" means to slaughter or kill and perform the least cutting as is necessary to eviscerate, decapitate, head, gill and gut; slime; ice and freeze aquatic food to maintain the quality of the same.

D. "Equipment" means all slicers; knives, saws, cutting boards, counters, tables, refrigerators, freezers, cold storage facilities, hatches, holds, sinks, and similar items used in the operations of a retail commercial fishing boat.

E. "Retail commercial fishing boat" means any commercial fishing boat used to dispense aquatic foods directly to consumers.

F. "Retail operations" means the activity of a retail commercial fishing boat that is directly related to the dispensing of aquatic foods, and does not include activity relating to the catching or harvesting of aquatic foods.

G. "Process" means to cut, divide or grind, can; pickle; salt, smoke, dehydrate, or otherwise cure, cook at any temperature, and engage in any other activity with respect to aquatic foods that modifies the natural state of such aquatic food; provided, that the term "process" does not include the minimal cutting necessary to dress aquatic foods.

(Ord. 110940 § 1(part), 1982.)

10.14.040Adopted definitions.

The following words shall have the meanings ascribed to such words in SMC Chapter 10.13, except that for the purpose of this chapter, all references, if any, in such definitions to "MPRAF" shall be deemed and understood to be references to aquatic foods, only, and references in such definitions to an "MPRAF establishment" shall be deemed and understood to be references to a retail commercial fishing boat:

"Approved"	"Frozen"
"Aquatic food"	"Inspected"
"City"	"Inspector"
"Comercially"	"Law"
"Consumer"	"Misbranded"
"Crustacea"	"Mollusks"
"Department"	"Permitted"
"Director"	"Person"
"Dispense"	"Person in charge"
"Fish"	"Prepackaged"
"Fresh"	"Shellfish"

(Ord. 110940 § 1(part), 1982.)

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics
and tables and to confirm accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
section for complete text, graphics,
and tables and to confirm accuracy of
this source file.

10.14.110General requirements.

A. Possession of Permit. No person shall dispense within the City, aquatic foods originating from outside of Washington State without having an appropriate permit therefor issued pursuant to SMC Chapter 10.13 or alternatively having such person's name listed on a valid retail commercial fishing boat permit issued pursuant to this chapter.

B. Display of Permit. Every retail commercial fishing boat permit shall be displayed in a conspicuous location easily visible by a member of the public on or adjacent to, the permitted retail commercial fishing boat.

(Ord. 110940 § 1(part), 1982.)

10.14.120Application for retail commercial fishing boat permits.

A. Standard Application Form. Every application for a retail commercial fishing boat permit shall be submitted to the Director upon an application form provided by the Department.

B. Standard Application Disclosures and Submittals. Each permit application shall include the applicant's full name and address and an identification of the form by which the applicant does business; provided, that if such form is a partnership, the applicant shall identify the names and addresses of all general partners, and if such form is a corporation, the applicant shall identify the state of incorporation and the names and addresses of all stockholders holding more than twenty percent (20%) of the outstanding stock of such corporation. The application shall also disclose:

1. The name of the fishing boat to be used as a retail commercial fishing boat;

2. The home port of such boat;

3. The official or registration number of such boat;

4. The proposed docking facility where such boat will be moored while dispensing is undertaken;

5. Identification of the species of aquatic foods to be dispensed;

6. Disclosure of the general location(s) where such species have been caught or harvested;

7. A description of how and where the aquatic foods have been stored and refrigerated prior to being dispensed;

8. If the aquatic food has been processed, the name and street address of each processor and the means by which its product can be identified;

9. Appropriate evidence (such as a gear license, fish ticket, landing permit, or other proof) that the aquatic foods to be dispensed are, in fact, the applicant's lawful catch and that such applicant engages in commercial fishing; and

10. The names and respective home addresses of all persons who are or will be engaged in the dispensing of aquatic food from such boat; provided, that whenever a holder of a retail commercial fishing boat permit desires any person not so listed to dispense aquatic food from such permitted boat, such holder shall file with the Director a supplementary application and pay the fee required by SMC 10.14.130C prior to allowing such other person to dispense any aquatic food from such permitted boat.

(Ord. 110940 § 1(part), 1982.)

10.14.130Permit fee due date, amounts, and refunds.

A. Permit Fee Due Date. The fee for a retail commercial fishing boat permit is due and payable, and shall be paid, on or before the commencement date of the operation or activity subject to such permit.

B. Amount of Permit Fees. The fees for retail commercial fishing boat permits shall be as follows:

Annual	$150.00
Semi-Annual	75.00

Provided, that in the event the applicable fee is not paid prior to the commencement of the activity or retail operation subject to such permit, or in the event a previously permitted person continues in such operation or activity for more than ten (10) days after the expiration date of such previous permit without having obtained another permit, the person owing the applicable fee shall be subject to a surcharge equal to an additional one-quarter (1/4) of the applicable permit fee, to pay for the additional Departmental administrative procedures occasioned by such delinquency.

C. Application Supplement Fee. The fee for supplementing an application for a retail commercial fishing boat permit to list additional persons who are or will be engaged in dispensing

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

aquatic foods from a permitted retail commercial fishing boat shall be Fifteen Dollars ($15.00) per supplement.

D. Fee Refunds. The Department is authorized to refund any permit fee paid under the following circumstances:

1. Where the fee or any portion thereof has been overpaid;

2. Where the fee has been paid in advance of the applicable permit effective period, and where the permit-holding individual or entity never undertook a retail operation or activity authorized by the permit during its effective period because of the permit-holder's illness, death, dissolution, sale or other transfer of interest; provided, that proof of any such circumstances, satisfactory to the Director, must be submitted to the Director before any such refund will be provided. Each such refund shall be subject to a Ten Dollar ($10.00) deduction for the costs of administration.

(Ord. 110940 § 1(part), 1982.)

10.14.140Permit duration and expiration dates.

All annual retail commercial fishing boat permits issued pursuant to this chapter shall expire on September 31st. Semiannual retail commercial fishing boat permits issued pursuant to this chapter from and after October 1st shall expire on the next succeeding March 31st; and those issued from and after April 1st shall expire on the next succeeding September 31st.

(Ord. 110940 § 1(part), 1982.)

10.14.150Permit issuance and denial.

Upon submittal of an application containing the information and evidence required in SMC 10.14.120 C, and payment of the appropriate permit fee specified in SMC 10.14.130, the Director shall issue a retail commercial fishing boat permit; otherwise, it shall be denied.

(Ord. 110940 § 1(part), 1982.)

10.14.210Dispensing authorized upon receipt of permit.

Upon the issuance of a retail commercial fishing boat permit, every person listed as an "authorized dispenser" on the application for such permit or any supplement thereto filed with the Department, shall be authorized to dispense to consumers directly from the permitted retail commercial fishing boat, for the duration of such permit, aquatic foods that have been caught or harvested by the master and crew of such permitted boat, and are whole or dressed, and fresh or frozen, or have been processed and are prepackaged in an MPRAF establishment issued a valid City permit under SMC Chapter 10.13 or in a preparer's or processor's facility under governmental inspection, and are prepackaged.

(Ord. 110940 § 1(part), 1982.)

10.14.310Consumer protection standards affecting advertisements, displays, labeling, and frozen aquatic food.

A. Deceptive or Misleading Advertisements or Displays. No person shall purchase or otherwise sponsor any advertisement or display that contains any assertion, representation, picture, or statement relating to any aquatic food or the dispensing of the same, that is untrue, deceptive, or misleading.

B. Advertisement or Representation of Frozen or Once-frozen Aquatic Foods. No person shall advertise or represent aquatic food that is or has been frozen without clearly indicating in the advertisement or representation that such aquatic food is or has been frozen.

C. Refreezing Prohibited. No person shall refreeze prior to dispensing the same, any aquatic food that has been frozen and then thawed, except crab or shrimp.

D. Labeling Requirements. No person shall dispense from any retail commercial fishing boat, any package or receptacle containing any aquatic food unless such package or receptacle is labeled by stamping, printing, embossing, lithographing, or other graphic means, marking, stickers, seals, wrappers or container designs to show clearly, legibly, prominently, and informatively, the following:

1. The true name of the aquatic food contained therein;

2. The name of the retail commercial fishing boat from which such aquatic food has been dispensed or such boat's official or registration number, or both;

3. If the aquatic food is frozen, the month and year it was frozen;

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

4. If the aquatic food has been previously frozen and thawed, a statement that such aquatic food has been frozen; provided, that the dispensing of previously frozen shrimp and crab shall be exempt from this labeling requirement;

5. If the aquatic food has been stored in brine or salt water-ice prior to dispensing, that the aquatic food should be rinsed in fresh water prior to use;

6. If the aquatic food is prepackaged, the net weight of the package, price per pound of the aquatic food, and the total price of the package; and

7. If the aquatic food has been processed, identification of the processor and the condition of the aquatic food after processing (such as "sliced," "smoked," "dried," etc.).

E. Disapproved Labels Prohibited. No person shall apply or affix to, enclose with, or otherwise use in connection with any aquatic food any label or labeling that has been disapproved by the Director. The Director shall disapprove any label, brand, or tag for any aquatic food if the use of such label, brand or tag should result in misbranding.

(Ord. 110940 § 1(part), 1982.)

10.14.320Dispensing of certain crustacea and shellfish prohibited.

A. Dispensing of Processed Crab and Lobster. No person shall dispense any processed crab or lobster within the City except crab or lobster that was alive immediately prior to cooking, and was cooked in water at a rolling boil for at least ten (10) minutes.

B. Dispensing of Shellfish. No person shall dispense within the City any shellfish except the following:

1. Those harvested or taken from beds or waters approved or certified, at the time of such harvesting, by a governmental shellfish regulatory authority in the United States or Canada, as being safe for such harvesting and having shellfish safe for consumption; and

2. Those in a wholesome condition and bearing the number or identification mark of a shellfish shipper certified as such by a governmental shellfish regulatory authority in the United States or Canada.

(Ord. 110940 § 1(part), 1982.)

10.14.410Sanitation standards for personnel of retail commercial fishing boats.

A. Personal Hygiene Requirements. No person who works in or on a retail commercial fishing boat and handles, or who undertakes any of the functions connected with the dispensing of aquatic foods, shall use tobacco in any form while on duty, eat any food, or engage in any other potentially unsanitary practice or activity where aquatic foods are processed, dispensed or stored. Each such person shall put on clean outer garments in good repair immediately prior to dispensing aquatic food. Each such person shall wash his/her hands with soap and water immediately prior to dispensing any aquatic food that is not wrapped or otherwise protected against contamination; immediately after smoking, eating, drinking, or using the toilet; and otherwise during retail operations as necessary to keep them clean.

B. Food and Beverage Service Workers Permits. Every person whose duties, for more than thirty (30) days, include the handling of unwrapped or unpackaged aquatic food shall obtain and file with his/her employer, or where self-employed shall obtain a valid Food and Beverage Worker's Permit issued under RCW Chapter 69.06. No person shall employ for more than thirty (30) days any person whose duties include the handling of unwrapped or unpackaged aquatic food and who has not filed such permit with his/her employer.

(Ord. 110940 § 1(part), 1982.)

10.14.420Sanitation standards for retail commercial fishing boat operations.

No person shall dispense aquatic food from a retail commercial fishing boat that is not in compliance with the following standards:

A. Ice and Water Used in Retail Operations. Ice and water used on a retail commercial fishing boat for dressing, storing or dispensing aquatic food must be from a source that is not contaminated and has not been disapproved by the Director.

B. Refrigeration Levels. All fresh aquatic foods shall be kept under refrigeration while in storage or available for dispensing at a temperature not higher than forty (40) degrees Fahrenheit (four (4) degrees Celsius). Frozen

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete lists of ordinances
and dates and to confirm accuracy of
this source file.

aquatic foods not on display for dispensinq shall be kept frozen in a cold storage area maintaining a temperature at or below zero (0) degrees Fahrenheit (minus eighteen (18) degrees Celsius). No frozen aquatic foods available for dispensing shall be stored or displayed at a temperature higher than fifteen (15) degrees Fahrenheit (minus nine (9) degrees Celsius). Every retail commercial fishing boat shall install a thermometer inside each storage and dispensing area or piece of equipment used for storage or display to measure the temperature therein and such area's or equipment's compliance with these requirements.

