

Title 10

HEALTH AND SAFETY¹

This title is intended for those provisions of the Code which relate to the regulation and control of sanitation and disease, and other measures to protect the health and safety of the community.

Chapters:

- 10.02 Civil Emergencies
- 10.04 Public Fallout Shelters
- 10.06 Emergency Control of Drainage Problems,
Earth Slides and Mud Flows
- 10.08 Alarm Systems
- 10.10 Food-service Establishments
- 10.12 Meat Distribution and Sale
- 10.14 Poultry, Rabbit and Fish
- 10.16 Milk and Milk Products
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- 10.32 Distributing Medicine Samples
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- 10.46 Septic Tanks, Cesspools and Grease Traps
- 10.48 Regulations for Removal of Garbage and Swill

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10.50 Offensive Businesses

10.52 Weeds and Vegetation

Statutory Reference: For statutory provisions regarding public health regulations in cities of the first class, see RCW 35.22.280; for statutory provisions regarding local and combined city-county health departments, see RCW Chs. 70.05 through 70.08.

1. Cross-reference: For provisions regarding noise control, see Chapter 25.08 of this Code; for provisions regarding steam engineers and boiler firemen, see Chapter 6.54; for provisions regarding refrigeration systems, see Chapter 6.82.

Seattle Municipal code
as adopted in 1980
For current SMC, contact
the Office of the City Clerk

Chapter 10.02

CIVIL EMERGENCIES¹

Sections:

- 10.02.010 Proclamation of civil emergency.
- 10.02.020 Authority of Mayor to issue certain orders.
- 10.02.030 Authority of Mayor to enter into contracts and incur obligations.
- 10.02.040 Use of services and equipment of municipalities and citizens.
- 10.02.050 Disaster readiness and response plan.
- 10.02.060 Disaster Response Council.
- 10.02.070 Emergency purchases of supplies.
- 10.02.080 Office of Management and Budget to review purchases and mutual aid agreements.
- 10.02.090 Personnel Department to register employees and volunteers.
- 10.02.100 Notification of Governor, news media and public.
- 10.02.110 Violation—Penalty.

Statutory Reference: For statutory provisions on emergency services, see RCW Ch. 38.52.

1. Cross-reference: For further provisions regarding the Mayor's emergency powers, see Chapter 12A.62 of this Code.

10.02.010 Proclamation of civil emergency.

A. Whenever riot, unlawful assembly, insurrection, other disturbance, the imminent threat thereof, or any fire, flood, storm, earthquake or other natural catastrophe or disaster occurs in the city and results in or threatens to result in the death or injury of persons or the destruction of property or the disruption of local government to such extent as to require, in the judgment of the Mayor, extraordinary measures to prevent the death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering, the Mayor shall forthwith proclaim in writing of the existence a civil emergency.

B. Such civil emergency shall cease to exist upon the issuance of a proclamation by the Mayor terminating the same. Such proclamation shall be issued by the Mayor when such extraordinary measures are no longer required for the protection of the public peace, safety and welfare.

C. Any such proclamation by the Mayor

shall at the earliest practicable time be presented to the City Council for ratification and confirmation, modification, or rejection, and if rejected, shall be void.
(Ord. 102850 § 1, 1973.)

10.02.020 Authority of Mayor to issue certain orders.

Upon the proclamation of a civil emergency by the Mayor, and during the existence of such civil emergency, the Mayor may make and proclaim any or all of the following orders:

A. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours, as he deems necessary, which effective hours and affected area or areas may be modified from time to time;

B. An order requiring any or all business establishments to close and remain closed until further order;

C. An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the Mayor, be allowed to remain open;

D. An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the city;

E. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or ammunition for firearms in any or all parts of the city;

F. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

G. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which such firearms and/or ammunition may be removed or made secure from possible seizure by the public, the

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portions thereof utilized for the sale of items other than firearms and ammunition may, in the discretion of the Mayor, be allowed to remain open;

H. An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;

I. An order prohibiting the carrying or possession of a firearm or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm, provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;

J. An order requesting federal and/or state assistance in combating such civil emergency;

K. An order establishing economic controls in aid of and supplementary to and consistent with federal orders relating to price stabilization or controls including: the convening and establishing of ration boards; auditing retail and wholesale ration accounts; monitoring price control operations and reporting violations to appropriate authorities; assisting in providing essential supplies to disaster victims; advising appropriate authorities concerning rationing, price control, wage and rent controls and allocation of food and other essential commodities;

L. An order directing the use of all public and private health, medical, and convalescent facilities and equipment to provide emergency health and medical care for injured persons;

M. An order authorizing, in cooperation with utility management and appropriate state and federal agencies, the shutting off, restoration, and operation of utility services in accordance with priorities established for combating such civil emergency;

N. An order providing for the evacuation and reception of the population of the city or any part thereof; and

O. Such other orders as are imminently necessary for the protection of life and property;

Provided however, that any such orders shall at the earliest practicable time be filed with the City Comptroller and presented to the City Council for ratification and confirmation, modification or rejection, and if rejected shall be void.

(Ord. 102850 § 2, 1973.)

10.02.030 Authority of Mayor to enter into contracts and incur obligations.

A. Upon the proclamation by the Mayor of a civil emergency resulting from a disaster caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural cause, and during the existence of such civil emergency, the Mayor, in carrying out the provisions of RCW Chapter 38.52, shall have the power by order to enter into contracts and incur obligations necessary to combat such disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster. Such powers shall be exercised in the light of the exigencies of the situation without regard to time-consuming procedures and formalities prescribed by ordinance (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations and requirements of competitive bidding and publication of notices pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds; provided, that the Mayor shall, wherever practicable, advise and consult with the City Council with respect to disaster response activities, and any such order shall at the earliest practicable time be presented to the City Council for review and appropriate legislation including:

1. Findings by resolution with respect to actions taken;

2. Authorization of payment for services, supplies, equipment loans and commandeered property used during disaster response activities;

3. Approval of gifts, grants or loans accepted by the Mayor during the emergency;

4. Levy of taxes to meet costs of disaster response and recovery operations; and upon such review the City Council may ratify and confirm, modify, or reject any such order, and if rejected any such order shall be void.

B. The City Comptroller shall be authorized to draw and the City Treasurer to pay the necessary warrants for expenditures made pursuant to order and authorized by the City Council.

(Ord. 102850 § 3, 1973.)

10.02.040 Use of services and equipment of municipalities and citizens.

In addition to and/or in connection with the exercise of the powers specified in Sections 10.02.020 and 10.02.030, the Mayor shall in accordance with RCW Chapter 38.52 and in carrying out the provisions thereof:

A. Utilize to the maximum extent practicable the services, equipment, supplies and facilities of existing departments, offices, and agencies of the city, state and other municipal corporations organized under the laws of the state; and

B. In the event of a disaster and upon the proclamation by the Governor of the existence of such disaster, command the service and equipment of as many citizens as the Mayor considers necessary in the light of the disaster proclaimed; provided, that citizens so commandeered shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by RCW Chapter 38.52 and federal and state civil defense regulations for registered civil defense or emergency services workers. (Ord. 102850 § 4, 1973.)

10.02.050 Disaster readiness and response plan.

Plans and programs for executing emergency powers including a disaster readiness and response plan shall be prepared and kept current under the direction of the Mayor who shall submit such plans and programs and proposed amendments thereto to the City Council for review and approval by resolution. Upon such approval the Mayor shall be authorized to exercise in accordance with such plans and programs the powers provided therein. (Ord. 102850 § 5, 1973.)

10.02.060 Disaster Response Council.

There shall be a Disaster Response Council consisting of such number of members as shall be appointed by the Mayor who shall designate the chairman thereof. Members of the Council shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

The Council shall meet at least quarterly at the places and times as shall be prescribed by the Mayor, and shall:

A. Advise the Mayor on all matters pertaining to disaster readiness and response capabilities within the city;

B. Periodically review and make recommendations for the revision and/or maintenance of up-to-date disaster response plans for the city consistent with RCW Chapter 38.52 and including:

1. Preparations for and the carrying out of executive emergency powers,

2. The delegation and subdelegation of administrative authority by the Mayor,

3. The performance of emergency functions including firefighting, police, medical and health, welfare, rescue, engineering, transportation, communications and warning services, evacuation of persons from stricken areas, plant protection, restoration of utility services, and other functions relating to civilian protection together with all activities necessary or incidental to the preparation for and carrying out of such functions,

4. Requirements for department operation including management succession, procedures for providing twenty-four-hour capability, mobilization procedures, special disaster response procedures, plans for records protection, personnel procedures, finance plans, and training procedures for disaster response;

C. Provide cooperation and coordination with the disaster response plans of other local organizations and agencies;

D. Prepare and recommend to the Mayor plans for mutual aid operations with the state and political subdivisions thereof;

E. Recommend expenditures for disaster preparations and training. (Ord. 102850 § 6, 1973.)

10.02.070 Emergency purchases of supplies.

Upon the proclamation of a civil emergency by the Mayor, and during the existence thereof, emergency purchases of supplies, materials and equipment are authorized to be made in accordance with the following procedure:

A. Preprinted emergency purchasing forms shall be provided by the Purchasing Agent for use for all emergency purchases or contracting for supplies, materials or labor during the existence of such emergency, which forms shall provide for the filling in of appropriate information prescribed by the Purchasing Agent including: date and time of purchase; name and address of supplier; quantity, unit, description, unit price and total price of item; name

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and appropriate identification number from the city employee identification card of the person making the purchase; date required and date delivered; description of use of item, including disaster work order number, description of disaster work and location of use; and name and appropriate identification number from the city employee identification card of the person receiving the item.

B. An employee identification card shall be used in all cases to verify that the purchaser is an employee of the city.

C. A log of all purchases made during any emergency shall be maintained by each department and by the Purchasing Agent.

D. The heads of departments using emergency purchase forms shall account for all costs incurred in making such purchases.

E. Upon termination of the emergency, the heads of departments shall review all emergency purchase orders issued by their respective departments, and shall verify and authenticate such orders, and submit a summary thereof through the Purchasing Agent to the City Council for authorization of payment.
(Ord. 102850 § 7, 1973.)

10.02.080 Office of Management and Budget to review purchases and mutual aid agreements.

The Office of Management and Budget in cooperation with city departments making purchases or expenditures during the existence of an emergency shall review all such purchases or expenditures for potential reimbursement under appropriate state or federal disaster assistance programs or other available state or federal grant funds. The Office of Management and Budget shall also review all mutual aid agreements and services received thereunder by the city during any such civil emergency and shall certify to the City Comptroller the services received and any payment due therefor.
(Ord. 102850 § 8, 1973.)

10.02.090 Personnel Department to register employees and volunteers.

The Personnel Department¹ with the cooperation of city departments shall be responsible for the registration of city employees and volunteers as civil defense or emergency services workers pursuant to RCW Chapter 38.52 and shall formulate and recommend a plan and program for compensation and reimbursement of persons so registered.
(Ord. 102850 § 9, 1973.)

1. Editor's Note: The original reference in this section to "Office of Personnel" has been editorially changed to "Personnel Department" to reflect changes in the Charter (1977) and the Personnel Ordinance.

10.02.100 Notification of Governor, news media and public.

The Mayor shall cause any proclamation issued by him pursuant to the authority of this chapter to be delivered to the Governor of the state and, to the extent practicable, to all news media within the city, and shall utilize such other available means, including public address systems, as shall be necessary in his judgment, to give notice of such proclamations to the public.
(Ord. 102850 § 10, 1973.)

10.02.110 Violation—Penalty.

It is unlawful for anyone to fail or refuse to obey an order proclaimed by the Mayor pursuant to the provisions of this chapter. Anyone convicted of a violation of this section shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one hundred eighty days, or both such fine and imprisonment.
(Ord. 102850 § 11, 1973.)

Chapter 10.04

PUBLIC FALLOUT SHELTERS

Sections:

10.04.010 Fallout shelter licenses.

10.04.020 Use of certain city property.

10.04.010 Fallout shelter licenses.

The Board of Park Commissioners, the Director of Engineering, and the Superintendents of City Light, Water and Buildings, under their respective authority to manage and control city owned and operated property are authorized for and on behalf of the city to execute and deliver "fallout shelter" licenses granting to the federal government the right of use by the public of the basements, corridors and other appropriate common areas of such property as public fallout shelters.
(Ord. 91478 § 1, 1962.)

10.04.020 Use of certain city property.

The city consents to the use of city property

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under the management and control of the Board of Library Trustees for public fallout shelter purposes upon appropriate authorization by the Board and Commission.
(Ord. 91478 § 2, 1962.)

Chapter 10.06

EMERGENCY CONTROL OF DRAINAGE PROBLEMS, EARTH SLIDES AND MUD FLOWS

Sections:

10.06.010 Owner request for assistance—
Authority of Director of
Engineering.

10.06.010 Owner request for assistance—
Authority of Director of
Engineering.

For the emergency control of drainage problems, earth slides and mud flows occurring or threatening to occur on private property, the Director of Engineering is authorized upon the request of the owner or occupant of any such property to render necessary emergency assistance for such period of time as will enable such owner or occupant to arrange with private agencies to carry on the work, and for such purpose the Director of Engineering as authorized to enter into agreements with any such owner or occupant providing for reimbursement of the city's cost of performing such emergency assistance, and is further authorized to collect such costs.

(Ord. 102112 § 1, 1973.)

Chapter 10.08

ALARM SYSTEMS

Sections:

Subchapter I General Provisions

10.08.010 Unlawful connections designated.
10.08.020 Direct connections to municipal
systems prohibited.
10.08.030 Reporting not prohibited.
10.08.040 Violation—Penalty.

Subchapter II Fire Alarm Systems for Hospitals, Nursing Homes and Schools

10.08.080 Permit—Application information.
10.08.090 Approval of application.
10.08.100 Alteration of system—Approval
required.
10.08.110 Revocation of permit.
10.08.120 Permit not transferable.

Subchapter III Burglary Alarm Systems

10.08.150 Notice to be posted.
10.08.160 Unlawful activation or report of
alarm.
10.08.170 False alarms.
10.08.180 Violation—Penalty.

Subchapter I General Provisions

10.08.010 Unlawful connections designated.

It is unlawful for anyone having or conducting a privately owned fire alarm system to have direct electrical, mechanical, telephonic or other type of connection with the facilities, of any office, branch, department or agency of the Seattle Fire Department unless such person has and maintains a Central Station Protective Signaling System meeting the standards of the National Fire Protection Association dated June, 1956 (C.F. 234509), or for anyone having or conducting a privately owned burglary and/or robbery alarm system to have or maintain any equipment or device at, or any direct connection with, the facilities of any office, branch, department or agency of the Seattle Police Department; provided that nothing in subchapters I or II of this chapter shall prohibit the installation or use of regular private or business telephone lines for the reporting by any person of a fire, burglary or robbery.
(Ord. 101476 § 4, 1972; Ord. 87178 § 1, 1958.)

10.08.020 Direct connections to municipal
systems prohibited.

It shall be unlawful for anyone to make any direct connection to or on the municipally owned fire alarm and/or police signal systems of the city.
(Ord. 87178 § 2, 1958.)

10.08.030 Reporting not prohibited.
Nothing in subchapters I or II of this chapter

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shall prohibit or prevent any individual from making reports to the Seattle Police and Fire Departments.

(Ord. 87178 § 3, 1958.)

10.08.040 Violation—Penalty.

The violation of or failure to comply with any of the provisions of subchapters I and II of this chapter shall subject the offender upon conviction thereof to a fine of not to exceed Three Hundred Dollars (\$300.00), or imprisonment in the City Jail for not to exceed ninety days, or to both such fine and imprisonment.

(Ord. 87178 § 4, 1958.)

Subchapter II Fire Alarm Systems for Hospitals, Nursing Homes and Schools

10.08.080 Permit—Application information.

Notwithstanding the provisions of subchapter I of this chapter, a privately owned fire alarm signal system (hereinafter called "signal system") serving a hospital, nursing home, rest home, or school may be connected with the city's fire alarm signal system (hereinafter called "city's alarm system") through a master fire alarm box in accordance with the terms and conditions of an annually renewable permit therefor issued by the Chief of the Fire Department. The annual fee for such permit shall be Twenty-five Dollars (\$25.00). Application for such permit and renewal thereof shall be made in writing to Chief of the Fire Department on forms provided therefor. Such application shall:

A. Describe the property where the signal system is to be, or is located by lot and block, or metes and bounds, and street address or similar description to readily identify and locate the buildings served or to be served by the system;

B. Show the occupancy of all parts of the buildings to be served by the signal system;

C. Be accompanied by drawings and specifications showing the exact location and design of the signal system and such other information as may be reasonably required by the Chief of the Fire Department;

D. Include covenants and agreements signed by the applicant or its authorized agent:

1. To construct and maintain the signal system in a manner conforming to the conditions and requirements prescribed by the National Fire Protection Association in Pamphlet No. 72 or as later amended, a copy of which is

filed in the office of the City Comptroller,

2. To acquire and convey to the city a fire alarm "master box" and appurtenances thereto of a type approved by the Chief of the Fire Department for installation by the Fire Department and to reimburse the Fire Department for the cost of installing the same together with such other costs as may be incurred by the Fire Department in connecting the signal system with the city's alarm system,

3. To maintain the signal system in good working condition and to enter into a maintenance service contract for such purpose with a person or firm approved by the Chief of the Fire Department which shall provide for complete inspection and testing of the system at least once every thirty days,

4. To provide and maintain in full force and effect public liability insurance providing coverage for all claims for damage to persons or property arising out of the connection with, and operation of the signal system with the city's alarm system, naming the city as an additional insured, providing for a limit of not less than One Hundred Thousand Dollars (\$100,000.00) for all damages arising out of bodily injury to or death of one person and subject to that limit for each person, a total limit of not less than Three Hundred Thousand Dollars (\$300,000.00) for all damages arising out of bodily injuries to or death of two or more persons in any one accident; and property damage liability insurance providing for a limit of not less than Twenty-five Thousand Dollars (\$25,000.00) for all damage arising out of injury to or destruction of property in any one accident. A copy of such policy or certificate evidencing the same shall be approved as to form by the City Attorney and filed in the office of the City Comptroller prior to issuance of any such permit and shall provide for ten days' notice to the city of any change, cancellation or lapse thereof, and

5. To at all times protect and save harmless the city from all claims, actions, suits, liability, loss, costs, expenses or damages of every kind or description which may accrue to, or be suffered by, any person or persons or property by reason of the connection with and operation of the signal system with the city's alarm system;

E. Give such other information as reasonably may be required by the Chief of the Fire Department.

(Ord. 98029 § 1(part), 1969: Ord. 94174 § 1(part), 1965: Ord. 87178 § 5(A), 1958.)