C. Storage of Inedible Products. Inedible products and poisons must be stored in a location sufficiently separated from any aquatic foods to ensure that contamination of edible materials cannot occur.

D. Use of Poisons. Poisons may be used on a retail commercial fishing boat only consistent with directions and labels on the poison package or container, and in a manner not prohibited by law.

E. Live Animals on Premises. Live animals other than Seeing-eye, guide, hearing, and guard dogs shall be prohibited from being in any area of a retail commercial fishing boat where aquatic foods are stored or dispensed. Seeing- eye, guide, hearing, and guard dogs are permitted only in the area of a retail commercial fishing boat used for dispensing, and only when accompanying a blind or deaf consumer or when on guard duty.

F. Packaging of Aquatic Foods. All aquatic foods, whether fresh or frozen, shall be packaged prior to being dispensed to a consumer. The packaging material used for such purpose shall consist of a container, carton, paper, plastic, cellophane, or other material that has not been disapproved by the Director, and shall be of such strength and quality as will prevent the aquatic food from becoming contaminated prior to being unwrapped by the consumer.

G. Containment of Garbage and Refuse. Any garbage or refuse aboard a retail commercial fishing boat shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line garbage containers. Outside storage of unprotected plastic bags, wet-strength paper bags, or baled units containing garbage or refuse is prohibited. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning. Soiled containers shall be cleaned at a frequency that will prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate aquatic food. Liquid waste from compacting or cleaning shall be disposed of as sewage.

H. Cleaning of Retail Commercial Fishing Boat and Equipment. Every retail commercial fishing boat, including its bulkheads, decks, holds, hatches, marine sanitation devices, toilets, and lavatories, and all equipment used in dispensing and storing aquatic food shall be kept clean and free of gear and other items not reasonably necessary to the catching, harvesting, dressing and retail operations of the boat. All retail commercial fishing boat or equipment surfaces with which aquatic foods may come in contact during dressing and retail operations shall be kept free of oil, debris, and other contaminants. All hatches and holds used to store aquatic foods shall be free of bilge water and evidence of infestation by insects, pests, or rodents. Dust, spiders, rodents, and insects shall be prevented from boarding or remaining on any such boat. Notwithstanding any other provision hereof, the presence of rust on any such boat or its equipment shall not be considered evidence of a lack of cleanliness so long as appropriate steps have been taken to prevent rust from coming into contact with aquatic foods.

I. Ventilation. All hatches, holds, and other areas and equipment used for the storage of aquatic foods shall be kept free from smoke, steam and obnoxious odors. All hatches, holds, and equipment used for the storage of aquatic foods shall be periodically vented as necessary to prevent condensation from forming.

(Ord. 110940 § 1(part), 1982.)

10.14.430 Construction and sanitation standards for retail commercial fishing boats.

No person shall dispense aquatic food from a retail commercial fishing boat that is not in compliance with the following standards.

A. Impervious Surfaces. All retail commercial fishing boat and equipment surfaces with which aquatic food may come in contact in the

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this online file.

course of display or wrapping shall be smooth, hard, and water- and grease-impervious.

B. Lavatory and Toilet or Marine Sanitation Facilities. Each retail commercial fishing boat shall have on board, for its personnel, a conveniently located sink equipped with running water for hand-washing, hand-cleansing soap or detergent, and disposable or approved sanitary towels or other approved hand-drying devices. Each such boat shall also have available for its personnel a toilet or marine sanitation device approved by the Director, either on board such boat or on shore within a radius of three hundred seventy-five feet (375′) of the boat's moorage. All such facilities shall be in good repair and shall be accessible to such personnel at all times.

C. Artificial Lighting. All artificial lighting fixtures located over, by or within areas where aquatic food is stored, or dispensed shall be shielded to protect against broken glass falling onto the aquatic food.

(Ord. 110940 § 1(part), 1982.)

10.14.510Unlawful possession or dispensing of aquatic foods.

No retail commercial fishing boat shall have on board or shall dispense any aquatic food that is not wholesome or that has not been kept and handled in a sanitary manner.

(Ord. 110940 § 1(part), 1982.)

10.14.520Commercial dispensing of aquatic foods restricted.

No person shall commercially dispense fresh frozen or processed aquatic foods to any consumer, except on or from a commercial fishing boat having a valid retail commercial fishing boat permit issued pursuant to this chapter; or from a retail MPRAF shop, retail processed MPRAF shop, or wholesale MPRAF shop, having a valid permit issued pursuant to SMC Chapter 10.13; provided, that nothing herein shall restrict the authority of individuals authorized by RCW 36.71.090 to dispense aquatic foods without a permit.

(Ord. 110940 § 1(part), 1982.)

10.14.530Unlawful use or alteration of permits, marks, numbers or other insignia.

A. Forged, Simulated or Altered Permits. No person shall forge, simulate or alter any permit issued or issuable hereunder; or present as true any such permit knowing the same to have been forged, simulated or altered; or have any such forged, simulated or altered permit in his/her/its possession with intent to use the same.

B. Inspection Tags. No person shall apply, affix or attach to any aquatic food or container therefor any mark, tag, stamp or insignia indicating that the same has been inspected unless the same has been inspected.

(Ord. 110940 § 1(part), 1982.)

10.14.610Inspection of commercial fishing boats and equipment thereon.

Authorization to Inspect. The Director may inspect any commercial fishing boat for which a retail commercial fishing boat permit has been applied or granted, and any commercial fishing boat on or from which the Director has reason to believe aquatic food is being or has been dispensed without a permit having been issued therefor, and the equipment on such boat, as frequently as may be necessary and to the extent necessary to ensure that such boat and the equipment thereon are maintained and operated in compliance with this chapter.

(Ord. 110940 § 1(part), 1982.)

10.14.620Examination and inspection of aquatic food products.

A. Authorization to Inspect. The Director may examine and inspect, as frequently as may be necessary, all aquatic foods on board commercial fishing boats to ensure that the same is appropriately labeled, is wholesome and not adulterated, and has been stored, dispensed, and otherwise handled in a manner conforming with the requirements of this chapter.

B. Taking of Samples. Aquatic food, whether fresh or frozen, and prepackaged or otherwise, may be sampled by the Director as often as may be necessary to determine whether such food is appropriately labeled and is wholesome and not adulterated; and such samples as may be reasonably required by the Director shall be given to the Department without compensation therefor. Whenever a sample is obtained by the Department in the course of any inspection, prior to the use, destruction, or consumption of the sample or prior to the removal of the sample from the commercial fishing boat, whichever is earlier, the person in charge of the commercial fishing boat shall be given a receipt describing the sample

For current SMC, contact
the Office of the City Clerk

obtained. Whenever an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the person in charge of the commercial fishing boat from which such sample was obtained.
(Ord. 110940 § 1(part), 1982.)

10.14.630Examination and inspection of records.

The person in charge of a retail commercial fishing boat, at all reasonable times, shall exhibit, on demand in the name of the Director, any and all books, records, processor's receipts and invoices, and other information relating to the processing, storing, dressing, dispensing and other handling of aquatic food caught or harvested by the master and crew of such boat.
(Ord. 110940 § 1(part), 1982.)

10.14.640Removal of orders, tags, marks and aquatic food.

No person other than the Director shall remove or alter any order placed by the Director on a commercial fishing boat subject to the provisions of this chapter. No person shall remove any aquatic food from a commercial fishing boat or other facility after the Director has suspended the sale or transfer of aquatic food therefrom, except as permitted by the Director. All aquatic food determined to be adulterated, unhealthful, or unwholesome shall be condemned, retained, and disposed of as specified by the Director. No person shall remove or mutilate any “retained” or “condemned” tag, or other official mark or device placed upon any aquatic food, part thereof, aquatic food package or container, equipment, or commercial fishing boat, except pursuant to an order or direction of the Director.
(Ord. 110940 § 1(part), 1982.)

10.14.710Rulemaking.

The Director is authorized to promulgate, amend, and rescind rules and regulations, pursuant to the Administrative Code of the City (Seattle Municipal Code Ch. 3.02 or its successor) consistent with this chapter to promote its objectives.
(Ord. 110940 § 1(part), 1982.)

10.14.720Temporary prohibition against dispensing.

Whenever any inspector finds that any aquatic foods being dispensed from a commercial fishing boat is inappropriately labeled, or is adulterated or not wholesome, or is being stored or dispensed under unsanitary conditions, such inspector, by appropriate order in the name of the Director, shall forthwith prohibit the dispensing from such commercial fishing boat of aquatic food until the same shall have been fully inspected, and appropriate corrective actions have been taken by the person in charge of the commercial fishing boat to ensure that all aquatic food being dispensed therefrom is labeled appropriately, is wholesome and not adulterated, and has been stored, and dispensed under sanitary conditions, as provided for herein. Upon issuing such order, the inspector shall cause a copy or copies thereof to be prominently posted upon the boat where the subject aquatic food was stored or dispensed.
(Ord. 110940 § 1(part), 1982.)

10.14.730Suspension of permit

A. Suspension of Permit Upon Failure or Refusal to Admit Inspector. Upon the failure or refusal of the person in charge of any permitted retail commercial fishing boat to admit an inspector for purposes authorized in this chapter, the inspector shall inform the person that such failure or refusal constitutes grounds for revocation or suspension of such boat's permit. If the person in charge thereafter continues to refuse inspection, the inspector shall forthwith inform the person in charge that the retail commercial fishing boat's permit is suspended, that all operations governed by this chapter must immediately cease, and that the permit will remain suspended until permission to enter and inspect as authorized herein is granted. The inspector shall thereupon take up the permit, if possible.

B. Other Conditions Permitting Permit Suspension Prior to Permit Revocation Hearing. Whenever the reasons assigned for the revocation of the permit include a charge or statement, based upon reasonable grounds for belief, that the commercial fishing boat described in the permit or the equipment used therein, have become or are unsanitary; or that the permit holder has been convicted of a crime or violation involving fraud or dishonesty in the dispensing of aquatic food; or that the permit holder has employed for

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete legislative history
and to confirm accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 1, 2007 code update file
Text provided for historic reference only.
See ordinances for current text and amending
sections. Complete text, graphics,
and tables and to confirm accuracy of
this source file.

more than thirty (30) consecutive days any person whose duties include handling unwrapped or unpackaged aquatic food, who has failed to file with his/her employer a valid Food and Beverage Service Worker's Permit or that the permit holder has failed to obtain the same; or that the permit holder has otherwise failed to comply with the requirements of this chapter or any other ordinance of the City relating to the storing or dispensing of aquatic foods, or to health and sanitation, or any rule or regulation made pursuant thereto, the Director may immediately suspend the authority granted by the permit involved pending a hearing on the revocation thereof. When any permit has been so suspended, such hearing shall be had not more than ten (10) days after the date of suspension.
(Ord. 110940 § 1(part), 1982.)

10.14.740Revocation of permits.

A. Hearing Required to Revoke Permit. No permit issued pursuant to the provisions of this chapter may be revoked except after a hearing before the Director, at which time the holder of such permit shall have the right to be heard, to be represented by counsel, and to introduce evidence in his/her/its behalf. The holder of the permit shall have the right to at least three (3) days' prior written notice from the Director, of the time and place of such hearing, together with a summary of the reasons assigned for such proposed revocation, which notice shall be mailed or delivered to the permit holder at his/her/its last known address.

B. Director's Actions Following Hearing. If, following the hearing, the Director finds that one (1) or more of the reasons assigned for the proposed revocation exist, he/she shall forthwith revoke and take up the permit; otherwise, he/she shall immediately reinstate the permit and return the same to the permittee. Such findings and decision of the Director shall be final, subject only to review by the courts.
(Ord. 110940 § 1(part), 1982.)

10.14.750Appeal of inspector's or Director's order or decision.

Any person feeling aggrieved by the order or decision of any Department inspector with respect to the enforcement of this chapter shall have the right of appeal to the Director, whose decision shall be final, subject to review by the courts.
(Ord. 110940 § 1(part), 1982.)

10.14.760Injunctions.

In addition to any other enforcement technique available under this chapter, the Director may request the Law Department to seek the appropriate legal or equitable remedy to prevent or halt any operation or activity in violation of this chapter.
(Ord. 110940 § 1(part), 1982.)

10.14.770Penalty.

Violation of any provision of this chapter constitutes a violation subject to the provisions of Chapters 12A.02 and 12A.04 of the Seattle Municipal Code.
(Ord. 110940 § 1(part), 1982.)

10.14.800Recognition of activity exempt from municipal regulation.

Nothing in this chapter shall prohibit the carrying on of activity that is exempt from municipal regulation pursuant to RCW 36.71.090.
(Ord. 110940 § 1(part), 1982.)

Chapter 10.16
MILK AND MILK PRODUCTS

Sections:

Subchapter I General Provisions
10.16.010Definitions.
10.16.020Sale of adulterated, misbranded, or ungraded products prohibited.
10.16.030Permits.
10.16.040Labeling.
10.16.050Inspection of dairy farms and milk plants.
10.16.060Examination of milk and milk products.
10.16.070Grading of milk and milk products.

Subchapter II Producer Dairies
10.16.080Cows—Health.
10.16.090Milking barn—Lighting.
10.16.100Milking barn—Air space and ventilation.

For current SMC, contact
the Office of the City Clerk

10.16.110Milking barn—Floors—Certain animals prohibited.
10.16.120Milking barn—Walls and ceilings.
10.16.130Cow yard.
10.16.140Manure disposal.
10.16.150Milk house or room—Construction and equipment.
10.16.160Milk house or room—Cleanliness.
10.16.170Toilet.
10.16.180Water supply.
10.16.190Utensils—Construction.
10.16.200Utensils—Cleaning.
10.16.210Utensils—Bactericidal treatment.
10.16.220Utensils—Storage.
10.16.230Utensils—Handling.
10.16.240Milking—Udders and teats—Abnormal milk.
10.16.250Milking—Flanks—Brushing.
10.16.260Clean clothing.
10.16.270Milk stools.
10.16.280Removal of milk.
10.16.290Cooling.
10.16.300Bottling and capping.
10.16.310Personnel—Health.
10.16.320Vehicles and surroundings.

Subchapter III Milk Plants
10.16.330Floors.
10.16.340Walls and ceilings.
10.16.350Doors and windows.
10.16.360Lighting and ventilation.
10.16.370Miscellaneous protection from contamination.
10.16.380Toilet facilities.
10.16.390Water supply.
10.16.400Hand-washing facilities.
10.16.410Sanitary piping.
10.16.420Construction and repair of containers and equipment.
10.16.430Disposal of wastes.
10.16.440Cleaning and bactericidal treatment of containers and equipment.
10.16.450Storage of containers and equipment.
10.16.460Handling of containers and equipment.
10.16.470Storage of caps, parchment paper, and single-service containers.
10.16.480Pasteurization.
10.16.490Cooling.
10.16.500Bottling and packaging.
10.16.510Overflow milk.
10.16.520Capping.
10.16.530Personnel—Health examinations and schooling—Health cards.
10.16.540Personnel—Cleanliness.
10.16.550Vehicles.

Subchapter IV Administration and Enforcement
10.16.560Grades of milk and milk products which may be sold.
10.16.570Sale of below-standard milk to creameries and cheese factories.
10.16.580Reinstatement of permit—Supplementary regrading.
10.16.590Transferring or dipping milk—Delivery containers—Cooling—Quarantined residences.
10.16.600Milk and milk products from points beyond the limits of routine inspection.
10.16.610Future dairies and milk plants.
10.16.620Notification of disease.
10.16.630Procedure when infection is suspected.
10.16.640Enforcement.
10.16.650Violation—Penalty.

Statutory Reference: For statutory provisions regarding dairies and dairy products, see RCW Ch. 15.32; for provisions regarding fluid milk, see RCW Ch. 15.36; for statutory provisions regarding local milk inspection service units, see RCW 15.36.560.

Severability: Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby.
(Ord. 84106 § 18, 1955.)

Subchapter I General Provisions

10.16.010Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

1. "Adulterated and misbranded milk and milk products" means any milk or cream to which water has been added, or any milk or milk

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

product which contains any unwholesome substance, or which if defined in this chapter does not conform with its definition, shall be deemed to be adulterated. Any milk or milk product which carries a grade label, unless such grade label has been awarded by the Director and not revoked, or which fails to conform in any other respect with the statement on the label, shall be deemed to be misbranded.

2. Where the term "and/or" is used, "and" shall apply where possible, otherwise "or" shall apply.

3. "Average bacterial plate count" and "average direct microscopic count" mean the logarithmic average, and "average cooling temperature" means the arithmetic average of the respective test results of the last four consecutive samples, taken upon separate days, irrespective of the six (6) month period referred to in Section 10.16.060.

4. "Buttermilk" is a fluid product resulting from the churning of milk or cream. It contains not less than eight and one-quarter percent (8 ¼%) milk solids-not-fat.

5. "Certified milk-pasteurized" is certified milk-raw which has been pasteurized, cooled, and bottled in a milk plant which conforms with the requirements for Grade A pasteurized milk.

6. "Certified milk-raw for pasteurization" is raw milk which conforms with the latest requirements of the American Association of Medical Milk Commissions in force at the time of adoption of the ordinance codified in this chapter[1] and which is produced under the supervision of a Medical Milk Commission reporting monthly to the Director.

7. "Concentrated milk" is a fluid product, unsterilized and unsweetened resulting from the removal of a considerable portion of the water from milk. When recombined with water, in accordance with instructions printed on the container, the resulting product conforms with the standards for milkfat and solids-not-fat of milk as defined in subsection 31.

8. "Concentrated milk products" means and includes homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, concentrated flavored milk, concentrated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be and which when recombined with water in accordance with instructions printed on the container conform with the definitions of the corresponding milk products in this section.

9. "Cottage cheese" is the soft uncured cheese prepared from the curd obtained by adding harmless, lactic-acid-producing bacteria, with or without enzymatic action, to pasteurized skim milk or pasteurized reconstituted skim milk. It contains not more then eighty percent (80%) moisture.

10. "Cream," "light cream," "coffee cream," or "table cream" is a portion of milk which contains not less than twenty percent (20%) milkfat.

11. "Creamed cottage cheese" is the soft uncured cheese which is prepared by mixing cottage cheese with pasteurized cream, or with a pasteurized mixture of cream and milk or skim milk, and which contains not less than four percent (4%) milkfat by weight, and not more than eighty percent (80%) moisture.

12. "Cultured buttermilk" is a fluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized skim milk or pasteurized reconstituted skim milk. It contains not less than eight and one-quarter percent (8 ¼%) milk solids-not-fat.

13. "Cultured milk" is a fluid or semifluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized milk, pasteurized reconstituted milk, or pasteurized concentrated milk. It contains not less than eight and one-quarter percent (8 ¼%) milk solids-not-fat and not less than three and one-half percent (3 ½%) milkfat.

14. A "dairy," or "dairy farm," is any place or premises where one (1) or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

15. "Director" means the Director of Public Health of the City or his authorized representative.

16. "Dry milk" is milk from which at least ninety-five percent (95%) of the water has been removed.

17. "Flavored drink," or "flavored dairy drink," is a beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

18. "Flavored milk" is a beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients.

19. "Flavored reconstituted drink," or "flavored reconstituted dairy drink," is a flavored drink made from reconstituted skim milk.

20. "Flavored reconstituted milk" is a flavored milk made from reconstituted milk.

21. "Fortified milk" is milk, other than vitamin D milk, the vitamin and/or mineral content of which has been increased by a method and in an amount approved by the Director. "Fortified milk products" are those milk products defined in this section, other than vitamin D milk products, the vitamin and/or mineral content of which has been increased by a method and in an amount approved by the Director, and to which skim milk solids may or may not have been added. The label shall contain the word "fortified" and shall clearly show the amount and source of each vitamin and/or mineral added.

22. "Goat milk" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. "Milk" shall be interpreted to include goat milk.

23. "Grade A pasteurized milk" is Grade A raw milk for pasteurization which has been pasteurized, cooled, and placed in the final container in a milk plant which conforms with the items of sanitation described in Sections 10.16.330 through 10.16.550.

24. "Grade A raw milk" is raw milk produced upon dairy farms conforming with all of the sections of sanitation in Sections 10.16.080 through 10.16.550. The bacterial plate count or the direct microscopic clump count of the milk shall not exceed twenty thousand (20,000) per milliliter, as determined in accordance with Section 10.16.060.

25. "Grade A raw milk for pasteurization" is raw milk from producer dairies conforming with the items of sanitation in Sections 10.16.080 through 10.16.320, except Section 10.16.300, Bottling and capping, Section 10.16.310, Personnel—Health, and such portions of other items as are indicated therein. The bacterial plate count or the direct microscopic clump count of the milk, as delivered from the farm, shall not exceed one hundred thousand (100,000) per milliliter, as determined in accordance with Section 10.18.060.

26. "Grade C pasteurized milk" is pasteurized milk which does not meet the requirements for Grade A pasteurized milk.

27. "Grade C raw milk" is raw milk which violates any of the requirements for Grade A raw milk.

28. "Grade C raw milk for pasteurization" is raw milk which does not meet the requirements for Grade A raw milk for pasteurization.

29. "Half-and-half" is a product consisting of a mixture of milk and cream homogenized which contains not less than eleven and one-half percent (11 ½%) milkfat.

30. "Homogenized milk" is milk which has been treated in such a manner as to insure break-up of the fat globules to such an extent that, after forty-eight (48) hours of quiescent storage, no visible cream separation occurs on the milk, and the fat percentage of the top one hundred (100) milliliters of milk in a quart bottle, or of proportionate volume in containers of other sizes, does not differ by more than ten percent (10%) of itself from the fat percentage of the remaining milk as determined after thorough mixing. "Milk" shall be interpreted to include homogenized milk.

31. "Milk" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than eight and one-quarter percent (8 ¼%) milk solids-not-fat and not less than three and one-half percent (3 ½%) milkfat.

32. A "milk distributor" is any person who offers for sale or sells to another any milk or milk products for human consumption as such.

33. "Milkfat," or "butterfat," is the fats of milk.

34. A "milk hauler" is any person, other than a milk plant employee, who transports milk and/or milk products to or from a milk plant or a collecting plant.

35. A "milk plant" is any place, premises, or establishment where milk or milk products are collected, transferred, handled, processed, stored, pasteurized, bottled, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

For current SMC, contact
the Office of the City Clerk

36. A "milk producer" is any person who owns or controls one or more cows a part or all of the milk or milk products from which is sold, or offered for sale.

37. "Milk products" means and includes cream, sour cream, half-and-half, reconstituted half-and-half, concentrated milk, concentrated milk products, skim milk, nonfat milk, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, fortified milk and fortified milk products, reconstituted or recombined milk, reconstituted cream, reconstituted skim milk, and any other product made by the addition of any substance to milk, or to any of these milk products, and used for similar purposes and designated as a milk product by the Director.

38. "Nonfat dry-milk solids" means nonfat milk from which at least ninety-five percent (95%) of the water has been removed.

39. "Nonfat, fat-free or defatted milk" is skim milk which contains not more than 0.25 percent milkfat.

40. "Official veterinarian" includes all verterinarians approved, employed or appointed by the State Department of Agriculture or the United States Bureau of Animal Industry.