10.08.090 Approval of application.

The Chief of the Fire Department may approve or disapprove such application and prior to the granting of the permit may require such modifications or changes as he finds necessary to properly protect the public and public property in the maintenance and operation of the city's fire alarm signal system. (Ord. 98029 § 1(part), 1969: Ord. 94174 § 1(part), 1965: Ord. 87178 § 5(B), 1958.)

10.08.100 Alteration of system—Approval required.

After connection of any signal system to the city's alarm system the permittee, its successors and assigns shall not construct, reconstruct, relocate, or otherwise alter the design or layout of the system except under the supervision, control and inspection of and in accordance with plans and specifications theretofore approved by the Chief of the Fire Department. (Ord. 98029 § 1(part), 1969: Ord. 94174 § 1(part), 1965: Ord. 87178 § 5(C), 1958.)

10.08.110 Revocation of permit.

Any permit issued under this subchapter shall be temporary and subject to the primary use of the city's alarm system for public purposes, and the city expressly reserves the right to revoke or refuse renewal of any such permit as follows:

A. By the Chief of the Fire Department upon written notice to the permittee for failure of the permittee to comply with the terms and conditions of the permit or the provisions of subchapters I and II of this chapter or any lawful order or direction of the Chief of the Fire Department under subchapters I and II of this chapter; or

B. By ordinance of the city declaring revocation necessary for any reason, which revocation shall be conclusive and final without any right of the permittee to resort to the courts to question the same.

(Ord. 98029 § 1(part), 1969: Ord. 94174 § 1(part), 1965: Ord. 87178 § 5(D), 1958.)

10.08.120 Permit not transferable.

The privilege granted under the permit shall not be assignable or transferable by operation of law nor shall the permittee, its successors or

assigns, assign or transfer the same without the written consent of the Chief of the Fire Department.

(Ord. 98029 § 1(part), 1969: Ord. 94174 § 1(part), 1965: Ord. 87178 § 5(E), 1958.)

Subchapter III Burglary Alarm Systems

10.08.150 Notice to be posted.

It is unlawful to have or maintain on any premises an audible type burglary and/or robbery alarm unless there is posted at the main entrance to such premises a prominent notice of the telephone numbers at which the person or persons authorized to enter such premises and turn off such alarm can be reached at all times, and it is unlawful for any such person to fail to appear and turn off any such alarm within one hour after being notified by the police to do so.

(Ord. 101476 § 1, 1972.)

10.08.160 Unlawful activation or report of alarm.

It is unlawful for anyone to activate any robbery or burglary alarm for the purpose of summoning police except in the event of an actual or attempted burglary or robbery, or for anyone notifying the police of an activated alarm and having knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system to fail at the same time to notify the police of such apparent malfunction.

(Ord. 101476 § 2, 1972.)

10.08.170 False alarms.

A. For the purposes of this section, "false alarm" means the activation of a burglary and/or robbery alarm by other than a forced entry or attempted forced entry to the premises and at a time when no burglary or robbery is being committed or attempted on the premises.

B. For a police response to any false alarm the Chief of Police shall charge and collect from the person having or maintaining such burglary and/or robbery alarm on premises owned or occupied by him, fees as follows:

1. For a response to premises at which no other false alarm has occurred within the preceding six-months' period, hereinafter referred to as a "first response," no fee shall be charged, but the person having or maintaining such

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burglary and/or robbery alarm shall, within three working days after notice to do so, make a written report to the Chief of Police on forms prescribed by him setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized serviceman, and such other information as the Chief of Police may reasonably require to determine the cause of such false alarm and corrective action necessary;

2. For a second response to premises within six months after a first response, no fee shall be charged, but a written report shall be required as for a first response and the Chief of Police shall be authorized to inspect or cause to be inspected the alarm system at such premises, prescribe necessary corrective action, and shall give notice to the person having or maintaining such alarm system of the conditions and requirements of this section;

3. For a third response to premises within six months after such a second response, and for all succeeding responses within six months of the last response, a fee of Twenty-five Dollars (\$25.00) shall be charged, and if such third false alarm or any such succeeding false alarm is as a result of failure to take necessary corrective action prescribed by the Chief of Police, the Chief of Police may order the disconnection of such alarm system and it shall be unlawful to reconnect such alarm system until such corrective action is taken, provided, that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation.

(Ord. 101476 § 3, 1972.)

10.08.180 Violation—Penalty.

Anyone convicted of a violation of or failure to comply with any of the provisions of this subchapter shall be punishable by a fine of not more than Twenty-five Dollars (\$25.00).

(Ord. 101476 § 5, 1972.)

Chapter 10.10

FOOD-SERVICE ESTABLISHMENTS

Sections:

- 10.10.010 Definitions "A" through "E."
- 10.10.020 Definitions "F" through "K."
- 10.10.030 Definitions "L" through "R."

- 10.10.040 Definitions "S" through "Z."
- 10.10.050 Food supplies to be from approved sources.
- 10.10.060 Food protection.
- 10.10.070 Employee cleanliness.
- 10.10.080 Personnel health and disease control—Permit required.
- 10.10.090 Procedure when infection is suspected.
- 10.10.100 Equipment and utensils—Materials and maintenance.
- 10.10.110 Equipment and utensils—Cleanliness.
- 10.10.120 Water supply.
- 10.10.130 Sewage disposal.
- 10.10.140 Plumbing.
- 10.10.150 Toilet facilities.
- 10.10.160 Hand-washing facilities.
- 10.10.170 Garbage and rubbish disposal.
- 10.10.180 Vermin control.
- 10.10.190 Floors, walls and ceilings.
- 10.10.200 Lighting.
- 10.10.210 Ventilation.
- 10.10.220 Dressing rooms and lockers.
- 10.10.230 Housekeeping.
- 10.10.240 Plan review of future construction.
- 10.10.250 Permit required.
- 10.10.260 Permit and permit fee exemptions.
- 10.10.270 Application for and issuance of permits.
- 10.10.280 Temporary and seasonal permits.
- 10.10.290 Permit expiration dates.
- 10.10.300 Permit fee schedule.
- 10.10.310 Principles for calculating seating capacity.
- 10.10.320 Permit fee due date.
- 10.10.330 Penalties for delinquent fee payment.
- 10.10.340 Lost permits.
- 10.10.350 Inspection of food-service establishments.
- 10.10.360 Examination and condemnation of food.
- 10.10.370 Food from establishments outside the city.
- 10.10.380 Right of entry for inspection.
- 10.10.390 Inspection of records.
- 10.10.400 Notification of violations—Demerit scores.
- 10.10.410 Service of notices.
- 10.10.420 Permit—Suspension.
- 10.10.430 Permit—Reinstatement after suspension.
- 10.10.440 Permit—Revocation.
- 10.10.450 Hearings.

10.10.460 Scope of provisions— Enforcement.

10.10.470 Violation—Penalty.

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. 92987 § 19, 1964.)

10.10.010 Definitions "A" through "E."

As used in this chapter, unless the context clearly requires another meaning:

A. "Adulterated" means the condition of a food: (1) if it bears or contains any poisonous or deleterious substance in a quantity that 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 filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (4) if it has been processed, prepared, packed or held under an unsanitary condition, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (5) if it is in whole or in part the product of a diseased animal, or an animal that has died otherwise than by slaughter; or (6) if its container is composed in whole or in part of any poisonous or deleterious substance that may render the contents injurious to health.

B. "Approved" means acceptable to the Health Officer based on his/her determination as to conformance with appropriate standards and good public health practice.

C. "Caterer" means any person operating a food-service establishment that pursuant to a prior order or agreement prepares food, provides transportation for such food to other premises for consumption, and serves food or sets up a buffet for self-service, whether as the primary function of the establishment or as an activity additional to another requiring a permit issued pursuant to this chapter.

D. "Closed" means fitted together snugly leaving no openings large enough to permit the entrance of vermin.

E. "Corrosion-resistant material" means material that maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions that may contact it.

F. "Easily cleanable" means readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

G. "Employee" means any person working in a food-service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

H. "Equipment" means all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables, and similar items, other than utensils, used in the operation of a food-service establishment. (Ord. 108421 § 2(part), 1979: Ord. 92987 § 1-A, 1964.)

10.10.020 Definitions "F" through "K."

As used in this chapter, unless the context clearly requires another meaning:

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

B. "Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

C. "Food demonstration" means the serving, without charge, of any sample or small portion of food, drink or food product for consumption within a food-service establishment or in an area within a food-service establishment where food is not routinely served for consumption on the premises for the purpose of publicizing, advertising, or promoting the sale of food, food products or food preparation equipment.

D. "Food demonstrator" means any person who engages in the business or practice of conducting food demonstrations.

E. "Food preparation" means the putting together, cutting, slicing, dividing, mixing, portioning, or packaging of perishable or potentially hazardous food for a consumer, except that trimming or cleaning of whole vegetables or fruits for display and sale shall not be considered food preparation.

F. "Food-processing establishment" means any commercial establishment other than a restaurant, snackbar, mobile restaurant, retail bakery, or caterer, in which food is processed or otherwise prepared or packaged or where any

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potentially hazardous food is placed, packaged, or repackaged into another container for consumption or for resale.

G. "Food-service establishment" means any restaurant; snackbar; tavern; bar; nightclub; produce stand; industrial feeding establishment; grocery store; limited grocery store; mobile food-service unit; retail bakery; private, public, or nonprofit organization or institution routinely serving food; catering kitchen; food-processing establishment; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation where food is served or provided for the public with or without charge; provided, that any establishment subject to licensure under Ordinance 94465 as amended (relating to meat), or licensure or the issuance of a certificate of registration under Ordinance 80028 as amended (relating to poultry, rabbits, fish and shellfish), or the issuance of a permit under Ordinance 63773 (relating to shellfish)¹ shall not thereby avoid being considered to be a food-service establishment.

H. "Grocery store" means any food-service establishment other than an establishment defined in Sections 10.10.010 C; 10.10.020 D and F; 10.10.030 A, G, H and I; and 10.10.040 E, G, and H that sells or offers for sale any food requiring temperature control.

I. "Health Officer" means the Director of Public Health of the city or his/her designated representative.

J. "Kitchenware" means all multi-use utensils other than tableware used in the storage, preparation, transportation, or serving of food. (Ord. 108421 § 2(part), 1979; Ord. 92987 § 1-B, 1964.)

1. Editor's Note: Ord. 94465 is codified in Chapter 10.12 of this Code; Ord. 80028 is in Chapter 10.14; and Ord. 63773 is not included in this codification.

10.10.030 Definitions "L" through "R."

As used in this chapter, unless the context clearly requires another meaning:

A. "Limited grocery store" means any food-service establishment not defined in Sections 10.10.010 C; 10.10.020 D, F, and H; 10.10.030 G, H, and I; and 10.10.040 E, G, H and I that sells or offers for sale or generally makes available to the consumer only food not requiring temperature control.

B. "Misbranded" means the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, that is false or misleading, or that violates any applicable state or city labeling requirement.

C. "Mobile food-service unit" means any of the four types of mobile food-service establishments described in this subsection that may operate at more than one location:

1. "Mobile food cart" means any vehicle limited to serving non-potentially hazardous foods or frankfurters;

2. "Mobile food vehicle" means any vehicle that serves only prepackaged foods prepared at an approved food-service establishment;

3. "Mobile produce vehicle" means a vehicle that operates as a food-service establishment at one or more locations approved by the Health Officer and that offers for sale only fresh whole fruits and/or vegetables pursuant to special rules that have been or may be promulgated by the Health Officer pursuant to authority granted elsewhere in this chapter;

4. "Mobile restaurant" means any other mobile food-service unit.

D. "Perishable food" means any food of such type or in such condition as may spoil.

E. "Person" means any individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

F. "Potentially hazardous food" means any perishable food that consists in whole or in part of milk or a milk product, egg, meat, poultry, fish, shellfish, or another ingredient capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

G. "Produce stand" means a roadside stand or similar structure that operates as a food-service establishment at a fixed location and offers for sale only fresh whole fruits and/or vegetables, pursuant to special rules that have been or may be promulgated by the Health Officer pursuant to authority granted elsewhere in this chapter.

H. "Restaurant" means any stationary food-service establishment providing seating or seating equivalents, including but not limited to a cafeteria, coffeeshop, luncheonette, grill, tea-room, sandwich shop, short-order cafe, cocktail lounge, dinner theater, and soda fountain, that gives, sells, or offers for sale food to the public, guests, patrons, or employees, as well as commercial kitchens in which food is prepared and is either served on the premises or

is transported off-premises but is not served or set up as a buffet by restaurant personnel.

I. "Retail bakery" means any food-service establishment in which food and food products are mixed and baked to final form and offered to the ultimate consumer and intended for off-premises consumption.

(Ord. 108421 § 2(part), 1979: Ord. 92987 § 1-C, 1964.)

10.10.040 Definitions "S" through "Z."

As used in this chapter, unless the context clearly requires another meaning:

A. "Safe temperature," as applied to potentially hazardous food, means temperatures of forty-five degrees Fahrenheit or below, and one hundred forty degrees Fahrenheit or above.

B. "Sanitize" means to provide bactericidal treatment to clean surfaces of equipment and utensils by a process that has been approved by the Health Officer as being effective in destroying micro-organisms, including pathogens.

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

D. "Seasonal food-service establishment" means any food-service establishment operated by a licensee, tenant, concessionaire, or similar operator, in a fixed location in a city park, for a temporary period of time not to exceed six months.

E. "Single-service articles" means and includes cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping material, and all similar articles that are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, or other readily destructible material, and that are intended by the manufacturers thereof, or are generally recognized by the public, as being for one-time, one-person use prior to disposal.

F. "Snackbar" means any stationary food-service establishment from which food is served or provided to the public, and that provides no inside or outside seating or defined parking space for its patrons or customers.

G. "Tableware" means all multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).

H. "Tavern" means any food-service establishment issued a Type B, C, E or F license by the Washington State Liquor Control Board, or having an application for such type of license

pending before such Board, and that offers for consumption or sale no food other than pre-packaged food not requiring food preparation or handling.

I. "Temporary food-service establishment" means any food-service establishment that operates at a fixed location for a temporary period of time, not to exceed fourteen consecutive days, in connection with a fair, carnival, circus, or public exhibition.

J. "Utensil" means any tableware and kitchenware used in the storage, preparation, transportation, or serving of food.

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

(Ord. 108421 § 2(part), 1979: Ord. 92987 § 1-D, 1964.)

10.10.050 Food supplies to be from approved sources.

All food in food-service establishments shall be from sources approved or considered satisfactory by the Health Officer and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, nonacid and low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used. (Ord. 92987 § 2(1), 1964.)

10.10.060 Food protection.

A. All food while being stored, prepared, displayed, served, or sold at food-service establishments, or during transportation between such establishments, shall be protected from contamination. No food shall be prepared in a mobile food-service establishment. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (forty-five degrees Fahrenheit or below, or one hundred forty degrees Fahrenheit or above), except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffing, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again: Provided, that wrapped food which has not been unwrapped and which is wholesome may be re-served.

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B. Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food-service establishments: Provided, that retail grocery stores may be exempted from this requirement when such products are handled in a manner acceptable to the Health Officer. Poisonous and toxic materials shall be identified, and shall be used and stored only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers.

(Ord. 92987 § 2(2), 1964.)

10.10.070 Employee cleanliness.

All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands.

(Ord. 92987 § 3(2), 1964.)

10.10.080 Personnel health and disease control—Permit required.

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 food-service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other 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 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 food-service 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 food-service 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. 92987 § 3(1), 1964.)

10.10.090 Procedure when infection is suspected.

When the Health Officer has reasonable cause to suspect possibility of disease transmission from any food-service establishment employee, 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 all food-service establishments;

B. The immediate closure of the food-service establishment concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists;

C. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and

D. Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

(Ord. 92987 § 16, 1964.)

10.10.100 Equipment and utensils—Materials and maintenance.

A. All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion resistant and relatively nonabsorbent: Provided, that, when approved by the Health Officer, exceptions may be made to the material requirements of this subsection for equipment such as cutting boards, blocks, and bakers' tables.

B. All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

C. Equipment in use at the time of adoption

of the ordinance codified in this chapter¹ which does not meet fully the requirements of subsections A and B of this section, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are nontoxic.

D. Single-service articles shall be made from nontoxic materials.
(Ord. 92987 § 4(1), 1964.)

1. Editor's Note: Ord. 92987 was passed by the City Council on June 15, 1964.

10.10.110 Equipment and utensils— Cleanliness.

A. All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.

B. All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as will keep them in a clean and sanitary condition.

C. After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

D. All single-service articles shall be stored, handled and dispensed in a sanitary manner, and shall be used only once.

E. Food-service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

(Ord. 92987 § 4(2), 1964.)

10.10.120 Water supply.

A. The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water under pressure shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed; provided that hot and cold running water under pressure may not be required for mobile food-service establishments when the food offered for sale from such establishments

is prepared and packaged in individual portions at a fixed food-service establishment operating under valid permit.

B. Water, if not piped into the establishment, shall be transported and stored in approved containers and shall be handled and dispensed in a sanitary manner.

C. Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

(Ord. 92987 § 5(1), 1964.)

10.10.130 Sewage disposal.

All sewage shall be disposed of in a public sewerage system, or, in the absence thereof, in a manner approved by the Health Officer.

(Ord. 92987 § 5(2), 1964.)

10.10.140 Plumbing.

Plumbing shall be so sized, installed and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an unsanitary condition or nuisance.

(Ord. 92987 § 5(3), 1964.)

10.10.150 Toilet facilities.

Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees; provided, that adequate and convenient toilet facilities may not be required for employees of a mobile food-service establishment when the food offered for sale from such establishments is prepared and packaged in individual portions at a fixed food-service establishment operating under valid permit. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of non-water-carried sewage disposal facilities have been approved by the Health Officer,

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such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this section and Section 10.10.150. (Ord. 92987 § 5(4), 1964.)

10.10.160 Hand-washing facilities.

Each food-service establishment, with the exception of a mobile food-service establishment when the food offered for sale from such establishments is prepared and packaged in individual portions at a fixed food-service establishment operating under valid permit, shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

(Ord. 92987 § 5(5), 1964.)

10.10.170 Garbage and rubbish disposal.

All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use. Provided, that such containers need not be covered when stored in a special verminproofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas and containers used shall be adequate for the storage of all food wastes and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with state and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance. (Ord. 92987 § 5(6), 1964.)

10.10.180 Vermin control.

Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

(Ord. 92987 § 5(7), 1964.)

10.10.190 Floors, walls and ceilings.

A. The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed and in walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable: Provided, that the floors of nonrefrigerated, dry-food-storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

B. The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

(Ord. 99992 § 1(part), 1971: Ord. 92987 § 6(1), 1964.)

10.10.200 Lighting.

All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all clean-up activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned. (Ord. 99992 § 1(part), 1971: Ord. 92987 § 6(2), 1964.)

10.10.210 Ventilation.

All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable state and local fire-prevention requirements and shall, when vented to the outside air, discharge in such manner as not to create a nuisance.

(Ord. 99992 § 1(part), 1971: Ord. 92987 § 6(3), 1964.)

10.10.220 Dressing rooms and lockers.

Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food preparation, storage, and serving areas, and the utensil-washing and storage areas: Provided, that when approved by the Health Officer, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean. (Ord. 99992 § 1(part), 1971: Ord. 92987 § 6(4), 1964.)

10.10.230 Housekeeping.

All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. None of the operations connected with a food-service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats, and aprons shall be kept in suitable containers until removed for laundering. No live bird or animals shall be allowed in any area used for the conduct of food-service establishment operations: Provided, that guide dogs accompanying blind persons may be permitted in dining areas and guard dogs on leash accompanying licensed merchant patrolmen on armored car routes may be permitted in areas other than where food is exposed.

(Ord. 99992 § 1(part), 1971: Ord. 92987 § 6(5), 1964.)

10.10.240 Plan review of future construction.

When a food-service establishment is hereafter¹ constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials of work areas, and the location, size and type

of fixed equipment and facilities, shall be submitted to the Health Officer for approval before such work is begun.

(Ord. 92987 § 15, 1964.)

1. Editor's Note: Ord. 92987 was passed by the City Council on June 15, 1964.

10.10.250 Permit required.

It shall be unlawful for any person to operate a food-service establishment, including but not limited to a food-processing establishment, a temporary food-service establishment or a food demonstration, without a valid permit therefor issued to such person by the Health Officer. Only a person who complies with the requirements of this chapter and rules and regulations and the directives of the Health Officer shall be entitled to receive and retain such a permit. Permits shall not be transferable and shall be valid only for the person and place for which issued. Each such permit shall be posted conspicuously in the food-service establishment for which issued.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-A, 1964.)

10.10.260 Permit and permit fee exemptions.

A. Every person who operates a public, private, or parochial school lunchroom shall obtain a permit therefor from the Health Officer but shall be exempt from the fee provisions of this chapter.

B. Every religious, charitable, community service, or educational organization or institution operating a food-service establishment shall obtain a permit therefor from the Health Officer, and shall be exempt from the fee provisions of this chapter unless such food-service establishment, more than five times per year, provides food to nonmembers of such organization or institution for a charge.

C. The Health Officer shall not require a fee from any blind person for the operation of a vending facility under the supervision of the Washington State Commission for the Blind. "Vending facility" as used in this subsection means any vending stand, facility, cafeteria, or snackbar at which food, tobacco or sundries are offered for sale. "Blind person" as used in this subsection shall have the meaning set forth in RCW 74.17.010, as now or hereafter amended.

D. Food-service establishments that sell or

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offer for sale only coffee, tea, popcorn and prepackaged candy, chewing gum, nut meats, potato chips, pretzels, and soft drink beverages shall be exempt from the provisions of this chapter. The Health Officer, by rule, may authorize the sale of other prepackaged non-potentially hazardous foods to be likewise exempt from the provisions of this chapter.

E. The sale of wrapped prepackaged ice cream, ice cream bars, or frozen confections shall not require a permit provided that such products are prepared, manufactured, wrapped or packaged and frozen in a facility operating under permit from the Seattle-King County Public Health Department, the Washington State Department of Agriculture, the United States Department of Health, Education and Welfare - Public Health Service - Food and Drug Administration, or another official agency acceptable to the Health Officer, and that such products remain packaged and frozen in an unaltered state until being sold.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-B, 1964.)

10.10.270 Application for and issuance of permits.

A. Any person desiring to operate a food-service establishment, including but not limited to a food-processing establishment, a temporary food-service establishment or a food demonstration, shall make written application for a permit on a form to be provided by the Health Officer. Such application shall include the operator's full name and post office address and 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 food-service establishment; and the signature of the applicant(s); and shall be accompanied by the permit fee amount described in Section 10.10.300. If the application is for a seasonal or temporary food-service establishment, it shall also include the inclusive dates of the proposed operation.

B. When inspection reveals that the applicable requirements of this chapter and rules and regulations and directives of the Health Officer have been met and the applicable permit fee has been paid, a permit shall be issued to the applicant(s) by the Health Officer.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-C, 1964.)

10.10.280 Temporary and seasonal permits.

Temporary and seasonal food-service establishment permits shall be issued for the periods of time specified by the applicants therefor, except that in no case shall a temporary food-service establishment permit be valid for more than fourteen consecutive days, and a seasonal food-service establishment permit be valid for more than six consecutive months.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-D, 1964.)

10.10.290 Permit expiration dates.

Notwithstanding any other provision hereof to the contrary, all temporary and seasonal permits issued pursuant to this chapter shall expire on the date set forth on the face of such permit.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-H, 1964.)

10.10.300 Permit fee schedule.

The permit fees for the food-service establishments subject to the fee requirements of this chapter shall be the annual fees set forth in this section and, with respect to temporary food-service establishments, the periodic fee set forth in this section:

Class	Type of Food-service Establishment	Fee
1. a.	Restaurants	
	(1) Seating capacity 1-10	\$ 30.00
	(2) Seating capacity 11-25	\$ 40.00
	(3) Seating capacity 26-55	\$ 70.00
	(4) Seating capacity 56-90	\$125.00
	(5) Seating capacity 91-130	\$165.00
	(6) Seating capacity 131-175	\$200.00
	(7) Seating capacity 176-225	\$240.00
	(8) Seating capacity 226-275	\$280.00
	(9) Seating capacity over 275	\$320.00
1. b.	Caterers	
	(1) If part of another food-service establishment	\$ 45.00
	(2) If not part of another food-service establishment	\$150.00
1. c.	Food-processing establishments	\$140.00
1. d.	Snackbars	
	(1) No food preparation	\$ 95.00
	(2) Food preparation	\$140.00
1. e.	Mobile food-service units	
	(1) Mobile food cart	\$ 40.00
	(2) Mobile food vehicle—first vehicle	\$140.00
	Each additional vehicle	\$ 45.00

- (3) Mobile produce vehicle—each location \$ 90.00
- (4) Mobile food restaurant \$160.00
- 1. f. Temporary food-service establishment \$ 95.00
- 1. g. Food demonstrator \$140.00
- 1. h. Taverns (no food preparation) .. \$ 95.00
- 2. a. Grocery stores
 - (1) 1 to 3 checkout devices \$ 40.00
 - (2) 4 to 8 checkout devices \$ 80.00
 - (3) Over 8 checkout devices \$120.00
- 2. b. Limited grocery stores \$ 45.00
- 2. c. Produce stand \$ 90.00
- 3. Retail bakery \$140.00

Provided, that if the application pertains to a seasonal food-service establishment, or a food-service establishment other than a temporary food-service establishment, that is operated only on and after October 1st in any year, the applicable fee shall be one-half the annual fee specified in this section.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-I, 1964.)

10.10.310 Principles for calculating seating capacity.

For the purpose of calculating seating capacity to determine the applicable permit fee, the following methodology shall be used:

A. Only the number of seats used for serving customers shall be counted; seating used solely for customer waiting shall not be counted.

B. Any restaurant comprised of more than one type of operation, such as a coffeeshop and cocktail lounge, may, at the option of the permittee, have its seating capacity computed as if the restaurant were only a single operation.

C. Seating count for take-out and drive-in type food-service establishments shall either include the total number of inside and outside seats or two seats for each defined parking stall provided by the food-service establishment, whichever is greater.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-J, 1964.)

10.10.320 Permit fee due date.

The fee for any permit to be issued under this chapter shall be due and payable on or before the commencement date of the operation subject to such permit.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-F, 1964.)

10.10.330 Penalties for delinquent fee payment.

The permittee shall pay, in addition to the applicable annual or periodic fee described in Section 10.10.300, a penalty equal to one-quarter of the applicable fee or Five Dollars (\$5.00), whichever is greater, in the event the annual permit fee is not paid prior to the sixty-first day after the due date, and the seasonal or temporary permit fee is not paid prior to the second day after the due date. The Health Officer may waive penalties, in whole or in part, where he/she determines that the delay in payment was occasioned by mistake or excusable neglect on the part of the permittee.

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-G, 1964.)

10.10.340 Lost permits.

Where, from such evidence as he/she may require, the Health Officer finds that a permit has been lost, he/she may issue a duplicate to the permittee upon payment of Two Dollars (\$2.00).

(Ord. 108421 § 4(part), 1979: Ord. 92987 § 8-E, 1964.)

10.10.350 Inspection of food-service establishments.

The Health Officer shall inspect each food-service establishment as often as is necessary for the enforcement of this chapter.

(Ord. 92987 § 11(part), 1964.)

10.10.360 Examination and condemnation of food.

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 food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the 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

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may demand a hearing such as is provided for in Section 10.10.450 and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within ten days, the Health Officer may vacate the hold order, or may by written order, direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food 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 days. (Ord. 92987 § 13, 1964.)

10.10.370 Food from establishments outside the city.

Food from food-service establishments outside the city may be sold within the city if such food-service establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Officer may accept reports from responsible authorities in other jurisdictions where such food-service establishments are located. (Ord. 92987 § 14, 1964.)

10.10.380 Right of entry for inspection.

A Health Officer exhibiting proper identification shall be permitted to enter, at any reasonable time, any food-service establishment for the purpose of making inspections to determine compliance with this chapter. He shall be permitted to examine the records of the establishment pertaining to food and supplies purchased, received, or used, and persons employed.

(Ord. 92987 § 11(part), 1964.)

10.10.390 Inspection records.

A. Whenever the Health Officer makes an inspection of a food-service establishment, he shall record his findings on an inspection report form prepared by the Director of Public Health who shall be guided in the preparation thereof by United States Public Health Service Form 4006. Such form shall summarize the requirements of Sections 10.10.050 through 10.10.080, 10.10.100 through 10.10.230, and 10.10.460A and shall set forth demerit point values to be

charged any such permittee for violation of any of such requirements.

B. The inspection report form shall state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Officer within the time established in the notice for correction.

(Ord. 92987 § 12(part), 1964.)

10.10.400 Notification of violations— Demerit scores.

A. The Health Officer making such inspection shall notify the permit holder or operator of all violations he may find by delivering to him a properly filled out inspection report form or other written notice. In such notification, the Health Officer shall set forth the specific violations found, together with the demerit score of the establishment. When a demerit score is twenty or less, all violations of two or four demerit points must be corrected by the time of the next routine inspection; or when the demerit score is more than twenty but not more than forty, all items of two or four demerit points must be corrected within thirty days; or when one or more six-demerit point items are in violation, regardless of demerit score all such items must be corrected within ten days. When the demerit score is more than forty, the Health Officer shall immediately suspend the permit.

B. Upon completion of an inspection, the Health Officer shall total the demerit point values for all requirements in violation, such total becoming the demerit score of the establishment.

(Ord. 92987 § 12(part), 1964.)

10.10.410 Service of notices.

Notices provided for under this chapter shall be deemed served when delivered personally to the permit holder or person in charge of the activity licensed or when sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Health Officer.

(Ord. 92987 § 12(part), 1964.)

10.10.420 Permit—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 on such suspension will be provided if a written request for a hearing is filed with the Health Officer by the permit holder.

C. Notwithstanding any other provisions of this chapter, whenever the Health Officer finds that a violation of this chapter has created or is creating an unsanitary or other condition in a food-service establishment which in his judgment constitutes so serious a hazard to the public health as to require the immediate closure of the establishment, he may without warning, notice or hearing, suspend its permit effective immediately and all food-service operations shall cease immediately. If in the Health Officer's opinion immediate closure is not required he may issue a written notice to the permit holder or operator citing the ordinance violations creating the unsanitary conditions, specifying the corrective action to be taken, and the time period within which such action shall be taken. Any person to whom such an order is issued or whose permit is suspended under this section shall comply immediately with the order of the Health Officer but upon written petition to the Health Officer shall be afforded a hearing as soon as possible.

D. All violations in temporary food-service establishments must be corrected within twenty-four hours of notice thereof. Failure to comply with such notice shall result in immediate suspension of the permit.
(Ord. 92987 §§ 9(part), 12(part), 1964.)

10.10.430 Permit—Reinstatement after suspension.

Any person whose permit has been suspended, may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten days following receipt of a written request for reinspection, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this chapter, the permit shall be reinstated.

(Ord. 92987 § 9(part), 1964.)

10.10.440 Permit—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 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-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(Ord. 92987 § 10(part), 1964.)

10.10.450 Hearings.

Hearings on suspensions or revocation of permits shall be conducted by the Director of Public Health, 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 appropriate 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.

(Ord. 92987 § 10(part), 1964.)

10.10.460. Scope of provisions—Enforcement.

A. Temporary food-service establishments, food demonstrations, and specific food-service establishments, including mobile restaurant, retail grocery, retail food market, and retail bakery, shall comply with all provisions of this chapter which are applicable to their operation: Provided, that the Health Officer may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous food and may modify specific requirements for physical facilities when in his opinion no imminent health hazard will result and may establish rules and regulations governing such operations.

B. This chapter shall be enforced by the Director of Public Health in accordance with

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the compliance provisions of the 1962 Edition of the "United States Public Health Service Food-Service Sanitation Ordinance and Code," a copy of which is on file in the Comptroller's office. The Health Officer is also authorized to make rules and regulations not inconsistent with the provisions of this chapter for the purpose of enforcing and carrying out its provisions.

(Ord. 92987 §§ 7 and 17, 1964.)

10.10.470 Violation—Penalty.

Anyone violating or failing to comply with any of the provisions of this chapter upon conviction thereof shall be punished by a fine of not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for a term not to exceed ninety days, or by both such fine and imprisonment, and each day that anyone shall continue to so violate or fail to comply shall be considered a separate offense.

(Ord. 92987 § 18, 1964.)

Chapter 10.12

MEAT DISTRIBUTION AND SALE

Sections:

- 10.12.010 Definitions.
- 10.12.020 Enforcement.
- 10.12.030 License required.
- 10.12.040 License fees.
- 10.12.050 License expiration.
- 10.12.060 License posting.
- 10.12.070 Late license renewal fee.
- 10.12.080 Issuance of licenses.
- 10.12.090 Sale to consumer from licensed shop only.
- 10.12.100 Operations authorized by license.
- 10.12.110 Special inspection services.
- 10.12.120 Suspension and revocation of licenses.
- 10.12.130 Right of appeal.
- 10.12.140 Meat Advisory Committee.
- 10.12.150 Examinations for meatcutter and meat wrapper salesperson.
- 10.12.160 Worker's health permits.
- 10.12.170 Fraudulent and unlawful use or removal of licenses, certificates, inspection marks, and numbers.
- 10.12.180 Records to be open to inspection.
- 10.12.190 Meat grading.

10.12.200 False and unlawful advertisements and displays prohibited.

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10.12.240 Meat peddling prohibited.

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10.12.320 Meat Inspection Fund.

10.12.330 Application to inspect for state and collect fees.

10.12.340 Meat inspectors.

10.12.350 Unlawful to employ unlicensed person.

10.12.360 Chapter not to conflict with statutes.

10.12.370 Violation—Penalty.

Statutory Reference: For statutory provisions on meat inspection, see RCW Ch. 16.49A.

Severability: Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.
(Ord. 94465 § 34, 1966.)

Cases: A Seattle ordinance prohibiting meat markets and shops from selling meat after six p.m. was held unconstitutional as an unreasonable restriction on a legitimate business. *Brown v. Seattle*, 150 Wn. 203, 272 P. 517 (1928).

10.12.010 Definitions.

Words and phrases as used in this chapter shall have the following meanings:

1. "Adulterant" means filth, toxic ingredient or unwholesome substance of any kind, or any material such as, but not limited to, added water, farinaceous material, excess fat, or preservatives, or any substance not authorized to be contained in a specific meat product.

2. "Apprentice meatcutter" means any person in a retail meat shop employed for the purpose of selling meat and/or learning meat cutting under the approved Washington State Apprenticeship Training Committee Seattle-King County meatcutters' apprentice program.

3. "Consumer" means any person procuring or obtaining meat for consumption by themselves or their families, or with a view to preparation or cooking and resale to their guests or to the public.

4. "Cured meat" means all meat which has been cured by cooking, smoking, salting, drying, or other recognized trade process of curing.

5. "Cured sausage" means all meat food products prepared in whole or in part from chopped or ground meat and further processed by curing and/or drying and/or smoking and/or cooking, and moulded or encased in artificial or natural animal casing.

6. "Director" means the Director of Public Health of the city or his authorized representative.

7. "Food and beverage service worker's permit" means a food and beverage service worker's permit issued under RCW Chapter 69.06, as now or hereafter amended, and pursuant to the rules and regulations of the State Board of Health in such connection.

8. "Fresh meat" means all meat which has not been cooked or cured by smoking, salting, drying, or other recognized trade process of curing.

9. "Fresh sausage" means chopped or ground fresh meat, with or without spice, either in bulk or in casings.

10. "Frozen meat" means meat which is congealed by refrigeration or cold.

11. "Inspected meat" means all meat inspected, passed and approved, and stamped or tagged by a meat inspector.

12. "Licensed meat establishment" means any retail meat shop, retail processed meat shop, wholesale meat shop, or meat warehouse duly licensed under the provisions of this chapter.

13. "Meat" means all animal flesh, carcasses and parts thereof, fresh, frozen, and cured sausage, cured meat and all processed meat, except poultry and game, intended for human consumption or sold or disposed of as human food.

14. "Meatcutter" means any person cutting, cutting or preparing for sale, selling or disposing or offering to sell or dispose of fresh, cured, or frozen meat to a consumer but shall exclude meat wrapper and meat wrapper salesman.

15. "Meat inspector" means the Director and/or any of his subordinates by him detailed

as meat inspectors, or any person authorized to do meat inspection by the State Department of Agriculture or U.S. Department of Agriculture.

16. "Meat warehouse" means all premises, buildings and parts thereof used to store perishable meat and which premises are not otherwise licensed under this chapter.

17. "Meat wrapper" means any person employed to handle, weigh, label, wrap, display, and package, fresh, processed or cured meats for sale in a licensed wholesale or retail meat shop and to offer to sell or sell processed, cured, or frozen meat therefrom to the consumer; and in a retail processed meat shop to slice and package cured and processed meats and to sell processed, cured and frozen meats.