41. "Pasteurization," "pasteurized" and similar terms refer to the process of heating every particle of milk or milk products to at least one hundred forty-three (143) degrees Fahrenheit, and holding it at such temperature continuously for at least thirty (30) minutes, or to at least one hundred sixty-one (161) degrees Fahrenheit, and holding it at such temperature continuously for at least fifteen (15) seconds, in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the State Health Authority.

42. "Person" means any individual, partnership, corporation, company, firm, trustee or association.

43. A "producer dairy" is a dairy farm which sends milk or cream to a milk plant for processing.

44. A "producer-distributor" is a milk producer who is also a milk distributor.

45. "Reconstituted, or recombined cream" is a product which results from the combination of dry cream, butter, or milkfat, with cream, milk, skim milk, or water, and which complies with the milkfat standards of cream as defined in this section.

46. "Reconstituted, or recombined half-and-half" is a product resulting from the combination of reconstituted milk or reconstituted skim milk with cream or reconstituted cream, homogenized, which contains not less than eleven and one-half percent (11 ½%) milkfat.

47. "Reconstituted, or recombined milk" is a product which results from the recombining of milk constituents with water, and which complies with the standards for milkfat and solids-not-fat of milk as defined in this section.

48. "Sour cream" is cream the acidity of which is more than 0.20 percent, expressed as lactic acid.

49. "Skim milk" is milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to less than three and one-half percent (3 ½%).

50. "Skim milk solids" includes concentrated skim milk and nonfat dry-milk solids.

51. "Vitamin D milk" is milk the vitamin D content of which has been increased by an approved method to at least four hundred (400) U.S.P. units per quart.

52. "Whipping cream" is cream which contains not less than thirty percent (30%) milkfat.

(Ord. 84106 §§ 1(part), 7(part), 7(Item 26r(part)), 7(Item 23p(part)), 7(Item 1r(part)), 1955.)

1.Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1958.

10.16.020Sale of adulterated, misbranded, or ungraded products prohibited.

A. No person shall, within the City, or its police jurisdiction produce, sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk product; provided, that in an emergency the sale of ungraded pasteurized milk or pasteurized milk products may be authorized by the Director, upon the approval of the

Seattle Municipal Code
August 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

State Health Authority, in which case they shall be labeled "ungraded."

B. Any adulterated, misbranded, and/or improperly labeled milk or milk products may be impounded by the Director and disposed of in accordance with state law.

(Ord. 84106 § 2, 1955.)

10.16.030Permits.

A. It shall be unlawful for any person to bring into, send into, or receive into the City, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served, any milk or milk products defined in this chapter, who does not possess a permit from the Director.

B. Every milk producer, milk hauler, milk distributor, and operator of a milk plant shall secure a permit. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

C. Such a permit may be temporarily suspended by the Director upon violation by the holder of any of the terms of this chapter, or for interference with the Director in the performance of his duties, or may be revoked after an opportunity for a hearing by the Director upon serious or repeated violations.

(Ord. 84106 § 3, 1955.)

10.16.040Labeling.

A. All bottles, cans, packages, and other containers enclosing milk or any milk product defined in Section 10.16.010 shall be plainly labeled or marked with:

1. The name of the contents as given in the definition in this chapter;

2. The word "reconstituted" or "recombined" if included in the name of the product as given in the definition;

3. The grade of the contents;

4. The word "pasteurized" only if the contents have been pasteurized;

5. The word "raw" only if the contents are raw;

6. The phrase "for pasteurization" if the contents are to be pasteurized;

7. The name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized;

8. In the case of vitamin D milk or milk products, the designation "Vitamin D," the source of the vitamin D, and the number of U.S.P. units per quart;

9. In the case of concentrated milk or milk products, the volume or proportion of water to be added for recombining; and

10. The words "skim-milk solids added," and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products;

Provided, that only the identity of the producer dairy shall be required on cans delivered to a milk plant which receives only one grade of raw milk for pasteurization, and which immediately dumps, washes, and returns the cans to the producer dairy.

B. The label, or mark, shall be in letters of an approved size, kind, and color, and shall contain no marks or words which are misleading.

C. Homogenized milk or homogenized cream shall not be mixed with milk, skim milk, or cream which has not been homogenized, unless the product is labeled "homogenized" and conforms with the standards for homogenization in subsection 30 of Section 10.16.010.

(Ord. 84106 § 4, 1955.)

10.16.050Inspection of dairy farms and milk plants.

A. Prior to the issuance of a permit, and at least once every six (6) months thereafter, the Director shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the City, or its police jurisdiction, provided, that the Director may accept, as a supplement to official inspection, the results of periodic inspections by industry, of producer dairies which he checks periodically and finds satisfactory. If the Director should discover the violation of any requirement, he shall make a second inspection after a lapse of such time as he may deem necessary for the defect to be remedied, but not before the lapse of three (3) days; and the second inspection shall be used in determining compliance with the requirements of Sections 10.16.070 through 10.16.550. Any

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 1, 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections or chapters to confirm accuracy
and currency of this section.
For current SMC, contact
the Office of the City Clerk

violation of the same requirement of this chapter and on such reinspection shall call for immediate degrading, and/or suspension of permit, and/or court action.

B. One (1) copy of the inspection report shall be posted by the Director in a conspicuous place upon an inside wall of the milk house or milk plant, and the inspection report shall not be defaced or removed by any person except the Director.

C. Another copy of the inspection report shall be filed with the records of the Health Department. Every milk producer and distributor shall, upon the request of the Director, permit him access to all parts of the establishment; and every distributor shall furnish the Director, upon his request, for official use only, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources of such milk and milk products, records of inspections and tests, including bacterial tests, and pasteurization time and temperature records and samples for bacterial test when required by the Director.
(Ord. 84106 § 5, 1955.)

10.16.060Examination of milk and milk products.

A. During each six (6) month period, at least four (4) samples of milk and cream from each dairy farm, and at least four (4) samples of milk, cream, and homogenized milk from each milk plant, shall be taken on separate days and examined by the Director; provided, that in the case of raw milk for pasteurization, the Director may accept the test results of laboratories which he has checked periodically and found satisfactory. Samples of other milk products shall be taken and examined by the Director at least once during each six (6) month period. Samples may be taken at any time prior to the final delivery of the milk or milk products. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the Director may require. All proprietors of such places shall furnish the Director, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the latest edition of "Standard Methods for the Examination of Dairy Products" recommended by the American Public Health Association as shown in Comptroller's File No. 226831. Examinations may include such other chemical and physical determinations as the Director may deem necessary for the detection of adulteration. Bio-assays of the vitamin D content of vitamin D milk, and milk products, and bio-assays and chemical tests of fortified milk and milk products shall be made when required by the Director in a laboratory approved by him for such examinations. The cost of such bio-assays and chemical tests shall be borne by the dairies from which the samples for examination are taken.

B. Whenever the average bacterial count, or the average cooling temperature of the last four (4) consecutive samples, taken on separate days, is beyond the limit for the grade then held, the Director shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three (3) days, for determining a new average in accordance with subsection 3 of Section 10.16.010. Violation of the grade requirements by the new average, by any subsequent average during the remainder of the current six (6) month period, shall call for immediate degrading, suspension of permit, and/or court action, unless the last individual result is within the grade limit, provided, that the three-out-of-four method, as specified in subsection C of this section for determining compliance of coliform counts may be used in lieu of the averaging method for determining compliance of bacterial plate counts, direct microscopic counts, or cooling temperatures.

C. Whenever more than one (1) of the last four (4) consecutive coliform counts of samples taken on separate days are beyond the limit for the grade then held, the Director shall send written notice thereof to the person concerned. He shall then take an additional sample, but not before the lapse of three (3) days. Immediate degrading, suspension of permit, and/or court action shall be called for when the grade limit is violated by such additional samples, or when the grade limit is again violated during the

Seattle Municipal Code
August 1, 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

remainder of the current six (6) month period by more than one (1) of the last four (4) consecutive samples, unless the last individual result is within the grade limit.

D. In case of violation of the phosphatase-test requirement, the probable cause shall be determined and corrected before milk or milk products from the plant concerned again can be sold as pasteurized milk or milk products.
(Ord. 84106 § 6, 1955.)

10.16.070Grading of milk and milk products.

At least once every six (6) months, the Director shall announce the grades of all milk and milk products delivered by all distributors and ultimately consumed within the City or its police jurisdiction. Grades shall be based on the standards set out in subsections 6, 24, and 25 of Section 10.16.010, the grading of milk products being identical with the grading of milk, except that the bacterial-count standards and coliform count standards shall be doubled in the case of cream and half-and-half, and shall be omitted in the case of sour cream, buttermilk, cultured buttermilk and cultured milk. Vitamin D milk shall be only of Grade A pasteurized, or certified pasteurized quality. The grade of a milk product shall be that of the lowest grade of milk or milk products used in its preparation.
(Ord. 84106 § 7(part), 1955.)

Subchapter II Producer Dairies

10.16.080Cows—Health.

A. All milk for pasteurization shall be from herds which are located in a modified accredited tuberculosis-free area, as determined by the Bureau of Animal Industry, United States Department of Agriculture, and which have been tested for tuberculosis not more than six (6) years prior to the adoption of the ordinance codified in this chapter[1] and at least every six (6) years after such test; provided, that herds located in an area that fails to maintain such accredited status, or that has an incidence of bovine tuberculosis in excess of 0.2 percent shall have been accredited by the Bureau of Animal Industry as tuberculosis-free, or shall have passed an annual tuberculin test. All additions to such herds shall be free from tuberculosis. In the case of milk not for pasteurization, all herds and additions thereto shall be tested and found free of tuberculosis before any milk therefrom is sold, and all herds shall be retested at least every twelve (12) months thereafter. The tests and retests shall be made, and any reactors disposed of, in accordance with the latest requirements approved by the Bureau of Animal Industry, United States Department of Agriculture, for tuberculosis-free, accredited herds, in effect at the time of the adoption of the ordinance codified in this chapter.[1] A certificate identifying each animal, signed by the veterinarian or attested to by the Director, and filed as directed by the Director, shall be evidence of the test specified in this subsection.

B. It shall be unlawful to sell, offer or expose for sale any fluid milk or cream designated or represented to be "Grade A" fluid milk or cream with knowledge that such milk or cream has been produced from a herd of cows or goats, one or more of which are infected with brucellosis at the time such milk was produced, or with knowledge that all animals in such herd have not been blood-tested for brucellosis at least once during the preceding calendar year or milk-ring-tested for brucellosis at least semiannually during the preceding calendar year. The results of a test for brucellosis by the State or Federal Laboratory of a blood sample drawn by an official veterinarian, shall be prima facie evidence of the infection or noninfection of an animal or herds, or in lieu thereof two (2) official negative milk-ring tests for brucellosis not less than six (6) months apart may be accepted as such evidence.

C. All herds of cows or goats shall be blood-tested for brucellosis annually or milk-ring-tested for brucellosis semiannually. All herds showing any reaction to the milk-ring test must be blood-tested and all reactors to the blood test must be removed from the herd and disposed of within fifteen (15) days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty (30) day nor more than sixty (60) day intervals from date of the first test. A series of retests, with removal and slaughter of reacting animals, shall be continued until the herd shall have passed two successive negative tests, at the above-mentioned interval, computed from succeeding tests in which no reactors are found. If upon a final test, not less than six (6) months nor more than seven (7) months from the date of the last negative test, no reactors are found in the

For current SMC, contact
the Office of the City Clerk

herd, it shall be deemed a disease-free herd. In the case of milk not for pasteurization, all herds and additions thereto shall be tested and found free of brucellosis before any milk therefrom is sold, and all herds shall be retested at least every twelve (12) months thereafter. Reactors are those animals classified as such by existing or subsequently amended state and federal regulations, copies of which are on file in the City Clerk's Office under Comptroller's File No. 222274. Results of official blood and milk-ring tests shall be conspicuously displayed in the milk house.