18. "Meat wrapper salesman" means any person employed to handle, weigh, label, wrap, display, and package fresh, processed, or cured meats for sale in a licensed wholesale or retail meat shop and to offer to sell or sell fresh, processed, cured, or frozen meat therefrom to the consumer; and in a retail processed meat shop, to slice and package cured and processed meats and to sell processed, cured, and frozen meats.

19. "Person" means individuals of either sex, and associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee: The singular number shall include the plural; and the masculine pronoun includes the feminine.

20. "Retail meat shop" means all premises, buildings and/or parts thereof used for the preparation for sale, or for the sale or disposition of fresh, frozen, and cured meat to a consumer.

21. "Retail processed meat shop" means all premises, buildings, and/or parts thereof used for the receipt, preparation for sale, sale or disposition of cured meat and/or frozen meat to a consumer.

22. "Self-service retail meat shop" means any retail meat shop or retail processed meat shop where the majority of meat sales are of prepackaged meat selected by the consumer from open meat counters.

23. "Service retail meat shop" means any retail meat shop where the majority of meat sales are of meats cut and wrapped in the consumer's presence.

24. "Wholesale commission meat dealer" means any person who purchases meat from a

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licensed wholesale meat shop for purposes of sale to any person other than a consumer.

25. "Wholesale meat dealer" means any person who sells or disposes of meat to any person other than a consumer when such meat is from animals owned by and slaughtered for him in a slaughterhouse operating under state or federal meat inspection.

26. "Wholesale meat shop" means all premises, buildings and/or parts thereof used for the receipt, preparation, manufacturing, processing, and curing, or for the sale or disposition of inspected meats.

(Ord. 95906 § 1, 1967; Ord. 94465 § 1, 1966.)

10.12.020 Enforcement.

The Director of Public Health shall enforce this chapter, and may make rules and regulations consistent with the provisions of this chapter. The Director of Licenses and Consumer Affairs shall assist in the enforcement of those portions of this chapter relating to licenses.

(Ord. 102638 § 1, 1973; Ord. 94465 § 2, 1966.)

10.12.030 License required.

It shall be unlawful for any person:

A. To open up, conduct, manage, operate or maintain a retail meat shop, retail processed meat shop, wholesale meat shop, or meat warehouse within the city without a meat distribution facilities license for each such establishment;

B. To operate or do business as a wholesale commission meat dealer or wholesale meat dealer within the city without a meat dealer's license;

C. To engage in the business of, operate or be employed as a meatcutter, apprentice meatcutter or meat wrapper or meat wrapper salesman within the city without a meatcutter license, apprentice meatcutter license, meat wrapper license or meat wrapper salesman license;

D. Bring into, send into, or receive in the city for sale or to sell, or offer for sale therein or to hold for sale, trade, delivery or barter of any meat, without having a license so to do issued by the Director under this chapter; provided, that meat prepared and packaged by persons licensed under this chapter in accordance with sanitary conditions prescribed by the Director may be sold to consumers from retail meat shops, retail processed meat shops,

or wholesale meat shops licensed under this chapter, by persons holding valid food and beverage service worker's permits when such sales are authorized by, and comply with the conditions set forth in Sections 10.12.100 and 10.12.280; provided further, any person maintaining a license in good standing issued under King County Resolution No. 32842, as now or hereafter amended, is exempt from such licensing requirements so long as the county gives like consideration on a reciprocal basis to those persons licensed under this chapter.

(Ord. 96788 § 1(part), 1968; Ord. 95906 § 2(part), 1967; Ord. 94465 § 3(part), 1966.)

10.12.040 License fees.

As of July 1, 1968, the annual fees for licenses issued pursuant to this chapter shall be as follows:

A. Meat Distribution Facilities License:

1. Retail meat shop employing not more than three meatcutters and/or meat wrappers or meat wrapper salesmen
Open until six p.m. \$ 80.00
Open after six p.m. \$ 95.00

2. Retail meat shop employing four or more meatcutters and/or meat wrappers or meat wrapper salesmen
Open until six p.m. \$130.00
Open until six p.m. \$180.00

3. Retail processed meat shop . . \$ 35.00

4. Wholesale meat shop employing not more than five persons
If under federal inspection \$200.00
If not under federal inspection \$350.00

5. Wholesale meat shop employing six or more persons
If under federal inspection \$350.00
If not under federal inspection \$550.00

6. Meat warehouse \$ 25.00

B. Meat Dealer's License:

1. Wholesale meat dealer and wholesale commission meat dealer . . . \$250.00

2. Meatcutter license, apprentice meatcutter license, meat wrapper license and meat wrapper salesman license \$ 10.00

(Ord. 96788 § 1(part), 1968; Ord. 95906 § 2(part), 1967; Ord. 99465 § 3(part), 1966.)

10.12.050 License expiration

Each license issued under this chapter shall

expire on June 30th next following issuance thereof and shall be nontransferable or assignable except that a meat distribution facilities license may be transferred from one establishment to another when approved by the Director and upon payment of a transfer fee equal to ten percent of the applicable meat distribution facilities license. Should any meat distribution facilities license or meat dealer's license be issued between January 1st and June 30th of any year, the required fee shall be one-half of the annual fee therefor.

(Ord. 96788 § 1(part), 1968: Ord. 95906 § 2(part), 1967: Ord. 94465 § 3(part), 1966.)

10.12.060 License posting.

Meat distribution facilities licenses issued under this chapter shall be posted in a conspicuous place in each establishment and licenses issued to individuals shall be carried on the person by such individuals while engaged in the activities licensed under this chapter.

(Ord. 96788 § 1(part), 1968: Ord. 95906 § 2(part), 1967: Ord. 94465 § 3(part), 1966.)

10.12.070 Late license renewal fee.

A. Any person who has held a license in the previous license year for which an annual license period is prescribed and who continues to engage in the licensed activity shall, upon failure to make timely application for renewal of the license, pay a late renewal fee as follows:

1. If the renewal application is received after the date of expiration of the previous license but before the end of thirty days into the new license year, ten percent of the annual license fee or Ten Dollars (\$10.00), whichever is greater;

2. If the renewal application is received after thirty days into the new license year, twenty percent or Twenty-five Dollars (\$25.00), whichever is greater.

B. No annual license shall be issued until any late renewal fee has been paid; provided, that payment of the late renewal fee may be waived whenever the Director finds that timely application was beyond the control of the licensee by reason of severe circumstances; for example, serious illness of the licensee, death or incapacity of an accountant or other person who retains possession of the licensee's license records, loss of business records due to theft, fire, flood or other similar acts.

(Ord. 106025 § 9, 1976: Ord. 94465 § 3.1, 1966.)

10.12.080 Issuance of licenses.

A. Meatcutter, apprentice meatcutter, meat wrapper, and meat wrapper salesman licenses shall be issued by the Director of Licenses and Consumer Affairs upon compliance with the provisions of this chapter and/or rules or regulations adopted under this chapter.

B. Persons desiring a license shall make written application to the Director of Licenses and Consumer Affairs on forms provided by him/her. Such application shall include the applicant's full name and address, whether such applicant is an individual, firm, or corporation, and if a partnership, the names and addresses of the partners, and if an employee, the name of his/her employer. Applications shall be accompanied by a receipt showing the payment of the required fee to the City Treasurer.

C. If the application is for a meat distribution facilities license, it shall include the location by street and number of the premises to be occupied or the premises from which applicant wishes to operate, and the type of meat establishment to be licensed. If the application is for a meat distribution facilities license covering a wholesale meat shop located outside the city limits, it shall be accompanied by a written agreement, signed by the applicant agreeing to comply with the provisions of this chapter and all rules and regulations made pursuant thereto and with any other ordinance of the city relating to or affecting wholesale meat shops, and agreeing to allow such inspection of the applicant's premises as the Director of Public Health may require, and to pay to the City Treasurer, upon presentation of a bill therefor, the cost of transportation required for such inspection at the rate of Ten Cents (\$.10) per mile, to be deposited when received in the Meat Inspection Fund.

D. In the event that an applicant for a wholesale meat dealer's license desires to operate from a slaughterhouse located outside of the city limits he/she shall file with such application his/her written agreement to permit the inspection, at all reasonable times, of his/her fixtures and equipment used in the transportation and sale of meat, and to faithfully comply with all the provisions of this chapter and all other

ordinances of the city and all rules and regulations made pursuant thereto relating to the transportation and sale of meat; provided, no wholesale meat dealer's license shall authorize the holder to sell any meat from any animals slaughtered for him/her in a slaughterhouse unless the same are passed through a licensed wholesale meat shop.

E. When application is for a meat distribution facilities license, the Director of Licenses and Consumer Affairs shall refer the same to the Director of Public Health who shall inspect the premises therein described and the fixtures and equipment to be used to determine compliance with the provisions of this chapter. When such inspection reveals that the applicable requirements of this chapter have been met, the Director of Public Health shall approve the application and return it to the Director of Licenses and Consumer Affairs who shall thereupon issue such license. If the Director of Public Health determines that the requirements of this chapter have not been met, he/she shall so certify on and return the application to the Director of Licenses and Consumer Affairs who shall reject the same.

F. Applications for a meatcutter, apprentice meatcutter, meat wrapper, and meat wrapper salesman license shall be accompanied by a certification by the Director of Public Health that the applicant holds a valid food and beverage service worker's permit. Applications for an apprentice meatcutter's license shall also show a certification of enrollment in a Seattle-King County meatcutter's apprenticeship program approved by the Director of Public Health and/or approved by the Joint Apprenticeship Committee. Applicants upon successfully passing the meatcutter's license examination provided for by Section 10.12.150, and the showing of competent evidence that the applicant has at least three years' practical experience as a meatcutter and has acquired the basic manual skills and special knowledge of meat cutting, may be issued the license by the Director of Licenses and Consumer Affairs.

The Joint Apprenticeship Committee shall consist of six regular members representing the Seattle meat industry (three from employers and three from employees) and one ex officio member who shall be the Washington State Department of Labor and Industries Coordinator for apprenticeship training.

(Ord. 108076 § 3, 1979; Ord. 107158 § 6, 1978; Ord. 102638 § 2, 1973; Ord. 95906 § 3, 1967; Ord. 94465 § 4, 1966.)

10.12.090 Sale to consumer from licensed shop only.

It shall be unlawful to sell, trade, deliver, barter or otherwise dispose of fresh meat to a consumer except in and from a retail meat shop, or a wholesale meat shop, duly licensed under this chapter, or to sell, trade, deliver, barter or otherwise dispose of cured meat, frozen meat and/or cured sausage to any consumer except in and from a retail meat shop, wholesale meat shop, or a retail processed meat shop, duly licensed under this chapter. (Ord. 94465 § 5, 1966.)

10.12.100 Operations authorized by license.

A. Retail Meat Shop. Any license issued for a retail meat shop shall authorize the person named therein to conduct and operate a retail meat shop in and upon the premises described therein, and upon said premises to provide for the sale to consumers of inspected meat in any form purchased from the following persons or establishments duly licensed under this chapter: wholesale meat shop, wholesale meat dealer operating through a wholesale meat shop, or a wholesale commission meat dealer; and to make, prepare and process from inspected meats and sell to the consumer on said premises, fresh or cured sausage, cured meat, frozen meat, or other meat food products.

Fresh meat that has been cut and prepared for sale by a licensed meatcutter or a licensed apprentice meatcutter in a retail meat shop where meat is wrapped for the consumer at time of sale may be sold to the consumer by a licensed meatcutter, licensed apprentice meatcutter, or a licensed meat wrapper salesman at any time the market is open for business. Such meat may only be sold under sanitary conditions as prescribed by the Director.

B. Retail Processed Meat Shop. Any license issued for a retail processed meat shop shall authorize the person named therein to conduct and operate a retail processed meat shop in and upon the premises described therein, and to make cured sausage and cured meats, and to provide for the sale of inspected cured meat and cured sausage and frozen meat therein to the consumer. All meat must be purchased through a wholesale meat shop, or wholesale commission meat dealer.

C. Wholesale Meat Shop. Any license issued for a wholesale meat shop shall authorize the person named therein to conduct and operate a

wholesale or retail meat shop in and upon the premises described therein and to provide for the sale of inspected meat at retail or wholesale.

Any licensed wholesale meat shop which only receives, stores, and ships meat products in the same condition as when they left the shipper without removing the protecting wrapping or packaging and without further processing of any kind may, upon written application to the Director and upon his/her inspection and approval be exempted from those sanitary requirements provided for meat establishments in Section 10.12.260 which, in the Director's determination, relate to protection of the public in the handling, cutting, weighing, processing and packaging of meat rather than the handling and transporting of prepackaged meat and meat products.

D. Wholesale Meat Dealer. Every wholesale meat dealer's license shall authorize the person named therein to sell to any person other than a consumer, meat produced from animals owned by, and slaughtered for him/her in a state or federally inspected slaughterhouse. Upon application of the holder of such license, and the approval of the Director, the Director of Licenses and Consumer Affairs shall substitute in such license the name of any other slaughterhouse in lieu of the slaughterhouse originally designated therein.

E. Wholesale Commission Meat Dealer. Every wholesale commission meat dealer's license shall authorize the person named therein to conduct a business out of a licensed wholesale meat shop and to buy inspected meat from any licensed wholesale meat shop and sell inspected meat to any person other than a consumer. Upon application of the holder of such license and the approval of the Director, the Director of Licenses and Consumer Affairs shall substitute in such license the name of any other licensed wholesale meat shop originally designated therein; and with the approval of the Director, the headquarters of the applicant designated in the original license and the place from which meat purchased by him/her from any licensed wholesale shop may be assembled, stored, sold and delivered, may be a place other than a licensed wholesale meat shop.

F. Meat Warehouse. Every warehouse license shall authorize the person named therein to store inspected perishable meat upon the premises.

G. Meatcutter. A meatcutter's license shall entitle the holder to sell, offer to sell or to cut, or cut for sale or to dispose of meat to a consumer from a licensed meat establishment.

H. Apprentice Meatcutter. An apprentice meatcutter's license shall entitle the person to whom it is issued to prepare for sale, sell and dispose of fresh, frozen, and cured meat to consumers under the immediate direction of a licensed meatcutter.

I. Meat Wrapper. A meat wrapper's license shall entitle the holder to handle, weigh, label, wrap, display, and package fresh, processed or cured meats for sale in a licensed wholesale or retail meat shop and to offer to sell or sell processed, cured, or frozen meat therefrom to the consumer; and in a retail processed meat shop to slice and package cured and processed meats and to sell processed, cured and frozen meat.

J. Meat Wrapper Salesman. A meat wrapper salesman's license shall entitle the holder to handle, weigh, label, wrap, display and package fresh, processed, or cured meats for sale in a licensed wholesale or retail meat shop and to offer to sell or sell fresh, processed, cured, or frozen meat therefrom to the consumer; and in a retail processed meat shop, to slice and package cured and processed meats and to sell processed cured, and frozen meats.

(Ord. 107158 § 7, 1978; Ord. 95906 § 4, 1967; Ord. 94465 § 6, 1966.)

10.12.110 Special inspection services.

The Director is authorized to provide, and to render billings for, special meat inspection services from time to time, to persons licensed under this chapter in connection with the inspection and/or certification of specially prepared meat and meat product mixtures for sale under private contract. Fees received from licensees for such special inspection services shall be deposited in the Meat Inspection Fund as reimbursement for the cost of such inspection.

(Ord. 94465 § 7, 1966.)

10.12.120 Suspension and revocation of licenses.

A. No license issued pursuant to the provisions of this chapter may be revoked except after a hearing before the Director of Public Health, at which time the holder of such license shall have the right to be heard and to introduce

evidence in his behalf. At least five days before such hearing the Director of Public Health shall cause to be mailed or delivered to the licensee at his last known address a notice stating the time and place of such hearing, together with the reasons assigned for such proposed revocation. If, upon the hearing, the Director of Public Health shall find that one or more of such reasons exist, he shall immediately so advise the Director of Licenses and Consumer Affairs in writing, stating the reasons found to exist for such revocation, and the Director of Licenses and Consumer Affairs shall forthwith revoke and take up the license.

B. Whenever the reasons assigned for the revocation of the license include a charge or statement, based upon reasonable grounds for belief, that the premises described in the license, or the fixtures or equipment used therein, have become or are insanitary, or that the same are maintained or operated in an insanitary manner or condition, or that the licensee has been convicted of a crime involving fraud or dishonesty in the sale of meat, or that the licensee has otherwise failed to comply with the requirements of this chapter or any other ordinance of the city relating to the preparation, processing or sale of meat, or to health and sanitation, or any rule or regulation made pursuant thereto, or in the case of a meatcutter's license and an apprentice meatcutter's license, a meat wrapper's license and a meat wrapper salesman's license, whenever the reasons assigned for revocation include a charge or statement, based upon reasonable grounds for belief, that the holder indulges in uncleanly habits, or negligence in the handling of meat, or has acquired a communicable disease, the Director of Public Health may forthwith so certify to the Director of Licenses and Consumer Affairs, who shall immediately take up the license involved pending the hearing for revocation thereof. When any license has been so suspended such hearing shall be had not more than ten days thereafter. If, upon the hearing, the Director of Public Health shall find no cause for revocation, or further suspension, he shall immediately notify the Director of Licenses and Consumer Affairs thereof in writing, who shall reinstate the license and return the same to the licensee.

C. It shall be unlawful for a licensee to pursue his calling or for a person to operate premises covered by a license, when such license has been suspended or revoked.

D. No license required under the provisions of this chapter shall be granted or issued to any person whose license has been revoked pursuant to the provisions of this chapter for a period of one year from and after the date of such revocation.

(Ord. 102638 § 3, 1973; Ord. 95906 § 5, 1967; Ord. 94465 § 8, 1966.)

10.12.130 Right of appeal.

A. Any person feeling aggrieved by the order or decision of any inspector with respect to the enforcement of this chapter shall have the right of appeal to the Director of Public Health whose decision shall be final, subject to review by the courts for arbitrary, capricious or fraudulent action.

B. Any person feeling aggrieved because of the revocation of his license may appeal to the Hearing Examiner who shall review the record and findings made by the Director of Public Health, and the Examiner may reverse such revocation if it is not supported by such record and findings.

(Ord. 102638 § 4, 1973; Ord. 94465 § 9, 1966.)

10.12.140 Meat Advisory Committee.

A. There is created a Meat Advisory Committee to consist of six members, four of whom shall be selected to represent the meat industry and one representing the meat-consuming public. The following groups may each submit three names to the Mayor who shall appoint one person from each group to be a member of the Meat Advisory Committee, subject to confirmation by the City Council:

- Group I — Self-service retail meat shops (employers);
- Group II — Service retail meat shops (employers);
- Group III — Wholesale meat shops (employers);
- Group IV — Licensed meatcutters;
- Group V — Meat-consuming public.