D. Cows which show a complete induration of one-quarter (¼) or extensive induration in one (1) or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd; provided, that this shall not apply in the case of a quarter that is completely dry. Cows giving bloody, stringy, or otherwise abnormal milk, but without entire or extensive induration of the udder, shall be excluded from the herd until re-examination shows that the milk has become normal.

E. For other diseases, such tests and examinations as the Director may require after consultation with State Livestock Sanitary Officials shall be made at intervals and by methods prescribed by him, and any diseased animals or reactors shall be disposed of as he may require.

(Ord. 116368 § 207, 1992; Ord. 84106 § 7(Item 1r(part)), 1955.)

1.Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1955.

10.16.090Milking barn—Lighting.

A milking barn, stable or parlor shall be provided. It shall be provided with adequate light, properly distributed, for both day and night milking.

(Ord. 84106 § 7(Item 2r), 1955.)

10.16.100Milking barn—Air space and ventilation.

Such sections of the milking barn, stable or parlor, where cows are kept or milked, shall be well ventilated, and shall be so arranged as to avoid overcrowding.

(Ord. 84106 § 7(Item 3r), 1955.)

10.16.110Milking barn—Floors—Certain animals prohibited.

The floors and gutters of that portion of the barn, stable, or parlor, in which cows are milked, shall be constructed of concrete, or other approved, impervious and easily cleaned material. Floors and gutters shall be graded so as to drain properly, and shall be kept clean and in good repair. No horses, swine, calves, or fowl shall be permitted in the milking barn, stable, or parlor.

(Ord. 84106 § 7(Item 4r), 1955.)

10.16.120Milking barn—Walls and ceilings.

The interior walls and the ceilings of the milking barn, stable, or parlor shall be whitewashed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. Where there is a second story above the milk barn, stable, or parlor, the ceiling shall be tight. If feed should be ground or mixed, or sweet feed should be stored in a feed room or feed storage space which adjoins the milking space, it shall be separated therefrom by a dust-tight partition and door.

(Ord. 84106 § 7(Item 5r), 1955.)

10.16.130Cow yard.

The cow yard shall be graded and drained as well as is practicable, and shall be so maintained that there are no standing pools of water nor accumulations of organic wastes; provided, that, in loafing and/or cattle-housing areas, manure droppings shall be removed, or clean bedding added, at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks. Swine shall not be permitted in the cow yard or milking barn.

(Ord. 84106 § 7(Item 6r), 1955.)

10.16.140Manure disposal.

All manure shall be removed, and stored or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof.

(Ord. 84106 § 7(Item 7r), 1955.)

10.16.150Milk house or room—Construction and equipment.

There shall be provided a milk house or milk

Seattle Municipal Code
August 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

For current SMC, contact
the Office of the City Clerk

room in which the cooling, handling, and storing of milk and milk products and the washing, bactericidal treatment, and storing of milk containers and utensils shall be done.

A. The milk house or room shall be provided with smooth floor, constructed of concrete or other impervious material, maintained in good repair, and graded to provide proper drainage.

B. It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well-painted, or finished in an approved manner.

C. It shall be well-lighted and well-ventilated.

D. It shall have all openings effectively screened, including outward-opening self-closing doors, unless other effective means are provided to prevent the entrance of flies.

E. It shall be used for no purposes other than those specified above, except as may be approved by the Director; it shall not open directly into a milking barn or stable nor into any room used for domestic purposes; it shall have water piped into it and shall be provided with adequate facilities for heating water to clean utensils; and it shall be equipped with two (2) compartment, stationary, wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the three (3) compartment type must be used. The cleaning and other operations shall be located and conducted so as to prevent any contamination of the milk or of cleaned equipment, and shall unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment. A sign displaying the text of Section 10.16.620, copies of which may be obtained from the Director, shall be posted in the milk house.
(Ord. 84106 § 7(Item 8r), 1955.)

10.16.160Milk house or room—Cleanliness.

The floors, walls, ceilings and equipment of the milk house or room shall be kept clean at all times. All necessary means for elimination of flies shall be used.
(Ord. 84106 § 7(Item 9r), 1955.)

10.16.170Toilet.

Every dairy farm shall be provided with one (1) or more sanitary toilets, conveniently located, and properly constructed, operated and maintained, so that the waste is inaccessible to flies and does not pollute the surface soil nor contaminate any water supply.
(Ord. 84106 § 7(Item 10r), 1955.)

10.16.180Water supply.

Water for all dairy purposes shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.
(Ord. 84106 § 7(Item 11r), 1955.)

10.16.190Utensils—Construction.

All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth, nonabsorbent, noncorrodible, nontoxic material, shall be so constructed as to be easily cleaned, and shall be kept in good repair. Joints and seams shall be welded or soldered flush. Woven-wire cloth shall not be used for straining milk. When milk is strained, strainer pads shall be used and shall not be reused. All milk pails obtained hereafter[1] shall be of the seamless, hooded type. All single-service articles used shall have been manufactured, packaged, transported and handled in a sanitary manner.
(Ord. 84106 § 7(Item 12r), 1955.)

1.Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1955 and became effective on June 15, 1955.

10.16.200Utensils—Cleaning.

All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk and milk products shall be thoroughly cleaned after each usage.
(Ord. 84106 § 7(Item 13r), 1955.)

10.16.210Utensils—Bactericidal treatment.

All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be subjected effectively to an approved bactericidal process utilizing steam, hot water, chemicals, or hot air.
(Ord. 84106 § 7(Item 14r), 1955.)

10.16.220Utensils—Storage.

All containers and other utensils used in the

Seattle Municipal Code
August 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this electronic file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections, complete text, graphics
and tables and to confirm current code
this code file.

handling, storage, or transportation of milk or milk products, unless stored in bactericidal solutions, shall be stored so as to drain dry, and so as not to become contaminated before being used.
(Ord. 84106 § 7(Item 15r), 1955.)

10.16.230Utensils—Handling.
After bactericidal treatment, containers and other milk and milk-product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come into contact.
(Ord. 84106 § 7(Item 16r), 1955.)

10.16.240Milking—Udders and teats—Abnormal milk.
Milking shall be done in the milking barn, stable, or parlor. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution at the time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.
(Ord. 84106 § 7(Item 17r), 1955.)

10.16.250Milking—Flanks—Brushing.
The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.
(Ord. 84106 § 7(Item 18r), 1955.)

10.16.260Clean clothing.
Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.
(Ord. 84106 § 7(Item 20r), 1955.)

10.16.270Milk stools.
Milk stools and surcingles shall be kept clean.
(Ord. 84106 § 7(Item 21r), 1955.)

10.16.280Removal of milk.
Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.
(Ord. 84106 § 7(Item 22r), 1955.)

10.16.290Cooling.
Milk for pasteurization, delivered daily, shall be cooled immediately to sixty (60) degrees Fahrenheit, or less and shall be maintained at that temperature as determined in accordance with Section 10.16.060, until delivered; provided, that within five (5) years after the adoption of this ordinance codified in this chapter,[1] all milk for pasteurization delivered daily, shall be cooled immediately to fifty (50) degrees Fahrenheit, or less, and maintained at that temperature until delivered. Milk and milk products not for pasteurization shall be cooled, immediately after completion of milking, to fifty (50) degrees Fahrenheit, or less, and shall be maintained at that temperature until delivery as determined in accordance with Section 10.16.060. Milk for pasteurization, picked up every other day, must be cooled to a temperature of forty (40) degrees Fahrenheit, or less and be maintained at that temperature until picked up. Milk held for every-other-day pickup shall not exceed a temperature of forty-five (45) degrees Fahrenheit upon delivery to a milk plant.
(Ord. 84106 § 7(Item 23r), 1955.)

1.Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1955.

10.16.300Bottling and capping.
Milk and milk products not for pasteurization shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment, and these operations shall be integral in one (1) machine. Caps or cap stock shall be purchased in sanitary containers, and shall be kept therein in a clean, dry place until used.
(Ord. 84106 § 7(Item 24r), 1955.)

10.16.310Personnel—Health.
A. The Director or a physician authorized by him, shall examine and take a careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed by one, whose work brings him into contact with the production, handling, storage or transportation of milk, milk products, containers, or equipment. If such examination or history should suggest that such person may be a carrier of, or be

For current SMC, contact
the Office of the City Clerk

infected with, the organisms of typhoid or paratyphoid fever or any other communicable disease likely to be transmitted through milk, he shall obtain appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examination, and if the results justify, such person shall be barred from such employment.

B. Such person shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the Director may require for the purpose of determining freedom from infection.

C. No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.

D. Milkers' hands shall be washed clean, rinsed with an effective bactericidal solution, and dried with a clean towel, immediately before milking and immediately after any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands. No person with an infected cut or lesion on hands or arms shall milk cows, or handle milk or milk utensils.
(Ord. 84106 § 7(Items 19r and 25r), 1955.)

10.16.320Vehicles and surroundings.

A. All vehicles used for the transporation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from heat, from freezing, and from contamination. All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed thereon. The immediate surroundings of the dairy shall be kept in a clean, neat condition.

B. In all cases the milk shall show efficient pasteurization as evidenced by satisfactory phosphatase test, and at no time after pasteurization and before delivery shall the milk have a bacterial plate count exceeding twenty thousand (20,000) per milliliter, or a coliform count exceeding five (5) per milliliter, as determined in accordance with Section 10.16.060; provided, that the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count or direct microscopic clump count exceeding two hundred thousand (200,000) per milliliter.

C. The grading of a pasteurized milk supply shall include the inspection of receiving and collecting stations with respect to compliance with Sections 10.16.330 through 10.16.470, 10.16.490, 10.16.510, 10.16.530, 10.16.540, and 10.16.550, except that the partitioning requirement of Section 10.16.370 shall not apply.
(Ord. 84106 § 7(Item 26r(part)), 1955.)

Subchapter III Milk Plants

10.16.330Floors.

The floors of all rooms in which milk or milk products are handled or stored, or in which milk utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material, and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.
(Ord. 84106 § 7(Item 1p), 1955.)

10.16.340Walls and ceilings.

Walls and ceilings of rooms in which milk or milk products are handled or stored, or in which milk utensils are washed, shall have a smooth, washable, light-colored surface, and shall be kept clean and in good repair.
(Ord. 84106 § 7(Item 2p), 1955.)

10.16.350Doors and windows.

Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened, and all doors shall be self-closing.
(Ord. 84106 § 7(Item 3p), 1955.)

10.16.360Lighting and ventilation.

All rooms shall be well-lighted and well-ventilated.
(Ord. 84106 § 7(Item 4p), 1955.)

10.16.370Miscellaneous protection from contamination.

The various milk plant operations shall be located and conducted so as to prevent any contamination of the milk, or of cleaned equipment. All necessary means shall be used for the elimination of flies, other insects, and rodents. There shall be separate rooms for: (A) the pasteurizing, processing, cooling, and bottling operations, and (B) the washing and bactericidal treatment of containers. Cans of raw milk shall not be

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

unloaded directly into the pasteurizing room. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteurization plant, milk containers, utensils, and equipment shall be used for no purposes other than the processing of milk and milk products and the operations incident thereto, except as may be approved by the Director.
(Ord. 84106 § 7(Item 5p), 1955.)

10.16.380Toilet facilities.
Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair and well ventilated. A placard on which Section 10.16.620 is printed, and a sign directing employees to wash their hands before returning to work, shall be posted in all toilet rooms used by employees.
(Ord. 84106 § 7(Item 6p), 1955.)

10.16.390Water supply.
The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.
(Ord. 84106 § 7(Item 7p), 1955.)

10.16.400Hand-washing facilities.
Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Handwashing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without having washed his hands.
(Ord. 84106 § 7(Item 8p), 1955.)

10.16.410Sanitary piping.
All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned. Pasteurized milk and milk products shall be conducted from one (1) piece of equipment to another only through sanitary milk piping.
(Ord. 84106 § 7(Item 9p), 1955.)

10.16.420Construction and repair of containers and equipment.
All multi-use containers and equipment with which milk or milk products come into contact shall be of smooth, impervious, noncorrodible, nontoxic material; shall be so constructed and so located as to be easily cleaned; and shall be kept in good repair. All single-service containers, closures, gaskets, and other articles used shall have been manufactured, packaged, transported, and handled in a sanitary manner.
(Ord. 84106 § 7(Item 10p), 1955.)

10.16.430Disposal of wastes.
All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and so installed as to prevent contamination of milk equipment by backflow.
(Ord. 84106 § 7(Item 11p), 1955.)

10.16.440Cleaning and bactericidal treatment of containers and equipment.
All milk and milk-product containers and equipment, except single-service containers, shall be thoroughly cleaned after each usage. All such containers shall be subjected effectively to an approved bactericidal process after each cleaning, and all equipment immediately before each usage. When empty, and before being returned to a producer by a milk plant, each container shall be thoroughly cleaned and subjected to an effective, approved, bactericidal process.
(Ord. 84106 § 7(Item 12p), 1955.)

10.16.450Storage of containers and equipment.
After bactericidal treatment, all bottles, cans, and other multi-use milk or milk-product containers and equipment shall be transported and stored in such a manner as to be protected from contamination.
(Ord. 84106 § 7(Item 13p), 1955.)

10.16.460Handling of containers and equipment.
Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such a manner as to permit contamination of the milk. Pasteurized milk or milk products shall not be

For current SMC, contact
the Office of the City Clerk

permitted to come into contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come into contact with equipment with which ungraded or a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.
(Ord. 84106 § 7(Item 14p), 1955.)

10.16.470Storage of caps, parchment paper, and single-service containers.

Milk bottle caps, or cap stock, parchment paper for milk cans, single-service containers, and gaskets shall be purchased and stored only in sanitary tubes, wrappings, or cartons; shall be kept therein in a clean, dry place until used; and shall be handled in a sanitary manner.
(Ord. 84106 § 7(Item 15p), 1955.)

10.16.480Pasteurization.

Pasteurization shall be performed as described in subsection 41 of Section 10.16.010.
(Ord. 84106 § 7(Item 16p), 1955.)

10.16.490Cooling.

All milk and milk products received for pasteurization shall be cooled immediately in approved equipment to fifty (50) degrees Fahrenheit or less, and shall be maintained at that temperature until pasteurized and all pasteurized milk and milk products, except those to be cultured, shall be cooled immediately in approved equipment to a temperature of fifty (50) degrees Fahrenheit or less, and shall be maintained thereat until delivery, as determined in accordance with Section 10.16.060.
(Ord. 84106 § 7(Item 17p), 1955.)

10.16.500Bottling and packaging.

Bottling and packaging of milk and milk products shall be done at the place of pasteurization in approved mechanical equipment.
(Ord. 84106 § 7(Item 18p), 1955.)

10.16.510Overflow milk.

Overflow milk or milk products shall not be sold for human consumption.
(Ord. 84106 § 7(Item 19p), 1955.)

10.16.520Capping.

Capping of milk and milk products shall be done in a sanitary manner by approved mechanical equipment. Hand-capping is prohibited. The cap, or cover, shall protect the pouring lip to at least its largest diameter.
(Ord. 84106 § 7(Item 20p), 1955.)

10.16.530Personnel—Health examinations and schooling—Health cards.

A. All employees in milk pasteurization plants shall have a health examination annually or as often as required by the Director. It shall be unlawful for any person to work or be employed in any pasteurizing plant unless he shall furnish and place on file, within forty-eight (48) hours from the date of employment, with the person in charge of such establishment a valid health card, record, permit, or certificate from the Director of the City stating that such person has been examined by the Director or a physician authorized by him on a date specified therein and that such person is entitled to work in a pasteurizing plant.

B. Such persons shall furnish such information, submit to such physical examination and submit such laboratory specimens as the Director may require for the purpose of determining freedom from infection.

C. The Director may require pasteurization plant employees to attend a training course in sanitary practices approved by the Director.

D. No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment.
(Ord. 84106 § 7(Item 21p), 1955.)

10.16.540Personnel—Cleanliness.

All persons who come into contact with milk, milk products, containers, or equipment, shall wear clean outer garments, and shall keep their hands clean at all times while engaged in such work.
(Ord. 84106 § 7(Item 22p), 1955.)

10.16.550Vehicles.

A. All vehicles used for the transportation of milk or milk products shall be constructed and operated so as to protect their contents from the sun, from freezing, and from contamination. All

Seattle Municipal Code
August 1, 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm current code of
this source file.
For current SMC, contact
the Office of the City Clerk

vehicles used for the distribution of milk or milk products shall have the name of the distributor prominently displayed thereon. The immediate surroundings of the milk plant shall be kept in a neat, clean condition.

B. Milk tank cars and tank trucks shall comply with the construction, cleaning, bactericidal treatment, storage, and handling requirements of Sections 10.16.370, 10.16.420, 10.16.440, 10.16.450, and 10.16.460. While containing milk, cream, or milk products, they shall be sealed and labeled in an approved manner. For each tank shipment, a bill of lading containing all necessary information shall be prepared in triplicate, and shall be kept on file by the shipper, the consignee, and the carrier for a period of six (6) months for the information of the Director.

(Ord. 84106 § 7(Item 23p(part)), 1955.)

Subchapter IV Administration and Enforcement

10.16.560Grades of milk and milk products which may be sold.

From the date on which the ordinance codified in this chapter takes effect[1] no milk or milk products shall be sold to restaurants, soda fountains, grocery stores, or similar establishments, except certified pasteurized and Grade A pasteurized; provided, that when any milk distributor fails to qualify for one of the above grades, the Director is authorized to suspend his permit, or, in lieu thereof, to degrade his product and to permit its sale during a temporary period not exceeding thirty (30) days, or in emergencies such longer periods as he may deem necessary.

(Ord. 84106 § 8, 1955.)

1.Editor's Note: Ord. 84106 became effective on June 15,1955.

10.16.570Sale of below-standard milk to creameries and cheese factories.

Nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards fixed in this chapter.

(Ord. 84106 § 1(A), 1955.)

10.16.580Reinstatement of permit—Supplementary regrading.

A. If, at any time between regular announcements of the grades of milk or milk products, a lower grade shall become justified in accordance with Sections 10.16.050, 10.16.060, or 10.16.070 through 10.16.550, the Director shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

B. Any producer or distributor of milk or milk products, the grade of which has been lowered by the Director, and who is properly labeling his milk and milk products, or, whose permit has been suspended at any time may make application for the regrading of his products or the reinstatement of his permit.

C. Upon receipt of a satisfactory application for regrading or reinstatement of permit based on correction of a violation of any bacteriological or cooling temperature standard, the Director shall take further samples at the rate of not more than two (2) per week, and shall approve the application upon compliance with the grade requirements as determined in accordance with Section 10.16.060; provided, that if samples are not available because of suspension of permit to operate, or for other reasons, the Director may issue a temporary permit not to exceed thirty (30) days, upon satisfying himself, by inspection of the facilities and the operating methods, that the conditions responsible for the violation have been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or temperature findings.

D. In case the lowered grade of the applicant's product or the permit suspension had been due to a violation of an item other than bacteriological standards or cooling temperature, the application must be accompanied by a statement, signed by the applicant, to the effect that the violated item of the specifications has been corrected. Within one (1) week after the receipt of such an application and statement, the Director shall make a reinspection of the applicant's establishment, and thereafter as many additional reinspections as he may deem necessary, to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit.

(Ord. 84106 § 9, 1955.)

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm currency of
this source file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

10.16.590 Transferring or dipping milk—Delivery containers—Cooling—Quarantined residences.

A. Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle or store, or in any place except a bottling or milk room especially used for that purpose. The sale of dip milk is prohibited.

B. Milk and fluid milk products sold in the distributor's containers in quantities less than five (5) gallons, except by special permission of the Director, shall be delivered in standard milk bottles or in approved single-service containers.

C. It shall be unlawful for hotels, soda fountains, restaurants, groceries, and similar establishments to sell or serve any milk or fluid milk products except in the individual, original container in which it was received from the distributor, or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, whipped cream or half-and-half which is consumed on the premises, and which may be served from the original bottle or from a dispenser approved for such service, nor to milk served at hospitals and institutions, which may be served from one (1) quart containers packaged at a milk plant, nor to mixed milk drinks requiring less than one-half (½) pint of milk, which may be poured from one (1) quart or two (2) quart containers packaged at a milk plant.

D. It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital or similar establishment to sell or serve any milk or milk product which has not been maintained, while in its possession, at a temperature of fifty (50) degrees Fahrenheit or less. If containers of milk or milk products are stored in water for cooling, the pouring lips of the containers shall not be submerged.

E. It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers.

F. The delivery of milk or milk products to, and the collection of milk or milk-product containers from, residences in which cases of communicable disease transmissible through milk supplies exist, shall be subject to the special requirements of the Director.

(Ord. 84106 § 10, 1955.)

10.16.600 Milk and milk products from points beyond the limits of routine inspection.

Milk and milk products from points beyond the limits of routine inspection of the City may not be sold in the City, or its police jurisdiction, unless produced and/or pasteurized under provisions which are substantially equivalent to the requirements of this chapter, and which are enforced with equal effectiveness, as determined by a milk sanitation rating.

(Ord. 84106 § 11, 1955.)

10.16.610 Future dairies and milk plants.

All dairies and milk plants from which milk or milk products are supplied to the City, which are hereafter[1] constructed, reconstructed, or extensively altered, shall conform in their construction to the Grade A requirements of this chapter. Properly prepared plans for all dairies and milk plants, which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the Director for approval before work is begun. In the case of milk plants, signed approval shall be obtained from the Director and/or the State health authority.

(Ord. 84106 § 12, 1955.)

1. Editor's Note: Ord. 84106 was passed by the City Council on May 16, 1955.

10.16.620 Notification of disease.

No person with any disease in a communicable form, or who is a carrier of such disease, shall work at any dairy farm or milk plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm, or in whose milk plant, any communicable disease occurs, or who suspects that any employee has contracted any

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics
and tables and to confirm accuracy of
this source file.

disease in a communicable form or has become a carrier of such disease, shall notify the Director immediately.
(Ord. 84106 § 13, 1955.)

10.16.630Procedure when infection is suspected.

When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the Director is authorized to require any or all of the following measures: (A) the immediate exclusion of that person from milk handling; (B) the immediate exclusion of the milk supply concerned from distribution and use; and (C) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.
(Ord. 84106 § 14, 1955.)

10.16.640Enforcement.

This chapter shall be enforced by the Director in accordance with the interpretations thereof contained in "Milk Ordinance and Code — 1953 Recommendations of the Public Health Service," a certified copy of which is in Comptroller's File No. 226709. The Director shall have the power and duty to adopt, issue, and promulgate from time to time necessary additional rules, regulations and orders for the enforcement of this chapter.
(Ord. 84106 § 15, 1955.)

10.16.650Violation—Penalty.

Anyone failing to comply with or violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine in a sum not exceeding Three Hundred Dollars ($300.00) or by imprisonment in the City Jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment.
(Ord. 84106 § 16, 1955.)

Chapter 10.18
FROZEN DAIRY FOOD PRODUCTS

Sections:

10.18.010Definitions.
10.18.020Pasteurization of mix.
10.18.030Adulterated or misbranded product—Disposal.
10.18.040Rinsing of multi-use containers.
10.18.050Containers—Manufacturer and pull date.