The sixth member of the Committee shall serve ex officio and shall be the Director of Public Health or a member of his department designated in writing by him.

B. Initial appointments shall be for a period of time as follows:

- Representative of Group I 1 year;
- Representative of Group II 2 years;
- Representative of Group III 3 years;

Representative of Group IV 3 years;
Representative of Group V 3 years.

After initial appointment, all Committee members shall be appointed for a period of three years.

C. No member of such Committee shall receive any compensation for services thereon. The Committee shall organize and elect a chairman and a secretary and may adopt rules and regulations for Committee procedures. The chairman shall call meetings when deemed necessary provided three days' written notice is given of the time and place of the meeting.

D. Such Committee may examine all rulings of the Director of Public Health involving interpretation of this chapter and may make recommendations to the Director for changes thereto, but shall act in an advisory capacity only.

(Ord. 95906 § 6, 1967; Ord. 94465 § 10, 1966.)

10.12.150 Examinations for meatcutter and meat wrapper salesperson.

The Department of Licenses and Consumer Affairs shall examine applicants for a meatcutter's license and a meat wrapper salesperson's license in accordance with reasonable rules set forth by the Meat Advisory Committee. Each applicant shall pay an examination fee of Ten Dollars (\$10.00). The examination shall be of a kind to test the competence of the meat wrapper salesperson's practical knowledge of wrapping, refrigeration, sanitation, and care of meat; and the meatcutter's competency in the cutting, handling, care of meat, knowledge of sanitation and his/her ability by the senses to recognize in meats decomposition and other taints deleterious to health. If an applicant passes the examination, he/she shall be granted a meatcutter's or meat wrapper salesperson's license by the Department of Licenses and Consumer Affairs upon payment of the required license fee.

(Ord. 108076 § 5, 1979; Ord. 102638 § 5, 1973; Ord. 96110 § 1, 1967; Ord. 95906 § 7, 1967; Ord. 94567 § 1, 1966; Ord. 94465 § 11, 1966.)

10.12.160 Worker's health permits.

All persons handling meat or meat products intended for sale shall be in possession of a valid food and beverage service worker's permit, and it shall be the responsibility of anyone operating a licensed meat establishment to

see that all employees have the same. It shall be unlawful to handle meat intended for sale without a food and beverage service worker's permit.

(Ord. 94465 § 12, 1966.)

10.12.170 Fraudulent and unlawful use or removal of licenses, certificates, inspection marks, and numbers.

A. It shall be unlawful to forge, simulate or alter any license or certificate issued or issuable under this chapter; or to alter, dispose of, or put off as true, any such license or certificate, knowing the same to have been forged, simulated or altered; or to have any such forged, simulated or altered license or certificate in possession with intent to use, alter, or dispose of the same.

B. It shall also be unlawful for any person to use, apply, affix, counterfeit or imitate the official establishment number assigned to another; or to have in his possession, with intent to use or apply the same, any roller stamp, device or other facility bearing any such number or mark of another.

C. It shall further be unlawful to apply, affix or attach to any meat any mark, tag, stamp or insignia indicating that the same is inspected meat within the meaning of this chapter, unless the same is inspected meat.

D. It shall be unlawful for any person to remove or mutilate the marks, retained or condemnation tags, or other official forms placed upon carcasses, parts thereof, meat, meat containers, equipment, facilities, vehicles, or premises. The marks or retained and condemned tags can only be removed by a meat inspector. (Ord 94465 § 13, 1966.)

10.12.180 Records to be open to inspection.

The owner, manager, or other person in charge of records in any establishment engaged in the buying or selling of meat and licensed under the provisions of this chapter shall at any reasonable time on demand of the Director of Licenses and Consumer Affairs, Director of Public Health or their authorized representatives exhibit to them any books, records, or other papers of such business.

(Ord. 102638 § 6, 1973; Ord. 94465 § 14, 1966.)

10.12.190 Meat grading.

It shall be unlawful to sell, dispose of, offer

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for sale, expose for sale, or advertise for sale, any beef, veal, calf, lamb, or mutton unless the same has been graded by the city or by the U. S. Department of Agriculture in accordance with the U. S. Department of Agriculture, Consumer and Marketing Service Livestock Division Meat Grading Branch, Service and Regulatory Announcements as revised and amended and which are current. Provided, however, this requirement shall not apply to meats used in the manufacture of fresh or cured sausage or cured meat. Meat grading may be done by the department if deemed necessary by the Director.

(Ord. 94465 § 15, 1966.)

10.12.200 False and unlawful advertisements and displays prohibited.

A. It shall be unlawful for any person to make, publish, disseminate, circulate, or place before the public any advertisement or display relating to the sale of meat which advertisement or display contains any assertion, representation or statement which is untrue, deceptive or misleading, or which does not state the correct and truthful grade or quality of any meat so advertised or displayed for sale.

B. It shall be unlawful to advertise or display for sale any cut of beef, veal, calf, pork, lamb, or mutton with bone in or boneless unless the advertisement or display clearly indicates the primal or true portion from which the cut is taken or the commonly accepted trade name as approved by the Director.

C. It shall be unlawful to advertise or display for sale any meat food product which has been branded or marked as imitation or water added by a manufacturer or producer unless the advertisement or display clearly states that the same is "imitation" or water added. It shall be unlawful to display or advertise any veal, calf, beef, lamb, or mutton or any cut thereof, unless the same is so marked as to clearly indicate the correct and truthful grade. It shall be unlawful to advertise or display any roast or use the word "roast" without clearly and truthfully designating the roast so advertised or displayed as a neck cut, a blade cut, a round bone cut, rump cut or other truthful designation. In a service retail shop, plain letters on a contrasting background, not less than one-half inch in height shall be used to designate grade.

D. It shall be unlawful to use any artificial

light or lights so as to mislead the public concerning the natural appearance of meat or meat products displayed for sale in a licensed meat establishment.

E. Spare ribs, pork loins, pork shoulders, legs of pork, pork bellies, advertised, displayed or offered for sale either fresh or cured shall include the average weight of the whole. Any portion or parts from the whole shall include the respective average weight of the item.

F. Any part or portion of ham less than a whole or half shall be designated as a portion.

G. Picture advertising shall correctly and truthfully represent the product so advertised.

H. Ground beef shall be labeled, classified, and advertised as: (1) ground beef, (2) lean ground beef, (3) extra-lean ground beef, and (4) leanest ground beef. Maximum allowable fat for ground beef shall be thirty percent; for lean ground beef shall be twenty-three percent; for extra-lean ground beef shall be sixteen percent; and for leanest ground beef shall be nine percent.

I. All frozen meat, poultry, rabbit, and fish shall be advertised and represented as frozen.

J. All wrapping materials used on pre-packaging fresh or frozen meat shall be such that the consumer can clearly identify the product and shall be of a sanitary type sufficient to maintain the purity of the meat and to protect it from contamination. All packaging material must meet the approval of the Director.

(Ord. 100445 § 1, 1971; Ord. 94465 § 16, 1966.)

10.12.210 Labeling of meat.

A. It shall be unlawful to sell or dispose of meat or meat products unless the same are labeled to plainly designate the kind or kinds of meats used therein. If more than one ingredient is used, they must be listed on the label in order of their predominance.

B. All labels or labeling must be approved by the Director before being used on any meat or meat product. The Director's disapproval of a label, brand, or tag on any meat or meat product shall be based upon his determination that the subject meat or meat product is "misbranded." A food shall be deemed to be misbranded if its labeling is false or misleading in any particular; or if any word, statement, or other information required by this chapter to

appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. (Ord. 94465 § 17, 1966.)

10.12.220 Possession or storage of unfit meat prohibited.

No meat or meat product which has not been inspected or graded as required by this chapter, or which is not fit for human consumption or which is not kept in a sanitary manner, shall be possessed or stored in or on the premises of any retail meat shop, wholesale meat shop, or retail processed meat shop or by a wholesale meat dealer or wholesale commission meat dealer, or in any establishment which sells or serves any meat or meat products to the public. No meat or meat product which has not been purchased or acquired from, or through, a wholesale meat shop, a wholesale meat dealer, or a wholesale commission meat dealer, licensed under this chapter, shall be possessed or stored in or on the premises of, or offered for sale by, a retail meat shop or a retail processed meat shop. No meat or meat product which has not been procured from a licensed meat establishment shall be processed or stored in or on the premises or offered for sale by a restaurant, lunchroom, hotel or similar establishment. (Ord. 94465 § 18, 1966.)

10.12.230 Unlawful to sell meat unfit for human food.

It shall be unlawful to possess, store, sell, advertise, expose for sale, manufacture, or offer for sale any meat or meat product which has not been inspected and examined as required by this chapter, or which is adulterated, unsound, unhealthful, unwholesome or otherwise unfit for human food, or to use any plant, building, premises, machinery or equipment or any methods in preparing, storing, handling, manufacturing or processing meat or meat products which is unsanitary or does not comply with the provisions of this chapter, or to possess, sell or offer for sale any meat except as authorized or permitted by this chapter. All meat or meat products which are adulterated, unsound, unhealthy, unwholesome, or otherwise

unfit for human food or which do not comply with all the requirements of this chapter shall be retained for further inspection or condemned and disposed of as specified by the Director. (Ord. 94465 § 19, 1966.)

10.12.240 Meat peddling prohibited.

It shall be unlawful to go from house to house, or place to place, with, or carrying or transporting meat with intent to sell the same, or selling the same, or offering or exposing the same for sale, either at wholesale or retail; or to aid or abet any person in so doing; provided, however, nothing in this chapter shall prohibit the carrying or transporting of meat by licensed meat establishments or licensed meat dealers for sale and immediate delivery to other licensed meat establishments or to food establishments operating under permit from the city. (Ord. 94465 § 20, 1966.)

10.12.250 Transportation of meat.

It shall be unlawful for any person to transport meat commercially in a vehicle that is not maintained in a clean and sanitary condition. All meat shall be transported in closed vehicles with a solid dust and verminproof door. All cut portions of meat shall be thoroughly wrapped and/or adequately boxed or contained to prevent contamination. All quarters of beef, lamb carcasses, sides of veal, and larger combinations of primal cuts such as drop loins, and chucks, etc., shall be hung suspended in vehicles or laid on clean paper, and no meat shall come in contact with the floor or walls. Frozen meat must at all times be maintained in a frozen condition while in transit. Fresh meat when transported shall be maintained at a temperature of forty degrees Fahrenheit or less. No livestock or live poultry shall be transported in any vehicle used to transport meat. (Ord. 94465 § 21, 1966.)

10.12.260 Sanitation standards.

Licensed meat establishments shall comply with the following sanitation standards:

A. Walls and Ceilings. Walls and ceilings of all rooms shall be kept clean, tight, and in good repair. The surfaces shall be of such construction and finish as to be easily cleaned and shall be light in color.

B. Doors and Windows. Unless 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.

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C. Floors. Floors shall be smooth, easily cleanable and constructed of water and grease impervious material. The floors shall be kept in good repair and shall be kept clean.

Floor drains must be provided as required by the Seattle Plumbing Code.¹

D. Lighting. All areas of a licensed meat establishment shall provide adequate artificial or natural light.

E. Ventilation. There shall be sufficient ventilation for all rooms and compartments to prevent the condensation of moisture and to carry off odors and vapors.

F. Plumbing. All plumbing shall meet the requirements of the Seattle Plumbing Code.¹ A two-compartment utility sink adequate for washing equipment shall be provided in the area where unwrapped or unpackaged meat is handled. This sink shall be provided with hot and cold running water. A hand-washing basin provided with hot and cold running water shall be located in area where meat is being cut and wrapped.

G. Refrigeration. All meat except dry-cured sausage shall be maintained at a temperature of forty degrees Fahrenheit or less until sold to the consumer. Adequate refrigerated space shall be provided to keep all perishable meat and meat products on the premises under refrigeration.

H. Toilets, Lavatories and Dressing Rooms. Adequate, conveniently located, sanitary toilet facilities should be provided on the premises and shall be in rooms ventilated according to the Seattle Plumbing Ordinance¹ and Seattle Building Code.² Such rooms shall be separated from rooms or compartments where meat is prepared, processed, stored, or offered for sale. Adequate dressing rooms with clothes storage facilities shall be provided for employees. Hand-washing facilities convenient to the toilet with hot and cold running water, soap dispensers, and sanitary towels shall be provided. Hand-washing signs shall be placed in a conspicuous place near the hand-washing facilities.

I. Cleaning of Equipment and Premises. Equipment and premises shall be kept clean and free from dirt, dust, insects, rodents, deleterious substances and other materials not conducive to good sanitation.

J. Equipment. All equipment and tables shall be constructed of metal or water impervious material that can be readily cleaned;

provided, cutting surfaces may be of wood or other suitable material if they can be maintained in a clean and sanitary condition.

K. Water and Ice Supply. Hot and cold water of sufficient volume and pressure shall be easily accessible to all areas where meat is stored, cut, handled, processed, or shipped. All water used in meat shops shall be from an approved source.

All ice used in meat shops shall be made from water from an approved source, shall be stored and handled in a sanitary manner, and shall meet bacteriological standards as required for potable water.

L. Personnel. Smoking or the chewing of tobacco is prohibited in the areas in which meat is being stored, handled or cut and expectorating on the floors prohibited.

All persons handling meat must wear clean white outer garments and hairnets or caps. (Ord. 94465 § 23, 1966.)

1. Editor's Note: The Seattle Plumbing Code is codified in Title 22 of this Code.

2. Editor's Note: The Seattle Building Code is codified in Title 22 of this Code.

10.12.270 Examination and inspection of meat distribution facilities.

A. The Director shall cause, by inspectors appointed for that purpose, such examinations and inspections at reasonable times of any licensed meat establishment or similar establishment in which meat and meat products are prepared and/or handled for sale to the public as may be necessary to ensure that such establishments are maintained in compliance with this chapter and to further ensure that all meat and meat products in such establishments are handled and prepared in a manner conforming to the requirements of this chapter and are otherwise sound, healthful, and wholesome for human food; whenever the Director finds that meat or meat products in any such establishments are unclean, unsound, unhealthful, or otherwise unfit for human food, or distributed under unsanitary conditions, he shall forthwith prohibit, by appropriate order, the sale or transfer of meats or meat products from such establishment until the same shall actually have been inspected and found to be sound, healthful, wholesome, and fit for human food and to have been prepared under proper sanitary conditions as provided in this chapter. Upon issuing such order the Director shall

cause a copy or copies thereof to be prominently posted upon such establishment.

B. It shall be unlawful for any person to remove or alter any order placed on any such establishment by the Director and it shall further be unlawful for any person to remove any meat or meat products from a meat distribution facility where the Director has suspended the sale or transfer of meat or meat products therefrom.

C. Meat or meat products may be examined or sampled by the Director as often as may be necessary to determine whether the meat is free from adulteration, sound, healthful, and wholesome and such samples as may reasonably be required by the Director shall be given to meat inspectors without compensation therefor. If a meat inspector making inspection of any such establishment obtains any sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. Whenever a meat inspector obtains a sample of any meat or meat products, and an analysis is made of such sample for the purpose of ascertaining whether it is free from adulteration, sound, healthful, wholesome, and fit for human food, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge. (Ord. 94465 § 24, 1966.)

10.12.280 Sale of prepackaged fresh meat.

Prepackaged fresh meat may be sold in open self-service, refrigerated cabinets in a licensed retail meat shop under the following conditions:

A. A licensed meatcutter or a licensed apprentice meatcutter or a licensed meat wrapper salesman shall at all times be on duty at the meat cabinet when customers are allowed to take fresh meat therefrom for purchase. Provided that between noon and one p.m. in a meat shop in which there is only one licensed meatcutter employed, an apprentice meatcutter, meat wrapper salesman, meat wrapper or any other person who possesses a food and beverage service worker's permit may be designated to attend such meat case and be responsible for its contents; It shall be the duty of such meatcutter, or other designated person between the hours specified, to supervise and maintain the meat case, to remove any mutilated, torn or broken meat packages, and to

remove any spoiled meat products.

B. Each such meat case must at all times be maintained at a temperature not higher than thirty-six degrees Fahrenheit as indicated by a thermometer in the meat case.

C. Each piece of meat so sold must have been cut in a licensed shop by a licensed meatcutter or an apprentice meatcutter and packaged by a licensed meatcutter, a licensed apprentice meatcutter, a licensed meat wrapper salesman or a licensed meat wrapper on the premises of a licensed wholesale or retail meat shop.

D. Each piece of meat so sold must be thoroughly prepackaged by wrapping and completely sealed with extra reinforcing at sharp corners and edges with a covering, which wrapping shall have the approval of the Director as hereinbefore described; and each package shall be labeled or marked on the outside to show clearly and legibly the following:

1. The true name of the product;
2. Date must include day of the month when packaged;
3. Type of contents (whether sliced, ground, cut-up, etc.). If more than one ingredient is contained in the meat, the word "ingredients" shall be shown on the label, followed by a list of such ingredients in order of their predominance, except in cases of products for which definitions and standards of identity have been prescribed by regulations of the Director;
4. The name and place of the licensed retail meat shop where the meat is cut, packaged and sold;
5. Net weight, price per pound, total price of package and grade of contents. The grade may be deleted if the meat is ground, cubed or thinly sliced;
6. The federal or state inspection legend and the number of the establishment or approved city inspection legend or identification. (Ord. 95906 § 8, 1967; Ord. 94465 § 25, 1966.)

10.12.290 Prepackaged frozen meats.

Prepackaged frozen meats shall be sold only in compliance with the following requirements and conditions, and only by a retail meat shop, wholesale meat shop, wholesale commission meat dealer, wholesale meat dealer, or a retail processed meat shop duly licensed under this chapter:

A. All prepackaged frozen meat must be completely enclosed in cartons or wrappings of such strength and quality as will prevent

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the products from being contaminated. All wrapping materials shall meet the requirements of the Director.

B. Prepackaged frozen meat shall be stored in a cold storage area at a temperature at or below zero degrees Fahrenheit when not on display for sale.

C. Prepackaged frozen meat shall be subject to inspection at any time as deemed necessary by the Director.

D. Self-service frozen meat cabinets in which meats are displayed for sale shall be maintained at a temperature of ten degrees Fahrenheit or lower and the temperature thereof shall never be allowed to rise above fifteen degrees Fahrenheit.

E. No pet food shall be displayed for sale in any frozen meat cabinet unless completely wrapped, packaged and clearly labeled as pet food.