For current SMC, contact
the Office of the City Clerk

10.18.060Cleaning of equipment.
10.18.070Overflow or spilled mix not to be sold.
10.18.080Storage of scoops and dippers.
10.18.090Permit—Required.
10.18.100Permit—Application and issuance.
10.18.110Examination of frozen dairy foods.
10.18.120Permit—Suspension.
10.18.130Permit—Revocation.
10.18.140Hearing on suspended or revoked permit.
10.18.150Sanitation—U. S. Public Health Service regulations.
10.18.160Sanitation—Seattle food-service ordinance.
10.18.170Standards for freezers and equipment.
10.18.180Transferring frozen dairy foods.
10.18.190Inspection of dairy food establishments.
10.18.200Personnel health and disease control.
10.18.210Procedure when infection is suspected.
10.18.220Enforcement.
10.18.230Approval of construction or alteration.
10.18.240Violation—Penalty.

Statutory Reference: For statutory provisions on dairy products, see RCW Ch. 15.32.

Severability: Should any section, subsection or part of this chapter be declared unconstitutional or invalid for any reason, such shall not affect the validity of the remaining portions.
(Ord. 94524 § 15, 1966.)

10.18.010Definitions.

The following words and phrases as used in this chapter shall mean as follows:

A. "Adulterated" means the condition of the frozen dairy food: (1) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (2) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (3) if it consists in whole or in part of any substance unfit for human consumption; (4) if it has been processed, prepared, packed, or held under unsanitary conditions whereby it may have been rendered injurious to health; (5) if its container is composed in whole or in part of any toxic or deleterious substance which may render the contents injurious to health; and (6) if it contains any substance that does not conform to the definitions contained in this chapter.

B. "Confectionery" means candy, cakes, cookies, glace fruits, and similar products.

C. "Frozen confection" means a product not containing milk or milk products but served to the public in a frozen or semifrozen state in the same manner as frozen dairy foods. "Frozen dairy foods" shall be interpreted to include frozen confection.

D. "Frozen dairy food" means ice cream, mix, soft-serve, milkshake, frozen custard, french ice cream, french custard ice cream, ice milk, fruit sherbet, water ices, popsicles and frozen confections, or any other product containing milk or milk products in combination with other food products, including but not limited to wholesome fruits, flavoring, nuts, confectioneries, harmless coloring, stabilizers, and emulsifiers served to the public in a frozen or semifrozen state and designated as a frozen dairy food by the Health Officer.

E. "Frozen dairy foods distributor" means any person who offers for sale or sells to another for resale any frozen dairy foods for human consumption in a final package.

F. "Frozen dairy foods establishment" means any place or premises where frozen dairy foods or mix are manufactured, distributed, served, or provided to the public for human consumption with or without charge.

G. "Frozen dairy foods manufacturer" means any person who manufactures, pasteurizes, packages and/or freezes any mix for distribution for resale.

H. "Frozen dairy foods plant" means any place or premises where frozen dairy foods or mix are manufactured, pasteurized, frozen or packaged for distribution for resale. The operation of soft-serve, milkshake, and related dispensing equipment shall not be construed to be the operation of a frozen dairy foods plant for purposes of this chapter.

I. "Frozen dairy foods processor" means any person who freezes any pasteurized mix in semi-solid or solid form, for distribution for resale as a frozen dairy food.

Seattle Municipal Code
August, 2007 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See the ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

J. "Health Officer" means the Director of Public Health of the City or his authorized representative.

K. "Milkshake" means the product resulting from agitation of frozen dairy food to which milk has been added or from processing of mix in a milkshake machine and to which flavoring may or may not have been added.

L. "Misbranded" means the presence of any written, printed, or graphic matter, upon or accompanying any frozen dairy food or containers for frozen dairy foods which is false or misleading.

M. "Mix" means the unfrozen combination of all ingredients of a frozen dairy food with or without fruits, fruit juices, confectioneries, nut meats, flavor, harmless coloring, stabilizers or emulsifiers.

N. "Official laboratory" means a biological, chemical, or physical laboratory which is under the direct supervision of the state or Seattle Director of Public Health.

O. "Officially designated laboratory" means a private commercial laboratory which is authorized to do official work by the Health Officer or a milk industry laboratory similarly officially designated to make laboratory examinations.

P. "Person" means any individual, partnership, corporation, company, firm, trustee, or association.

Q. "Product contact surface" means the surface of equipment or container which comes in direct contact with the frozen dairy food or mix which is offered to the public for human consumption.

R. "Retail frozen dairy foods processor" means any person who freezes any pasteurized mix in soft-serve, semisolid or solid form for retail sale.

S. "Soft-serve" means the soft partially frozen product resulting from the processing of mix in a freezer for direct sale to consumers.

(Ord. 94524 § 1, 1966.)

10.18.020Pasteurization of mix.

Every particle of the combined milk, cream, milk product or other ingredients used in the manufacture of a frozen dessert mix shall be heated and held at temperatures of not less than one hundred fifty-five (155) degrees Fahrenheit for not less than thirty (30) minutes, or one hundred seventy-five (175) degrees Fahrenheit for not less than twenty-five (25) seconds; or not less than one hundred ninety-four (194) degrees Fahrenheit by the Vacreator process in approved and properly operated equipment. Provided, that nothing contained in this requirement shall be construed as barring any other method or process, as may be demonstrated to be equally efficient and which is approved by the Health Officer.

(Ord. 94524 § 2(part), 1966.)

10.18.030Adulterated or misbranded product—Disposal.

No person shall, within the municipality of Seattle or its police jurisdiction, manufacture, freeze, sell, offer or expose for sale, or have in possession with intent to sell, any mix or frozen dairy food which is adulterated or misbranded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession adulterated or misbranded mix or frozen dairy food. Any adulterated, misbranded or improperly labeled mix or frozen dairy food may be impounded by the Health Officer and disposed of in accordance with the following procedure:

Frozen dairy food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any frozen dairy food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, frozen dairy food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on frozen dairy food by the Health Officer, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Officer, except on order by a court of competent jurisdiction. The owner or person in charge may demand a hearing such as is provided in Section 10.18.140 and on the basis of evidence produced at such hearing, or on the basis of his examination if written request for a hearing is not received within ten (10) days, the Health Officer may vacate the hold order, or may by written order, direct the owner or person

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

in charge of the food which was placed under the hold order to denature or destroy such food for human consumption or to bring it into compliance with the provisions of this chapter; provided, that such order of the Health Officer to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.
(Ord. 94524 § 2(part), 1966.)

10.18.040Rinsing of multi-use containers.

It shall be the duty of all persons to whom mix or frozen dairy foods are delivered to rinse thoroughly the multi-use containers in which such mix or frozen dairy foods are delivered before returning such multi-use containers.
(Ord. 94524 § 2(part), 1966.)

10.18.050Containers—Manufacturer and pull date.

All delivery containers in which mix is delivered from the mix manufacturer shall bear the identity of the manufacturer and shall plainly show the "pull" date or the date limit for its use.
(Ord. 94524 § 2(part), 1966.)

10.18.060Cleaning of equipment.

The product contact surfaces of all frozen dairy foods freezers and other equipment used in processing or preparing frozen dairy foods shall be thoroughly cleaned by methods approved by the Health Officer at least once in every twenty-four (24) hours. All such equipment shall be sanitized by methods approved by the Health Officer just prior to re-use.
(Ord. 94524 § 2(part), 1966.)

10.18.070Overflow or spilled mix not to be sold.

Product drip or overflow, or spilled mix or frozen dairy foods or their ingredients, shall not be sold for human consumption.
(Ord. 94524 § 2(part), 1966.)

10.18.080Storage of scoops and dippers.

Dispensing scoops, spoons, and dippers, used in serving frozen dairy foods, shall be stored, between uses, either in an approved running water dipper well, or in a manner approved by the Health Officer.
(Ord. 94524 § 2(part), 1966.)

10.18.090Permit—Required.

A. It shall be unlawful for any retail frozen dairy foods processor, frozen dairy foods processor, frozen dairy foods manufacturer, frozen dairy foods distributor, frozen dairy foods plant, or person to bring into, send into, or receive in the City, or its police jurisdiction, for sale, or to sell, or offer for sale therein, or to have in storage where frozen dairy foods are sold or served, any frozen dairy food or mix, without having a permit issued by the Health Officer in accordance with such rules and regulations as he may promulgate under this chapter; provided, that those holding valid food establishment permits issued under Ordinance 92987[1] are exempt from such permit requirement.

B. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. The permit shall not be transferable with respect to persons and/or locations.
(Ord. 94524 § 3(part), 1966.)

1.Editor's Note: Ord. 92987 was repealed by Ord. 109910; current Food Code provisions are codified in Chapter 10.11 of this title.

10.18.100Permit—Application and issuance.

A. Persons desiring a permit shall make written application on a form to be provided by the Health Officer. Such application shall include the applicant's full name and post office address whether such applicant is an individual, firm, or corporation, and, if a partnership, the names and addresses of the partners; the location and type of the proposed frozen dairy foods plant or establishment; and the signature of the applicant or applicants. If the application is for a temporary frozen dairy foods plant or establishment, it shall also include the inclusive dates of the proposed operation.

B. Within three (3) business days, or by agreed appointment with the permit seeker, the Health Officer shall make an inspection of the proposed frozen dairy foods plant or establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met a permit shall be issued to the applicant by the Health Officer.
(Ord. 94524 § 3(part), 1966.)

For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 1997, code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and for current SMC, contact
the Office of the City Clerk

10.18.110Examination of frozen dairy foods.

A. Samples of frozen dairy foods may be taken by the Health Officer from any retail frozen dairy foods processor, frozen dairy foods processor, frozen dairy foods manufacturer, and frozen dairy foods distributor as often as the Health Officer deems necessary. Such samples may be taken from freezers, from other processing equipment, from any receptacle containing mix or other dairy foods, and packaged frozen dairy foods and such samples shall be taken as near to the end product served to the public as possible. The Health Officer shall take samples as often as he deems necessary for bacterial and coliform analysis or phosphatase tests in an official laboratory. Examinations may include such other bacteriological, chemical, and physical determinations as the Health Officer may deem necessary. Samples may be submitted by the Health Officer to an officially designated laboratory for analysis. All sample results from both official and officially designated laboratories shall be used to determine the compliance record of frozen dairy foods plants or establishments. After pasteurization, the bacterial plate count of the mix at the place of manufacture shall not exceed twenty-five thousand (25,000) per gram nor shall the coliform count exceed five (5) per gram. Before delivery to the consumer, no frozen dairy food shall have a bacterial plate count exceeding fifty thousand (50,000) per gram nor a coliform count exceeding ten (10) per gram. The bacterial plate count of water in dipper wells shall not exceed fifty thousand (50,000) per milliliter nor shall the coliform count exceed ten (10) per milliliter. During delivery and storage, the temperature of mix and frozen dairy foods shall not exceed forty (40) degrees Fahrenheit; provided, that soft-serve mix held in the reservoirs of soft-serve dispensing equipment prior to use shall not exceed forty-five (45) degrees Fahrenheit. In the case of a positive phosphatase test on mix or frozen dairy food, the probable cause shall be determined and corrected to the satisfaction of the Health Officer before the mix is frozen or the frozen dairy food is sold. Bacterial counts, coliform determinations, phosphatase tests, and other laboratory or screening tests shall conform to the procedures in the latest edition of "Standard Methods for Examination of Dairy Products" of the American Public Health Association, a copy of which is filed with the City Comptroller under File No. 254784.

B. If any result of test made by the Health Officer is beyond the limits specified he shall notify the person concerned. He shall then take an additional sample, within a reasonable period of time, but not before a lapse of three (3) days. Should this sample also be beyond the limits specified in this section, the Health Officer shall send a written notice thereof to the person concerned. The operator shall then be required to furnish, and have analyzed at his own expense, additional samples of frozen dairy foods, or mix, not to exceed two (2) per week, in accordance with instructions of the Health Officer. The cost of this analysis shall be paid for by the operator of the establishment.