F. No prepackaged frozen meat shall be refrozen after having been thawed.

G. Each package shall be labeled either by printing, lithographing, embossing or other markings or labels, stickers, seals, wrappers or receptacle. Such labels or labeling shall be approved by the Director pursuant to the provisions of Section 10.12.210 and each label shall contain, prominently and informatively displayed:

1. The true name of the product and date when packaged and frozen;

2. The type or condition of contents (whether sliced, cut-up, etc.). If more than one ingredient, the word "ingredients" followed by a list of the ingredients, except in the case of products for which definitions and standards of identity have been prescribed by regulations. Ingredients must be listed in order of their predominance;

3. The name and place of business of the manufacturer, packer or distributor;

4. Net weight, total price, price per pound, of package (except on unit weight items) and grade of contents. The grade may be deleted if the meat is ground, chopped, cubed or thinly sliced;

5. The federal or state inspection legend and the number of the establishment or approved city inspection legend or identification. (Ord. 95906 § 9, 1967; Ord. 94465 § 26, 1966.)

10.12.300 Horse meat.

It is unlawful to sell or dispose of horse meat,

or any product in which the same is used, unless the meat is inspected meat, and unless the same is sold, handled or disposed of through a wholesale or retail meat shop licensed under this chapter and is plainly labeled as horse meat in letters at least four inches in height, and unless there is prominently displayed in the premises wherein the same is sold or disposed of, a sign with letters twelve inches in height, bearing the legend "We Sell Horse Meat"; and it is unlawful to serve horse meat in any form or when mixed or combined with any other meat or food in any restaurant, hotel, boarding-house, or by any caterer or in any place where food is served for public consumption, without making known on menus, or otherwise, that horse meat is being served, and if a choice of meats is offered, the service which is horse meat or contains horse meat; and it is unlawful to keep or store horse meat or any product in which the same is used in, or to sell or dispose of the same from, any retail or wholesale meat shop in which any other meat is kept or stored, or from which any other meat is sold or disposed of.

(Ord. 94465 § 27, 1966.)

10.12.310 Sale of adulterated sausage.

A. It shall be unlawful to sell, offer or expose for sale, to advertise for sale, or to manufacture for sale or consumption in the city, any fresh sausage, cured sausage, or ground beef which has been, or is, adulterated.

B. Fresh sausage or ground beef shall be deemed adulterated when it contains any of the following: (1) cereal, flour, grits or flour or grits of seeds from leguminous plants; (2) added coloring matter; (3) a greater amount of water than the meats from which it is prepared contained in their fresh condition, except pork or link sausage may contain three percent added moisture; (4) antiseptics or preservatives other than salt, sugar, spice, flavoring or ingredients approved by the Director; (5) other chemicals; (6) or, if designated as pork sausage, when it contains meat or meat products other than pork, decomposed, contaminated or unwholesome pork; (7) ground beef containing greater than thirty percent fat; provided, that fresh sausage

or ground beef shall not be deemed adulterated because of the addition of such substances in such quantities as are specifically authorized by meat inspection statutes or regulations of the United States or the state, but such product or products must be properly labeled in this chapter. Breeding or dips up to thirty percent of the weight of the meat may be placed on outside of meat products but shall not be incorporated into the meat, unless authorized in this chapter.

C. "Hamburger," or "ground beef," means and includes chopped ground beef, containing no offal or added water and no fats, other than the natural fat contained in the beef from which the hamburger or ground beef is made. Heart, liver, tongue, spleen and tripe shall not be contained in hamburger or ground beef and, if present, shall be considered adulterants.

D. It shall be unlawful to designate as hamburger or ground beef any meat or meat product sold, offered for sale, advertised for sale, or disposed of, unless such meat product complies with the definition in subsection C. (Ord. 97794 § 1, 1969; Ord. 95906 § 10, 1967; Ord. 94465 § 28, 1966.)

10.12.320 Meat Inspection Fund.

There is created in the City Treasury a special fund designated the "Meat Inspection Fund." Into such fund there shall be transferred all assets remaining in the "Meat Inspection Fund" created by Ordinance 61098 as amended, which fund is hereby abolished. There shall also be deposited into such fund all license fees and/or other charges paid to the city under the provisions of this chapter; and the fund shall be used solely to pay the costs and expenses incurred by the city in the enforcement of this chapter; provided, that there is established in the fund a special account to be designated "Refund Account" into which shall be deposited such sums as shall be provided for such purpose in the annual budget and from which shall be paid on vouchers approved by the Director of Licenses and Consumer Affairs or his authorized agent such sums as shall be certified by Director or agent to be due and owing as refunds for overpayment of any license fees and/or other charges paid to the city under the provisions of this chapter. (Ord. 106058 § 6, 1976; Ord. 94465 § 29, 1966.)

10.12.330 Application to inspect for state and collect fees.

The Director of Public Health is authorized to apply, for and on behalf of the city, to the State of Washington, Department of Agriculture, for a permit to carry on meat inspection at certain meat food products establishments and to enter into an agreement with the State Department for reimbursement of such inspection costs under Sections 3 and 4, Chapter 204 Laws of 1959;¹ provided, that any reimbursement of such inspection costs when received from the state shall be credited to the Meat Inspection Fund. (Ord. 94465 § 30, 1966.)

1. Editor's Note: These sections have been repealed by 1969 ex s. c 145 § 64.

10.12.340 Meat inspectors.

A. Meat inspectors employed by the city under this chapter shall be persons who have been actively engaged in cutting, processing and/or preparing meat products for a minimum period of five years.

B. A licensed veterinarian shall be responsible to the Director for the administration of meat inspection activities under this chapter. (Ord. 94465 § 31, 1966.)

10.12.350 Unlawful to employ unlicensed person.

It shall be unlawful for anyone to employ a person as a meatcutter, apprentice meatcutter, meat wrapper or meat wrapper salesman when such person does not possess a valid license to act in such capacity as required under this chapter, or does not possess a valid food and beverage service worker's permit. Violation of this provision shall constitute grounds for the revocation of a license, in addition to those grounds set forth in Section 10.12.120. (Ord. 95906 § 11, 1967; Ord. 94465 § 32, 1966.)

10.12.360 Chapter not to conflict with statutes.

Nothing in this chapter shall be deemed or construed to require any license in violation of, or to prohibit any act expressly authorized by, a valid statute. (Ord. 94465 § 33, 1966.)

10.12.370 Violation—Penalty.

Anyone violating or failing to comply with

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this chapter, or rules and regulations written pursuant to this chapter, and upon conviction thereof, shall be punished by a fine of not more than Three Hundred Dollars (\$300.00), or by imprisonment for not more than ninety days, or by both such fine and imprisonment, and each day that anyone shall continue to violate or fail to comply with this chapter shall be a separate offense.

(Ord. 94465 § 35, 1966.)

Chapter 10.14

POULTRY, RABBIT AND FISH

Sections:

Subchapter I Regulations for Sale¹

1. Editor's Note: Ord. 94465, which is referred to throughout this Subchapter, is codified in Chapter 10.12 of this Code.

- 10.14.010 Definitions.
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Subchapter I Regulations for Sale

10.14.010 Definitions.

As used in this subchapter words and phrases, in addition to their usual meaning, shall mean:

A. "Director" means the Director of Public Health of the city.

B. "Farmer" means and includes any person residing upon any property lying within the state, owned and controlled by him who produces, raises, grows, catches, prepares or processes on such property poultry, rabbit or fish sold, or intended for sale, for human consumption; and "farm" means the place on which the same are raised, produced, grown, caught, prepared, or processed.

C. "Fish" means and includes any water-breathing animal, including shellfish, which is prepared, processed and sold or intended for sale, and intended for human consumption.

D. "Meat" means and includes poultry, rabbit and fish, which is prepared, processed and sold or intended for sale for human consumption, but shall exclude meat covered by Ordinance 94465 as amended.

E. "Person" means and includes individuals,

corporations, copartnerships and associations.

F. "Poultry" means and includes chickens, ducks, geese, turkeys, squabs, pheasants, guinea hens and other feathered fowl, domestic or wild, which is prepared, processed and sold and intended for human consumption.

G. "Prepared" means and includes the act of slaughtering, killing, dressing, canning, cleaning or dividing.

H. "Processed" means poultry, rabbit or fish which has been canned, cured, divided or preserved by smoking, salting, drying, or other means.

I. "Rabbit" means and includes all members of the hare family, not including a wild rabbit, which is slaughtered, killed, dressed, or cleaned and sold or intended for sale for human consumption.

J. "Retail salesman" means and includes any person who cuts or prepares for sale, offers to sell, or sells at retail unpackaged poultry, rabbit or fish in a wholesale or retail shop.

K. "Retail shop" means any place where poultry, rabbit or fish are sold or displayed for sale to the consumer.

L. "Sale," "sell," or "sold" means and includes any actual sale, offer or display for sale.

M. "Wholesale shop" means any place where poultry, rabbit or fish are prepared, processed, received, held and sold or offered for sale either at wholesale to a retail shop, or at retail to the consumer.

N. "Wild rabbit" means and includes rabbit not domesticated, and not raised and held in restraint in hutches or like enclosures.
(Ord. 96125 § 1, 1967; Ord. 88581 § 1, 1959; Ord. 88241 § 1, 1959; Ord. 80601 § 1, 1951; Ord. 80028 § 1, 1951.)

10.14.020 Compliance with subchapter provisions.

It shall be unlawful to sell or offer for sale or to slaughter, kill, clean or possess for purpose of sale in the city any poultry, rabbit or fish except as authorized by this subchapter.
(Ord. 80028 § 2, 1951.)

10.14.030 Lawful methods of sale.

It shall be unlawful to sell or offer for sale any poultry, rabbit or fish to a consumer except in a wholesale or retail meat shop licensed under Ordinance No. 94465 as amended and approved therefor by the Director, or in a wholesale or retail shop duly licensed under this subchapter,

or by a farmer holding a certificate of registration and operating as authorized in this subchapter, or by the holder of a preparing certificate of registration operating as authorized in this subchapter; provided, that poultry, rabbit or fish which has been processed may be sold in a retail processed meat shop licensed under Ordinance No. 94465 as amended, without an additional license under this subchapter; and provided further, that canned poultry, rabbit and fish may be sold or offered for sale without a license under this subchapter.

(Ord. 96125 § 2, 1967; Ord. 80601 § 2, 1951; Ord. 80028 § 3, 1951.)

10.14.040 License required—Meatcutters and meat wrappers.

It shall be unlawful in a wholesale or retail shop or in a wholesale or retail meat shop to cut or prepare for sale, offer for sale, offer to sell or sell at retail any poultry, rabbit or fish without a meatcutter's license, apprentice meatcutter's license, meat wrapper's license or a meat wrapper salesman's license issued under Ordinance No. 94465, as amended.

(Ord. 96125 § 3, 1967; Ord. 88581 § 2, 1959; Ord. 88241 § 2, 1959; Ord. 80601 § 3, 1951; Ord. 80028 § 4, 1951.)

10.14.050 Licenses required—Meat salesman or handler.

It is unlawful to employ any person as a retail salesman of rabbits and poultry unless such person is the holder of a valid and subsisting meat salesman's license, apprentice meat salesman's or meat handler's license issued under Ordinance 94465.

(Ord. 108147 § 1, 1979; Ord. 88581 § 3, 1959; Ord. 80028 § 4-A, 1951.)

10.14.060 Purchase through licensed wholesale shop.

It shall be unlawful to sell or offer for sale at retail any poultry, rabbit or fish unless the same have been received and purchased through a wholesale shop, licensed under this subchapter or through a wholesale meat shop licensed under Ordinance No. 94465, as amended, and approved for the receipt and sale of poultry, rabbit and/or fish under this subchapter, except that poultry, rabbit or fish raised or produced by a farmer may be sold or offered for sale as provided in this subchapter.

(Ord. 96125 § 4, 1967; Ord. 80028 § 5, 1951.)

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10.14.070 **Prepackaged fresh poultry, rabbit or fish.**

Prepackaged fresh poultry, rabbit or fish may be sold as provided for prepackaged fresh meat under Ordinance No. 94465, as amended, except that poultry, rabbit or fish need not show grade or dates or be cut or packaged and marked in the place where displayed for sale, but shall be prepared or processed and cut, packaged and wrapped in a place licensed or authorized for that purpose under this subchapter; provided, that such poultry, rabbits or fish shall show on each package the name and address of the registrant or licensee by whom the same was prepared, processed, cut and packaged and shall show marks of identification approved by or under authority of the Director in such form as may be required by him.

(Ord. 96125 § 5, 1967: Ord. 80028 § 6, 1951.)

10.14.080 **Prepackaged frozen poultry, rabbit or fish.**

Any prepackaged frozen poultry, rabbit or fish may be sold in compliance with the provisions of Ordinance No. 94465, as amended, relating to the sale of prepackaged frozen meat but in addition to the requirements of said ordinance shall show the name and address of the registrant or licensee by whom the same was cut, packaged and frozen and shall show the marks of identification approved by or under authority of the Director in such manner as may be required by him, but need not show grade or dates.

(Ord. 96125 § 6, 1967: Ord. 80028 § 7, 1951.)

10.14.090 **Sale by farmer.**

A. Any farmer who desires to prepare or process any poultry, rabbit or fish for sale in the city shall make application to the Director of Licenses and Consumer Affairs on a form prescribed by him/her for registration as a farmer under this subchapter. The application shall be forwarded to the Director of Public Health who shall examine the place and premises to be used as to sanitary facilities and return the application to the Director of Licenses and Consumer Affairs with his/her approval or rejection noted thereon. If the application is not approved, no certificate of registration shall be issued. If the application is approved, the Director of Licenses and Consumer Affairs shall issue a certificate of registration for such farm and shall assign thereto an official number.

Each poultry, rabbit, fish carcass, or parts or divisions thereof, sold or offered for sale from such farm shall bear a tag or stamp procured in the manner and complying with the provisions of Section 10.14.220.

B. Any poultry, rabbit or fish prepared or processed by a farmer on a farm registered under this subchapter may be sold or offered for sale when tagged or stamped as provided in this subchapter in any licensed retail or wholesale shop, or by such farmer in any place without a license.

(Ord. 107158 § 10, 1978: Ord. 102626 § 1, 1973: Ord. 80601 § 4, 1951: Ord. 80028 § 8, 1951.)

10.14.100 **Preparation and processing in licensed shops—Preparing certificate of registration.**

Any poultry, rabbit or fish prepared or processed in any place outside the city and within the state for sale in the city shall be done only in a wholesale meat shop licensed under Ordinance No. 94465, as amended, and approved therefor by the Director, in a wholesale shop licensed under this subchapter or in an establishment for which a preparing certificate of registration has been issued under this subchapter, except as otherwise provided for a farmer. The preparing certificate of registration shall be issued without charge. The holder of a preparing certificate of registration shall not sell or dispose of any prepared or processed rabbit, poultry or fish except through a wholesale meat shop licensed under Ordinance No. 94465, as amended, and approved therefor by the Director, or through a wholesale shop licensed under this subchapter. Application for such licenses or preparing certificate of registration shall be accompanied by a written agreement on the part of the owner or operator to comply with all the provisions of this subchapter and to submit his preparation and processing premises to inspection by the Director at all reasonable times. The holder of a preparing certificate of registration shall accompany each sale or delivery with an invoice in the form and manner provided in Section 10.14.230. (Ord. 96125 § 8, 1967: Ord. 80601 § 6, 1951: Ord. 80028 § 10, 1951.)

10.14.110 **Evisceration and cutting up of poultry, rabbit or fish.**

Any poultry, rabbit or fish may be

eviscerated, cut up or divided, on any registered farm, preparing registered premises, or in a licensed wholesale or retail shop under such regulations as to sanitation as may be prescribed or approved by the Director.

(Ord. 80601 § 7, 1951: Ord. 80028 § 11, 1951.)

10.14.120 Premises of preparation to be licensed.

No poultry, rabbit or fish or product thereof, shall be sold or offered for sale unless the place where the same were prepared or processed complies with all the requirements of this subchapter and has first been inspected and approved as to such compliance by the Director and unless the owner or operator of such place holds a certificate of registration or a license therefor as required by this subchapter.

(Ord. 80601 § 8, 1951: Ord. 80028 § 12, 1951.)

10.14.130 Sanitation requirements.

Any place where poultry, rabbit or fish are prepared, processed or sold or offered for sale and all persons employed in the preparation, processing or sale, and equipment used in such place shall comply with the following requirements:

A. All equipment shall be at all times maintained in a clean and sanitary condition and all persons employed therein shall operate in a clean and sanitary manner.

B. There shall be an efficient drainage and plumbing system for such place and premises on which it is located; and all drains and gutters shall be properly installed with traps and vents approved by the Director.

C. The water supply shall be adequate in quantity and of a safe, sanitary quality and shall meet the standards of the State Department of Health for drinking water, with adequate facilities for distribution in the plant. Every such place shall make known, and shall afford opportunity for inspection of the source of its water supply. Steam or hot water at not less than one hundred eighty degrees Fahrenheit shall be available therein for sanitation purposes.

D. The buildings shall be of sound construction and kept in good repair and shall be constructed and maintained to prevent the entry and harboring of rodents and insects. The floors, walls, ceilings, partitions, posts, doors, and

other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be well drained, where necessary. All floors in feeding (where applicable), holding, preparing, processing, refrigerating rooms or compartments or other floors which must be washed to maintain sanitation shall be of concrete, grease-proof tile or other equally impervious or water-repellent material and shall be kept in good repair. There shall be abundant light, either natural or artificial, and sufficient ventilation for all rooms and compartments, to ensure sanitary conditions.

E. The rooms and compartments used for any edible food products intended for human consumption shall be separate and distinct from those used for inedible products. The rooms and compartments in which poultry, rabbits or fish are prepared, processed or handled shall be free from odors from dressing rooms and toilet rooms, catchbasins or from any inedible products.

F. Such place shall be kept free of flies, rats, mice and other vermin.

G. The use of poisons except as authorized by law is forbidden in such place.

H. Dogs and cats shall not be admitted into any such place.

I. Adequate sanitary toilet facilities shall be provided on the premises, and shall be in rooms with outside ventilation and separate from rooms or compartments where meat is prepared, processed or stored.

J. Conveniently located facilities for washing hands, with soap dispensers and sanitary towels, and separate facilities for sterilizing, eviscerating and cutting equipment, shall be provided.

K. Only clean garments shall be worn and aprons, frocks, and other outer clothing used shall be of material that is readily cleaned.

L. Boats, trucks and other vehicles used in the transportation of such meat shall be maintained in a sanitary condition at all times. If other than a closed truck is used the meat shall be covered with a clean dustproof cover, canvas or other similar type material.

M. The outer premises of such places shall be kept in a clean and sanitary condition.

N. No person shall be employed in any such place who has or is afflicted with a contagious disease in its transmittable form.

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O. Scale plans of all major repairs or new construction of any such place shall be submitted to the Director for approval before construction starts.

P. All equipment which is hereafter¹ replaced or newly installed shall be of such materials and construction as will facilitate its thorough cleaning and ensure cleanliness in the preparation and handling of meat.

Q. All working surfaces used in preparation or processing shall be covered with smooth, noncorrosive, impervious material.
(Ord. 80028 § 13, 1951.)

1. Editor's Note: Ord. 80028 became effective on June 27, 1951.

10.14.140 Sale of fish and other seafood.

No fish or other seafood shall be sold or offered for sale unless the following requirements are complied with:

A. Crabs and lobsters shall be alive at time of cooking and shall be cooked not less than twenty minutes at a rolling boil.

B. Raw oysters, clams or mussels shall be harvested or taken only from beds or waters which at said time are certified by the shellfish regulatory authorities of the United States or Canada; provided, that live or shucked oysters, clams or mussels in a wholesome condition which bear the number of a shellfish shipper, certified by the U. S. Public Health Service or the State Department of Social and Health Services,¹ may be sold or offered for sale.

C. All fish and other seafood refuse shall be placed in leakproof and rodentproof containers and removed from premises at least once a day or oftener if required by heavy operations. Refuse containers shall be thoroughly cleaned before reuse.

D. Raw fish or unpackaged cooked fish or seafood meats or shellfish meats shall be adequately refrigerated and protected from contamination by glass top and front cover; provided, however, that shellfish, whole and/or whole eviscerated fish may be displayed in a display case which is open at the top if a temperature adequate to prevent spoilage is maintained in such display case; provided further, that if ice is to be used to maintain such temperature, a sufficient supply of ice must be kept on hand for that purpose.

E. No fish shall remain overnight in a case not mechanically refrigerated.

F. All fresh fish to be placed in cold storage shall be processed and frozen immediately after delivery.

(Ord. 106060 § 1, 1976; Ord. 80028 § 14, 1951.)

1. Editor's note: The name "Department of Health of the State" has been editorially updated to read "State Department of Social and Health Services."

10.14.150 Sale of poultry or rabbit.

No poultry or rabbit shall be sold or offered for sale unless the following requirements are complied with:

A. Receiving, feeding and holding of live poultry or rabbit shall not be permitted in the same room where processing, dividing or eviscerating is done.

B. Adequate refrigeration shall be available for reducing the internal temperature of all dressed poultry and ready-to-cook poultry to thirty-six degrees Fahrenheit within twenty-four hours after slaughter, and shall thereafter at all times be adequately refrigerated.

C. The internal temperature of dressed rabbit shall be lowered by chilling with ice or water or by refrigeration to at least forty degrees Fahrenheit in six hours or less after the same is dressed and shall thereafter at all times be adequately refrigerated. No rabbit shall remain in water more than six hours.

(Ord. 80028 § 15, 1951.)

10.14.160 License—Application and fees.

A. It shall be unlawful to operate a wholesale shop or a retail shop or to be employed as a retail salesman or to operate an establishment for which a certificate of registration is required by this subchapter without the license or certificate required by this subchapter. Application for such licenses or certificate shall be made to the Director of Licenses and Consumer Affairs on forms prescribed by him/her, shall be accompanied by the prescribed fee and forwarded to the Director of Public Health for approval or rejection; provided, that a salesman's license may be issued and renewed annually without reference to the Director of Public Health upon presentation of a valid health card and payment of the prescribed fee. The Director of Public Health shall examine the premises and location of the proposed operation of wholesale or retail shop or establishment to be operated under a farmer's or

other certificate of registration, and if found to comply with the requirements of this subchapter, the Director of Public Health shall approve the application, and return the same to the Director of Licenses and Consumer Affairs who shall issue the license or certificate of registration. If the Director of Public Health does not approve, the license or certificate shall be denied.

B. License fees shall be payable annually and the license and certificate of registration shall expire on June 30th following date of issuance, and shall be renewed annually upon payment of the required fees. When a license is issued less than six months before the date of expiration, the fee shall be one-half of the annual fee. Effective July 1, 1968 the annual license fees shall be as follows:

Wholesale poultry, rabbit or fish shop, or any combination thereof employing five or less persons

If under federal inspection \$200.00

If not under federal

inspection \$350.00

Wholesale poultry, rabbit or fish shop, or any combination thereof employing six or more persons

If under federal inspection \$350.00

If not under federal

inspection \$550.00

Retail poultry, rabbit or fish shop, or any combination thereof \$ 80.00

Retail salesman's license \$ 10.00

Provided, that:

1. Any person who has held a license in the previous license year for which an annual license period is prescribed and who continues to engage in the activity shall, upon failure to make timely application for renewal of the license, pay a late renewal fee as follows:

a. If the renewal application is received after the date of expiration of the previous license but before the end of thirty days into the new license year, ten percent of the annual license fee or Ten Dollars (\$10.00), whichever is greater;

b. If the renewal application is received after thirty days into the new license year, twenty percent or Twenty-five Dollars (\$25.00), whichever is greater.

2. No annual license shall be issued until any late renewal fee has been paid; provided, that payment of the late renewal fee may be waived whenever the Director finds

that timely application was beyond the control of the licensee by reason of severe circumstances; for example, serious illness of the licensee, death or incapacity of an accountant or other person who retains possession of the licensee's license records, loss of business records due to theft, fire, flood or other similar acts.

(Ord. 107158 § 11, 1978: Ord. 106025 § 2, 1976: Ord. 102626 § 2, 1973: Ord. 96787 § 1, 1968: Ord. 96125 § 9, 1967: Ord. 88241 § 3, 1959: Ord. 80601 § 9, 1951: Ord. 80028 § 16, 1951.)

10.14.170 License transferability.

No retail shop or wholesale shop license issued under this subchapter as amended, shall entitle the holder thereof to maintain or conduct any such business at any other place or location than that stated in such license except upon application for a location transfer addressed to and approved by the Director of Licenses and Consumer Affairs upon such forms as he may prescribe and payment to him of a license transfer fee equivalent to ten percent of the required annual license fee.

(Ord. 102626 § 3, 1973: Ord. 92085 § 2, 1963: Ord. 80028 § 16-A, 1951.)

10.14.180 Inspection of licensed premises.

The Director may inspect any place or premises licensed or for which a certificate of registration has been issued under this subchapter at any time, or the place or premises of all wholesale meat shops licensed under Ordinance No. 94465, as amended, and approved by the Director for the preparation or processing of poultry, rabbit or fish. Whenever any inspection is made of any such place or premises located more than one mile beyond the city limits, either upon an application for a license or otherwise, the applicant or the licensee shall pay the city for such inspection the actual travel cost of the inspector or the estimated travel cost for use of city or private motor vehicle at the rate of Ten Cents (\$.10) per mile for each mile of travel. Such payment shall be made within ten days after a bill therefor is presented; and the money paid therefor shall be placed in the Meat Inspection Fund. (Ord. 96125 § 7, 1967: Ord. 80601 § 5, 1951: Ord. 80028 § 9, 1951.)

10.14.190 Physical examinations of employees.

The Director may require at any time a

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physical examination of any individual engaged in preparation, processing or selling poultry, rabbit or fish; and if after such examination the individual by reason of physical condition is found to be unfit to be so employed, his employment in such work shall, upon order of the Director, be terminated. The Director may at any time also require any individual engaged in preparing, processing or selling poultry, rabbit or fish to take a written and/or oral examination in public health aspects of food handling and may also require such individual to attend a foodhandler's training course approved by the Director.
(Ord. 80028 § 17, 1951.)

10.14.200 Wholesale shop—Official number—Applicability to wholesale meat shop.

The Director shall issue to each licensed wholesale shop an official number. Whenever a wholesale meat shop licensed under Ordinance No. 94465, as amended, is approved for the preparation or processing and sale of poultry, rabbit or fish the provisions of this subchapter with respect to tag, stamp or invoice shall apply to such wholesale meat shop.
(Ord. 96125 § 10, 1967; Ord. 80601 § 10, 1951; Ord. 80028 § 18, 1951.)

10.14.210 Stamps or tags—Wholesale shop.

Each poultry, rabbit, or fish, or parts or divisions thereof, prepared or processed in a wholesale shop or a wholesale meat shop licensed under Ordinance No. 94465, as amended, and approved therefor by the Director, may bear a stamp or tag provided by such wholesaler, the form and method of attachment to be only such as is approved by the Director. Each such stamp or tag shall bear the official number of the wholesale shop or wholesale meat shop. If no such stamp or tag is provided, the provisions of Section 10.14.230, with respect to an invoice for all sales, shall be complied with.

(Ord. 96125 § 11, 1967; Ord. 80601 § 11, 1951; Ord. 80028 § 18-1, 1951.)

10.14.220 Stamps or tags—Farmers.

A. Every farmer holding a farmer's certificate of registration issued under this subchapter shall procure from the Director and attach upon the carcass of each poultry, rabbit or fish a tag or stamp. The form of tag or

stamp and manner of attachment shall be as approved by the Director but shall bear a number none of which shall be duplicates. The farmer shall pay the Director for each stamp or tag Three Cents (\$.03). The Director shall keep a record showing the name and address of each purchaser of stamps or tags and the numbers on the stamps or tags purchased. A farmer holding such certificate may sell poultry, rabbit or fish to or through a wholesale meat shop licensed under Ordinance No. 94465, as amended, and approved by the Director for handling poultry, rabbit or fish, or through a wholesale shop licensed under this subchapter without attaching the stamp or tag required by this section, but shall accompany each such sale with an invoice of the form and in the manner provided in Section 10.14.230.

B. It shall be unlawful to use any stamp or tag required by this section unless the same has been purchased from the Director as required in this section.

C. Parts or divisions of poultry, rabbit or fish if prepared or processed in a farmer's establishment may be packaged or stamped in such manner and in such quantities, amounts or weights as is approved by the Director, but as nearly as may be so that the ratio of a Three-Cent (\$.03) stamp for each carcass shall be maintained; provided, that the holder of a farmer's certificate of registration may package or bind together in a manner approved by the Director not more than twelve fish none of which is more than twelve inches long, which have been produced and packaged by him and shall stamp or tag each such package or bundle with one Three-Cent (\$.03) tag or stamp procured from the Director as required in this section.

(Ord. 96125 § 12, 1967; Ord. 80601 § 12, 1951; Ord. 80028 § 18-2, 1951.)

10.14.230 Invoice requirements.

Whenever an invoice for a sale is used as required or authorized in this chapter, the original or a copy of the same shall be kept by the seller or the original or a copy of the same shall be delivered to and kept by the purchaser and shall be available at all reasonable times for inspection by the Director. The invoice shall show the date of sale, species and weight of each item, the name of the seller, the name of the purchaser, wholesale shop or wholesale meat shop number, and if covering a sale by a

farmer holding a certificate of registration, or by a preparing establishment located outside the city and holding a certificate of registration, the number of the certificate of registration. (Ord. 80601 § 13, 1951; Ord. 80028 § 18-3, 1951.)

10.14.240 Sale of unwholesome poultry, rabbit or fish prohibited.

It shall be unlawful to sell or offer for sale any poultry, rabbit or fish affected by or showing evidence of disease or any condition which may render the same unwholesome or unfit for human consumption. The Director may take samples or specimens of any poultry, rabbit or fish prepared or processed, or displayed for sale in the city, or being prepared or processed for sale in such city, and may hold the same for examination, analysis or evidence; and may forthwith seize, condemn and destroy any such meat which is unwholesome or unfit for human consumption. (Ord. 80028 § 19, 1951.)

10.14.250 Fees placed in Meat Inspection Fund.

All fees required under this chapter shall be paid to the City Treasurer and placed in the Meat Inspection Fund, created by Ordinance No. 94465, as amended, and the fund shall be expended for the purposes of enforcing the provisions of this subchapter and of Ordinance No. 94465, as amended. (Ord. 96125 § 13, 1967; Ord. 80028 § 20, 1951.)

10.14.260 Wild rabbit prohibited.

No wild rabbit shall be sold or offered for sale, or possessed or stored in any wholesale or retail shop or other food establishment. (Ord. 80028 § 21, 1951.)

10.14.270 Out-of-state products.

Any poultry, rabbit or fish which is prepared and/or processed and imported from outside the state may be sold in a licensed shop if the same have been inspected and bear the stamp of inspection of the U. S. Department of Agriculture, or other governmental agency approved by the Director. (Ord. 80028 § 22, 1951.)

10.14.280 Enforcement.

The Director is authorized to make rules and

regulations not inconsistent with the provisions of this subchapter for the purpose of enforcing and carrying out the same. (Ord. 80028 § 23, 1951.)

10.14.290 Violation—Penalty.

Violation of or failure to comply with the provisions of this subchapter shall be punishable by a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or by imprisonment in the City Jail for a period not exceeding ninety days or by both such fine and imprisonment. (Ord. 80028 § 24, 1951.)

Subchapter II Poultry Processing Plants

10.14.350 Supervisory inspection.

The Director of Public Health is authorized to supervise sanitation, ante-mortem and post-mortem inspections of poultry in processing plants licensed under Ordinance 80028¹ where such poultry is to be canned, cured or preserved. Any such plant may, at its option, request such inspection in writing to the Director. Such supervisory inspection shall continue until withdrawn at the written request of such plant or by the Director for noncompliance with the provisions of this subchapter. Such inspection, and the conditions thereof, shall be as herein set forth in this subchapter. (Ord. 85679 § 1, 1956.)

1. Editor's Note: Ord. 80028 is codified in Subchapter I of this Chapter.

10.14.360 Qualification for self-inspection.

Each poultry processing plant licensed under Ordinance 80028,¹ as amended, and electing to qualify under the provisions of this subchapter shall:

A. Employ a Poultry Meat Inspector who shall be approved by the Seattle-King County Health Department as qualified to conduct ante-mortem and post-mortem inspection of poultry, in-plant sanitation inspection and other related work as the Director may from time to time require;

B. Provide such Poultry Meat Inspector with quarters, equipment and adequate inspection facilities;

C. Place such Poultry Meat Inspector under direct supervision of the Supervising Inspector,

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who shall be a veterinarian in the employ of the Seattle-King County Health Department, for all matters concerned with sanitation, ante-mortem and post-mortem inspection;

D. Pay all fees and charges of the Supervising Inspector, including:

1. Mileage. The fee of Ten Cents (\$.10) a mile for each mile of travel from the city to the processing plant, and return,

2. Meals and Lodging. Meals consumed during the normal working day on poultry supervision away from the city, and necessary lodging,

3. Time. Actual wage of the Supervising Inspector for each hour or part of hour for travel and in-plant supervisory inspection, plus ten percent;

E. Furnish the Director with copies of labels and packaging materials, and use only such materials and labels as are approved by the Director.

(Ord. 85679 § 2, 1956.)

1. Editor's Note: Ord. 80028 is codified in Subchapter I of this Chapter.

10.14.370 Poultry meat inspector—duties.

It shall be the duty of the Poultry Meat Inspector to:

A. Conduct an ante-mortem examination of poultry as may be required by the Director as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Director;

B. Perform a post-mortem inspection of each carcass at the time of evisceration, which inspection shall include a complete visual examination of the exterior and interior of the carcass and of the viscera, and shall also include palpation and other procedures considered necessary by the Director for the proper identification and evaluation of disease processes, tissue changes and other conditions which may affect the wholesomeness of the product;

C. See that each carcass is opened so as to expose the organs and the body cavity for proper examination;

D. Assure that no viscera or part thereof shall be removed from any dressed poultry, except at the time of post-mortem inspection;

E. Retain for further inspection each carcass, including all parts thereof, or any other

poultry product on which a final decision cannot readily be made on first examination. Proper identity shall be maintained on each carcass so retained, including all parts thereof, until a final examination has been completed;

F. At the time of post-mortem inspection or reinspection, reject and dispose of any poultry or poultry products showing evidence of disease or other conditions which render such poultry or poultry products, or any portion thereof, unwholesome or otherwise unfit for use as human food;

G. Denature and supervise the disposal of all unwholesome poultry. Judgment of the Director shall be final on question of wholesomeness;

H. Make a daily sanitation inspection of such plant and all facilities, equipment, utensils and packaging materials therein, and see that proper sanitation is maintained at all times;

I. Prepare a daily inspection report showing the number and class of poultry inspected, number retained for further examination, and number of poultry rejections, together with the cause or basis for each such rejection. (Ord. 85679 § 4, 1956.)

10.14.380 Inspections for compliance.

Supervisory inspections to see that the provisions of this subchapter are being carried out by the Poultry Meat Inspector shall be made as often as necessary at intervals determined by the Director.

(Ord. 85679 § 5, 1956.)

10.14.390 Wholesomeness inspection label.

Any such poultry processing plant which complies with this subchapter shall be entitled to exhibit upon its products a Seattle-King County wholesomeness inspection label, which shall be as follows:

"Inspected for
W H O L E S O M E N E S S
Under Supervision of
Seattle-King Co. Health Dept.
Est. No. _____"

and is subject to the following conditions:

A. Poultry and poultry products in which there is no evidence of disease or other condition, after post-mortem inspection, which might render such poultry or poultry products unfit for use as human food, may bear the Seattle-King County Health wholesomeness

inspection label.

B. No wholesomeness inspection label, or any copy or facsimile thereof, shall be placed in or applied to any retail or institutional package of dressed poultry.

C. The wholesomeness inspection label shall not be affixed to, or placed on, any product or container thereof, except by the Poultry Meat Inspector, or under the supervision of the Poultry Meat Inspector or other person authorized by the Director.

(Ord. 85679 § 6(part), 1956.)

10.14.400 Director to approve methods for holding poultry and equipment for further inspection.

The Director shall approve all labels, devices and methods for the identification of poultry and poultry products retained for further examination, and all equipment, utensils and packaging materials held for proper cleaning and/or disposal.

(Ord. 85679 § 6(part), 1956.)

10.14.410 Payment of charges.

Each such poultry processing plant using the wholesomeness inspection label shall pay such fees and charges as required in this subchapter to the Director not later than ten days after a statement is rendered showing the amount due; and upon payment of such fees and charges, the Director shall remit the same to the City Treasurer to be credited to the Meat Inspection Fund.

(Ord. 85679 § 3, 1956.)

10.14.420 Enforcement.

The Director is authorized to make rules and regulations not inconsistent with the provisions of this subchapter for the purpose of enforcing and carrying out the same.

(Ord. 85679 § 7, 1956.)

10.14.430 Violation—Penalty.

The use or display of such wholesomeness inspection label or facsimile thereof without complying with or in violation of the provisions of this subchapter shall be punishable by a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or by imprisonment in the City Jail for a period of not exceeding ninety days or by both such fine and imprisonment.