C. Such samples shall be furnished until three (3) out of four (4) consecutive bacterial counts, coliform counts, or cooling temperatures of mix or frozen dairy foods taken on separate days are within the limits specified in this section. Failure to provide such samples and to provide for submission of the results of the laboratory examinations to the Health Officer shall constitute a violation of this chapter. Failure to furnish samples as required in this section shall not be a violation of this chapter if frozen dairy foods, or mix, are no longer sold or offered for sale. Failure to meet the required standards in three (3) out of four (4) of the additional samples taken shall call for a suspension warning to the person concerned, followed by additional samples as provided in this section. Three (3) such suspension warnings to one person within any twelve (12) month period shall be cause for suspension by the Health Officer of the establishment permit, until evidence is submitted that the establishment can comply with the minimum requirements of the chapter.

D. The Health Officer, at his discretion, may require the manager, operator, or any employees of a frozen dairy foods establishment to attend a training course in frozen dairy food sanitation and machine operation, in the event the manager, operator, or any employee of a frozen dairy foods establishment is determined by the Health Officer to be the cause for a failure to meet the required standards in three (3) out of four (4) of the additional samples taken, as described in this section.

(Seattle 5-86)

The class schedule shall not exceed fifteen (15) hours in length, nor shall attendance be required if the person or persons involved have attended such a class within twelve (12) months.
(Ord. 112559 § 1, 1985: Ord. 94524 § 4, 1966.)

10.18.120Permit—Suspension.

A. Any permit may be suspended temporarily by the Health Officer for failure of the holder to comply with the requirements of this chapter.

B. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be served with a notice that, effective upon such service, his permit is suspended. Such notice shall advise that a hearing is filed with the Health Officer by the permit holder.
(Ord. 94524 § 5, 1966.)

10.18.130Permit—Revocation.

For serious or repeated violations of any of the requirements of this chapter, or for interference with any Health Officer in the performance of his duties, or for failure to comply with any notice properly given under this chapter, the Health Officer may permanently revoke any permit. Before revoking any permit the Health Officer shall notify the permit holder in writing of the reasons for which the permit is subject to revocation and advising that the permit 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 Health Officer by the permit holder within such five (5) day period.
(Ord. 94524 § 6(part), 1966.)

10.18.140Hearing on suspended or revoked permit.

Hearings on suspensions or revocation of permits shall be conducted by the Director of Public Health of the City or by a person designated by him, at such time and place as he shall designate. At such hearing the permittee may appear with or without counsel and may testify, call witnesses and cross-examine. The person conducting the hearing shall make findings and shall sustain, modify or rescind any official notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Officer. The decision of the hearing may be appealed to a court of competent jurisdiction with notice of appeal to be made within thirty (30) days.
(Ord. 116368 § 208 , 1992: Ord. 94524 § 6(part), 1966.)

10.18.150Sanitation—U.S. Public Health Service regulations.

Frozen dairy foods plants and frozen dairy foods processors shall comply with the standards specified in Section 7 of the U.S. Public Health Service "Frozen Desserts Ordinance and Code," a copy of which is filed with the City Clerk under Comptroller's File No. 254783.
(Ord. 116368 § 208, 1992: Ord. 94524 § 7(part), 1966.)

10.18.160Sanitation—Seattle food-service ordinance.

Retail frozen dairy foods processors, and frozen dairy foods distributors shall comply with the sanitation standards provided in Seattle Ordinance No. 92987, Sections 2 to 6, inclusive.[1]
(Ord. 94524 § 7(part), 1966.)

1.Editor's Note: Ord. 92987 was repealed by Ord. 109910; the current Food Code is codified in Chapter 10.11 of this title.

10.18.170Standards for freezers and equipment.

All freezers and other processing equipment installed after the effective date of the ordinance codified in this chapter[1] shall comply with the standards of the National Sanitation Foundation for soft-serve and shake machines and related equipment used in frozen dairy food establishments. Frozen dairy food plant equipment shall comply with the standards of the 3A Standards Committee for dairy equipment or additional standards as may hereafter be determined as acceptable by the Health Officer. Approval of specific equipment by the National Sanitation Foundation or the 3A Standards Committee shall constitute compliance with their standards.
(Ord. 94524 § 7(part), 1966.)

1.Editor's Note: Ord. 94524 became effective March 2, 1966.

10.18.180Transferring frozen dairy foods.

Except as permitted by the Health Officer, no person shall transfer frozen dairy foods from one (1) container to another on the street, or in any

Seattle Municipal Code
August, 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm currency of
this source file.
For current SMC, contact
the Office of the City Clerk

vehicle or store, or in any place except under sanitary conditions.
(Ord. 94524 § 8, 1966.)

10.18.190Inspection of dairy food establishments.

The Health Officer exhibiting proper identification shall be permitted to enter at any reasonable time, any frozen dairy foods plant or establishment for the purpose of making inspections to determine compliance with this chapter. He shall be permitted to examine the records of the plant or establishment pertaining to mix and frozen dairy foods purchased, received, or used, and persons employed.
(Ord. 94524 § 9, 1966.)

10.18.200Personnel health and disease control.

No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a frozen dairy foods plant or 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 individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the plant or establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately. It shall be the responsibility of anyone operating a frozen dairy foods plant or establishment to see that all employees have valid food and beverage service worker's permits issued under Chapter 197, Laws of 1957, and the Rules and Regulations of the State Board of Health. It shall be unlawful for anyone to work in a frozen dairy foods plant or establishment without a valid food and beverage service worker's permit. Such permits shall be issued by the Seattle-King County Department of Public Health and signed by the local Health Officer or his authorized representative and all applicants for such a permit or renewal thereof shall pay to such department a fee in the sum of Two Dollars ($2.00).
(Ord. 94524 § 10(part), 1966.)

10.18.210Procedure when infection is suspected.

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

A. The immediate exclusion of the employee from handling mix, frozen dairy foods or their ingredients;

B. The immediate exclusion of the mix or frozen dairy foods concerned from distribution and use; and

C. Adequate medical and bacteriological examination of the person, or his associates, and of his and their body discharges.
(Ord. 94524 § 10(part), 1966.)

10.18.220Enforcement.

This chapter shall be enforced by the Health Officer who is authorized to make and enforce rules and regulations consistent with the provisions of this chapter for the purpose of effectuating such provisions.
(Ord. 94524 § 11, 1966.)

10.18.230Approval of construction or alteration.

All frozen dairy foods plants from which mix or frozen dairy foods are supplied within borders of the City, which are hereafter constructed, reconstructed, or extensively altered[1] shall conform in their construction to the requirements of this chapter. Properly prepared plans for all frozen dairy foods plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted to the Health Officer for approval before work is begun and signed approval shall be obtained from the Health Officer.
(Ord. 94524 § 12, 1966.)

1.Editor's Note: Ord. 94524 was passed by the City Council on January 31, 1966.

10.18.240Violation—Penalty.

Any person violating or failing to comply with any of the provisions of this chapter upon conviction thereof shall be punished by a fine of not

Seattle Municipal Code
August 1997, code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

to exceed Three Hundred Dollars ($300.00) or by imprisonment in the City Jail for a term not to exceed ninety (90) days, or by both such fine and imprisonment, and each day that any person shall continue to so violate or fail to comply shall be considered a separate offense. In addition thereto, such persons may be enjoined from continuing such violations.
(Ord. 94524 § 13, 1966.)

Chapter 10.20
COLD STORAGE EGGS

Sections:

10.20.010Labeling required for sale.
10.20.020Violation—Penalty.

10.20.010Labeling required for sale.

It shall be unlawful for any vendor in the City, or his agent, clerk, or other employee to sell, offer for sale, or have in his possession with the intent to sell, any cold storage eggs, unless the words "Cold Storage" shall be plainly and legibly stamped or printed on the outside of the crate, box, carton, case, bag or other receptacle for such eggs, and unless such eggs so sold or offered for sale are actually sold or offered for sale as cold storage eggs.
(Ord. 28605 § 1, 1911.)

10.20.020Violation—Penalty.

Any person guilty of violating any of the provisions of this chapter shall, upon conviction, be fined in any sum not more than One Hundred Dollars ($100.00), or be committed to the City Jail for a period not exceeding thirty (30) days or may be both so fined and imprisoned.
(Ord. 28605 § 2, 1911.)

Chapter 10.22
FLUORIDATION OF WATER SUPPLY

Sections:

10.22.010Addition—Administration.

10.22.010Addition—Administration.

A source of fluoridation approved by the Washington State Department of Social and Health Services be added to the Seattle water supply under the rules and regulations of the Washington State Department of Social and Health Services, such addition to be administered by the Director of Seattle Public Utilities under the direction of the Director of the Seattle-King County Department of Public Health.
(Ord. 118396 § 10, 1996: Ord. 96931 § 1, 1968.)

Chapter 10.24
MISCELLANEOUS HEALTH REGULATIONS[1]

Sections:

10.24.010Nuisance prohibited—Removal procedure.
10.24.020Unlawful to refuse to obey order or regulation.
10.24.030Dumping of waste animal or vegetable matter prohibited.
10.24.040Sleeping apartments—Air and space requirements.
10.24.050Air space and area in schoolrooms, hospitals, offices, workshops and factories.
10.24.060Ventilation requirements.
10.24.070Flushing floors with water.
10.24.080Right of entry for inspection.
10.24.090Person defined—Number and gender.
10.24.100Violation—Penalty.

1.Editor's Note: References in this chapter to "Board of Health" and "Department of Health and Sanitation" have been editorially changed to "Seattle-King County Department of Public Health."

10.24.010Nuisance prohibited—Removal procedure.

It shall be unlawful for any person to have or permit upon any premises owned, occupied or controlled by them, any nuisance detrimental to health, or any accumulation of filth, garbage, decaying animal or vegetable matter or any animal or human excrement, and it shall be the duty of the Health Officer of the City to cause any such person to be notified to abolish, abate and remove such nuisance, and in case such person shall fail, neglect or refuse to remove the same within three (3) days after receiving such notice, such nuisance may be removed and abated under and by order of the Health Officer, and the person whose duty it was to abate or remove such nuisance, in addition to incurring the penalties in this chapter provided, shall become indebted to the City for the

Seattle Municipal Code
August 1997 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.
For current SMC, contact
the Office of the City Clerk

Seattle Municipal Code
August, 2017 code update file
Text provided for historic reference only.
See ordinances creating and amending
sections for complete text, graphics,
and tables and to confirm accuracy of
this source file.

damages, costs and charges incurred by the City by reason of the existence and removal of such nuisance.
(Ord. 15957 § 13, 1907.)

10.24.020 Unlawful to refuse to obey order or regulation.

It shall be unlawful for any person to violate or refuse to obey any lawful order or regulation of the Seattle-King County Department of Public Health, the Health Officer or any Quarantine Officer made within the powers conferred by the Charter[1] or ordinances of the City upon the officer making such order, or to in any manner obstruct or interfere with Seattle-King County Department of Public Health, Health Officer or any appointee of said Department in the performance of duties imposed by the Charter[1] or ordinances of the City.
(Ord. 15957 § 14, 1907.)

1.Editor's Note: The Charter is included at the beginning of this Code.

10.24.030 Dumping of waste animal or vegetable matter prohibited.

It shall be unlawful for any person to dump or place upon any land, or in any water or waterway, within the City, any dead animals, butcher's offal, fish or parts of fish or any waste vegetable or animal matter whatever, and the Board of Public Works is authorized to offer a reward of Fifty Dollars ($50.00) to any person furnishing evidence that will lead to the arrest and conviction of any person depositing the body of any dead animal in any water or waterway within the City, and it shall also be unlawful for any person to place upon any land or premises within the City any refuse lumber, debris or waste material of any kind within which rats may nest, or within or under which rats may harbor.
(Ord. 23147 § 1, 1910: Ord. 15957 § 17, 1907.)

10.24.040 Sleeping apartments—Air and space requirements.

It shall be unlawful for any person to use, conduct or keep any lodginghouse, tenement house, hotel or any house or building containing sleeping apartments, or to allow or permit persons to occupy as sleeping apartments, any room or place which shall contain less than five hundred twelve (512) cubic feet of air or space, or less

For current SMC, contact
the Office of the City Clerk