(Ord. 85679 § 8, 1956.)

Chapter 10.16

MILK AND MILK PRODUCTS

Sections:

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- 10.16.020 Sale of adulterated, misbranded, or ungraded products prohibited.
- 10.16.030 Permits.
- 10.16.040 Labeling.
- 10.16.050 Inspection of dairy farms and milk plants.
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- 10.16.590 Transferring or dipping milk—Delivery containers—Cooling—Quarantined residences.
- 10.16.600 Milk and milk products from points beyond the limits of routine inspection.
- 10.16.610 Future dairies and milk plants.
- 10.16.620 Notification of disease.
- 10.16.630 Procedure when infection is suspected.
- 10.16.640 Enforcement.
- 10.16.650 Violation—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

10.16.010 Definitions.

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 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-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 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 chapter¹ 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 than eighty percent moisture.

10. "Cream," "light cream," "coffee cream," or "table cream" is a portion of milk which contains not less than twenty percent 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 milkfat by weight, and not more than eighty percent 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 milk solids-not-fat.

13. "Cultured milk" is a fluid or semi-fluid 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 milk solids-not-fat and not less than three and one-half percent milkfat.

14. A "dairy," or "dairy farm," is any place or premises where one 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 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.

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 per milliliter, as determined in

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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 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 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 hours of quiescent storage, no visible cream separation occurs on the milk, and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportionate volume in containers of other sizes, does not differ by more than ten percent 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 milk solids-not-fat and not less than three and one-half percent 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.

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 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 veterinarians 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 degrees Fahrenheit, and holding it at such temperature continuously for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding it at such temperature continuously for at least fifteen seconds, in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the 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 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.

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 400 U.S.P. units per quart.

52. "Whipping cream" is cream which contains not less than thirty percent 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.

10.16.020 Sale 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 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.)

10.16.030 Permits.

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.)

10.16.040 Labeling.

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

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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.)

10.16.050 Inspection of dairy farms and milk plants.

A. Prior to the issuance of a permit, and at least once every six 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 days; and the second inspection shall be used in determining compliance with the requirements of Sections 10.16.070 through 10.16.550. Any 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 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.)

10.16.060 Examination of milk and milk products.

A. During each six-month period, at least four samples of milk and cream from each dairy farm, and at least four 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-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 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 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-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 of the last four 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 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 remainder of the current six-month period by more than one of the last four 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.)

10.16.070 Grading of milk and milk products.

At least once every six 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

10.16.080 Cows—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 years prior to the adoption of the ordinance codified in this chapter¹ and at least every six 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 months thereafter. The tests and retests shall be made, and any reactors disposed

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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 official negative milk-ring tests for brucellosis not less than six 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 days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty-day nor more than sixty-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 abovementioned interval, computed from succeeding tests in which no reactors are found. If upon a final test, not less than six months nor more than seven months from the date of the last negative test, no reactors are found in the 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 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 Comptroller's Office under Comptroller's File No. 222274. Results of official blood and milk-ring test shall be conspicuously displayed in the milk house.

D. Cows which show a complete induration of one-quarter or extensive induration in one 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. 84106 § 7(Item 1r(part)), 1955.)

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

10.16.090 Milking 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.)

10.16.100 Milking 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.)

10.16.110 Milking 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.)

10.16.120 Milking barn—Walls and ceilings.

The interior walls and the ceilings of the milking barn, stable, or parlor shall be white-washed 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.)

10.16.130 Cow 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.)

10.16.140 Manure 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.)

10.16.150 Milk house or room—Construction and equipment.

There shall be provided a milk house or milk 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-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-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.)

10.16.160 Milk 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.)

10.16.170 Toilet

Every dairy farm shall be provided with one or more sanitary toilets, conveniently located, and properly constructed, operated and maintained, so that the waste is inaccessible to flies

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and does not pollute the surface soil nor contaminate any water supply.
(Ord. 84106 § 7(Item 10r), 1955.)

10.16.180 Water 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.)

10.16.190 Utensils—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, non-corrodible, 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 hereafter¹ 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.

10.16.200 Utensils—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.)

10.16.210 Utensils—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.
(Or. 84106 § 7(Item 14r), 1955.)

10.16.220 Utensils—Storage.

All containers and other utensils used in the 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.)

10.16.230 Utensils—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.)

10.16.240 Milking—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.)

10.16.250 Milking—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.)

10.16.260 Clean 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.)

10.16.270 Milk stools.

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

10.16.280 Removal 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.)

10.16.290 Cooling.

Milk for pasteurization, delivered daily, shall be cooled immediately to sixty 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 years after the adoption of this ordinance codified in this chapter,¹ all milk

for pasteurization delivered daily, shall be cooled immediately to fifty 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 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 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 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.

10.16.300 Bottling 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 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.)

10.16.310 Personnel—Health—Milkers' hands.

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 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.)

10.16.320 Vehicles and surroundings.

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 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 per milliliter, or a coliform count exceeding five 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 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

10.16.330 Floors.

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.)

10.16.340 Walls 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.)

10.16.350 Doors 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.)

10.16.360 Lighting and ventilation.

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

10.16.370 Miscellaneous 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 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.)

10.16.380 Toilet 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.)

10.16.390 Water supply.

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

10.16.400 Hand-washing facilities.

Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Hand-washing 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.)

10.16.410 Sanitary 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 piece of equipment to another only through sanitary milk piping.
(Ord. 84106 § 7(Item 9p), 1955.)

10.16.420 Construction 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.)

10.16.430 Disposal 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.)

10.16.440 Cleaning 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.)

10.16.450 Storage 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.)

10.16.460 Handling 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 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.)

10.16.470 Storage 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.)

10.16.480 Pasteurization.

Pasteurization shall be performed as described in subsection 41 of Section 10.18.010. (Ord. 84106 § 7(Item 16p), 1955.)

10.16.490 Cooling.

All milk and milk products received for pasteurization shall be cooled immediately in approved equipment to fifty 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 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.)

10.16.500 Bottling 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.)

10.16.510 Overflow milk.

Overflow milk or milk products shall not be sold for human consumption.

(Ord. 84106 § 7(Item 19p), 1955.)

10.16.520 Capping.

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.)

10.16.530 Personnel—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 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.)

10.16.540 Personnel—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.)

10.16.550 Vehicles.

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 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 months for the information of the Director.

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

Subchapter IV Administration and Enforcement

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

From the date on which the ordinance codified in this chapter takes effect¹ 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 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.

10.16.570 Sale 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.)

10.16.580 Reinstatement 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 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 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 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.)

**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 distributors containers in quantities less than five 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-quart containers packaged at a milk plant, nor to mixed milk drinks requiring less than one-half pint of milk, which may be poured from one-quart or two-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 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 hereafter¹ 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

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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 disease in a communicable form or has become a carrier of such disease, shall notify the Director immediately.

(Ord. 84106 § 13, 1955.)

10.16.630 Procedure 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.)

10.16.640 Enforcement.

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.)

10.16.650 Violation—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 days, or by both such fine and imprisonment.

(Ord. 84106 § 16, 1955.)

Chapter 10.18

FROZEN DAIRY FOOD PRODUCTS

Sections:

- 10.18.010 Definitions.
- 10.18.020 Pasteurization of mix.
- 10.18.030 Adulterated or misbranded product—Disposal.
- 10.18.040 Rinsing of multi-use containers.
- 10.18.050 Containers—Manufacturer and pull date.
- 10.18.060 Cleaning of equipment.
- 10.18.070 Overflow or spilled mix not to be sold.
- 10.18.080 Storage of scoops and dippers.
- 10.18.090 Permit—Required.
- 10.18.100 Permit—Application and issuance.
- 10.18.110 Examination of frozen dairy foods.
- 10.18.120 Permit—Suspension.
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- 10.18.140 Hearing on suspended or revoked permit.
- 10.18.150 Sanitation—U. S. Public Health Service regulations.
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- 10.18.170 Standards for freezers and equipment.
- 10.18.180 Transferring frozen dairy foods.
- 10.18.190 Inspection of dairy food establishments.
- 10.18.200 Personnel health and disease control.
- 10.18.210 Procedure when infection is suspected.

10.18.220 Enforcement.**10.18.230 Approval of construction or alteration.****10.18.240 Violation—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.)

10.18.010 Definitions.

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 semisolid or solid form, for distribution for resale as a frozen dairy food.

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.

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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.)

10.18.020 Pasteurization 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 degrees Fahrenheit for not less than thirty minutes, or one hundred seventy-five degrees Fahrenheit for not less than twenty-five seconds; or not less than one hundred ninety-four 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.)

10.18.030 Adulterated 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 days, the Health Officer may vacate the hold order, or may by written order, direct the owner or person 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 days.

(Ord. 94524 § 2(part), 1966.)

10.18.040 Rinsing 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.)

10.18.050 Containers—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.)

10.18.060 Cleaning 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

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approved by the Health Officer at least once in every twenty-four hours. All such equipment shall be sanitized by methods approved by the Health Officer just prior to re-use.
(Ord. 94524 § 2(part), 1966.)

10.18.070 Overflow 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.)

10.18.080 Storage 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.)

10.18.090 Permit—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 92987¹ 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 is codified in Chapter 10.10 of this Code.

10.18.100 Permit—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 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.)

10.18.110 Examination of frozen dairy foods.

A. At least one sample of frozen dairy foods shall be taken by the Health Officer from each 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 per gram nor shall the coliform count exceed five per gram. Before delivery to the consumer, no frozen dairy food shall have a bacterial plate count exceeding fifty thousand per gram nor a coliform count exceeding ten per gram. The bacterial plate count of water in dipper

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wells shall not exceed fifty thousand per milliliter nor shall the coliform count exceed ten per milliliter. During delivery and storage, the temperature of mix and frozen dairy foods shall not exceed forty degrees Fahrenheit: Provided, that soft-serve mix held in the reservoirs of soft-serve dispensing equipment prior to use shall not exceed forty-five 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 the 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 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 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 out of four 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 out of four 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 such suspension warnings to one person within any

twelve-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 out of four of the additional samples taken, as described in this section. The class schedule shall not exceed fifteen hours in length, nor shall attendance be required if the person or persons involved have attended such a class within twelve months.

(Ord. 94524 § 4, 1966.)

10.18.120 Permit—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.)

10.18.130 Permit—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 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-day period.

(Ord. 94524 § 6(part), 1966.)

10.18.140 Hearing 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 days.

(Ord. 94524 § 6(part), 1966.)

10.18.150 Sanitation—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 Comptroller under Comptroller's File No. 254783.

(Ord. 94524 § 7(part), 1966.)

10.18.160 Sanitation—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: These sections appear in this Code as Sections 10.10.050 through 10.10.080 and 10.10.100 through 10.10.230.

10.18.170 Standards for freezers and equipment.

All freezers and other processing equipment installed after the effective date of the ordinance codified in this chapter¹ 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.)

10.18.180 Transferring frozen dairy foods.

Except as permitted by the Health Officer, no person shall transfer frozen dairy foods from one container to another on the street, or in any vehicle or store, or in any place except under sanitary conditions.

(Ord. 94524 § 8, 1966.)

10.18.190 Inspection 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.)

10.18.200 Personnel 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

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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.)

10.18.210 Procedure 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.)

10.18.220 Enforcement.

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.)

10.18.230 Approval 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.

10.18.240 Violation—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 to exceed Three Hundred Dollars (\$300.00) or by imprisonment in the City Jail for a term not to exceed ninety 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:

10.20.010 Labeling required for sale.

10.20.020 Violation—Penalty.

10.20.010 Labeling 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.)

10.20.020 Violation—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 days or may be both so fined and imprisoned. (Ord. 28605 § 2, 1911.)

Chapter 10.22

FLUORIDATION OF WATER SUPPLY

Sections:

10.22.010 Addition—Administration.

10.22.010 Addition—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 Superintendent of Water under the direction of the Director of Public Health of Seattle.

(Ord. 96931 § 1, 1968.)

Chapter 10.24

MISCELLANEOUS HEALTH REGULATIONS¹

Sections:

10.24.010 Nuisance prohibited—Removal procedure.

10.24.020 Unlawful to refuse to obey order or regulation.

10.24.030 Dumping of waste animal or vegetable matter prohibited.

10.24.040 Sleeping apartments—Air and space requirements.

10.24.050 Air space and area in school-rooms, hospitals, offices, workshops and factories.

10.24.060 Ventilation requirements.

10.24.070 Flushing floors with water.

10.24.080 Right of entry for inspection.

10.24.090 Person defined—Number and gender.

10.24.100 Violation—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."

10.24.010 Nuisance 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 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 the incurring penalties in this chapter provided, shall become indebted to the city for the 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 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 or ordinances of the city.

(Ord. 15957 § 14, 1907.)

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 cubic feet of air or space, or less than sixty-four square feet of floor space for each and every person over fourteen years of age lodging or sleeping in any such sleeping apartments, or less than three hundred cubic feet of air or space or forty square feet of floor space for each child under fourteen years of age, or which is not provided, while in use as such sleeping apartment, with a system of ventilation in continuous operation so contrived as to provide twenty-five cubic feet per minute of outer air for each occupant thereof, exclusive of air consumed by combustion. (Ord. 15957 § 41, 1907.)

10.24.050 Air space and area in schoolrooms, hospitals, offices, workshops and factories.

It shall be unlawful to use, or permit the use of, any room for the purposes designated in this section, unless such room contains at least the minimum amount of cubic feet of air space and of square feet of floor space for each person occupying said room, as follows: Schoolroom for adults, two hundred forty cubic feet and twenty square feet; schoolroom for children, one hundred eighty cubic feet and fifteen square feet; hospitals, eight hundred cubic feet and eighty square feet; offices, two hundred fifty cubic feet and twenty-five square feet; and workshops and factories, three hundred cubic feet and twenty-five square feet. (Ord. 72874 § 1, 1943; Ord. 15957 § 43, 1907.)

10.24.060 Ventilation requirements.

It shall be unlawful for any person to keep or use, or to allow or permit to be used, any room or building as a hospital, sleeping apartment, kitchen, bakeshop, factory, workshop or as a schoolroom, theater, church, or place of public assemblage or entertainment, unless the same shall have in continuous operation while occupied, a system of ventilation so contrived as to provide twenty-five cubic feet every minute of outside air for each occupant thereof exclusive of air consumed by combustion;

provided, however, that when any room or place is so proportioned as not to allow each occupant, if children, six hundred cubic feet and, if adults, one thousand feet of fresh air per hour, or less than three times such amount in sickrooms or hospitals by natural means without exposure to improper air currents, then such rooms shall be ventilated by artificial means. (Ord. 15957 § 44, 1907.)

10.24.070 Flushing floors with water.

It shall be unlawful for any person to flush the floor of any room or building with water, unless such floor be so constructed as to be impervious to water, and so constructed as to prevent any water from running, leaking or seeping through such floor or any opening therein, unless such opening be connected with the public sewer, and so trapped as to prevent the escape of sewer gas into such room; and it shall be unlawful for any person to discharge, sweep or drain water used in flushing any such floor or building outside of such building. (Ord. 15957 § 40, 1907.)

10.24.080 Right of entry for inspection.

The members of the Seattle-King County Department of Public Health, the Health Officer and any accredited officer or agent of said Department, are authorized and empowered to, at all reasonable times, enter and inspect all buildings and premises for the purpose of ascertaining whether the provisions of this chapter are being violated; and it shall be unlawful for any person to prevent or attempt to prevent any such entrance or inspection or to obstruct or interfere with any such officer while engaged therein. (Ord. 15957 § 51(part), 1907.)

10.24.090 Person defined—Number and gender.

"Person," wherever used in this chapter, means and includes natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall include the plural and the masculine pronoun shall include the feminine. (Ord. 15957 § 52(part), 1907.)

10.24.100 Violation—Penalty.

Any person violating or failing to comply

with any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding One Hundred Dollars (\$100.00) or by imprisonment in the City Jail not exceeding thirty days, or by both such fine and imprisonment.
(Ord. 15957 § 53(part), 1907.)

Chapter 10.26

QUARANTINE REGULATIONS¹

Sections:

- 10.26.010 Authority to close public places.
- 10.26.020 Permission required to leave quarantined area.
- 10.26.030 Right of entry for inspection.
- 10.26.040 Person defined—Number and gender.
- 10.26.050 Violation—Penalty.

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

10.26.010 Authority to close public places.

The Seattle-King County Department of Public Health is authorized and empowered, and it shall be its duty, in all cases of pestilence, contagious, infectious or epidemic diseases, or of danger from anticipated or impending pestilence, contagious, infectious or epidemic diseases, or in case the sanitary condition of the city shall be of such a character as to warrant it, to take such measures, and to adopt such specific rules, and to do and order and cause to be done such acts for the preservation of the public health as the public safety and health demand, and to that end may cause any and all schools, libraries, theaters, churches and all buildings or places where people are accustomed to congregate, and all other houses, buildings and places where the Seattle-King County Department of Public Health shall have reason to believe there is or may be special danger of contagion, to be closed for a specified period, or until the danger from such pestilence, contagious, infectious or epidemic disease shall have ceased to exist, and to cause all such buildings to be disinfected; and it shall be unlawful for any person to violate or neglect or refuse to obey any such specific rules, regulations

or orders made by the Seattle-King County Department of Public Health.
(Ord. 15957 § 4, 1907.)

10.26.020 Permission required to leave quarantined area.

It shall be unlawful for any person knowing, or having cause to believe themselves to be sick with typhus fever, ship or yellow fever, Asiatic cholera, smallpox, diphtheria or membranous croup, measles, scarlet fever or scarlatina, bubonic plague or being an adult with chickenpox, or any person acting as nurse or attendant upon any such sick person, or any person living in the house with such sick person, to appear upon any of the streets, alleys or other public places of the city, or move about or approach or mix with other persons, or to move to or visit another habitation or building, or to remove from any house or place, to any other house or place, or leave any such house or place for any purpose, or for any person to remove any such sick person from any such house or place to any other house or place, or to permit any minor child living in the house with any such sick person to leave such house, without permission from the Health Officer so to do.
(Ord. 15957 § 7, 1907.)

10.26.030 Right of entry for inspection.

The members of the Seattle-King County Department of Public Health, the Health Officer and any accredited officer or agent of said Department, are authorized and empowered to, at all reasonable times, enter and inspect all buildings and premises for the purpose of ascertaining whether the provisions of this chapter are being violated; and it shall be unlawful for any person to prevent or attempt to prevent any such entrance or inspection or to obstruct or interfere with any such officer while engaged therein.
(Ord. 15957 § 51(part), 1907.)

10.26.040 Person defined—Number and gender.

"Person," wherever used in this chapter, means and includes natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall include the plural and the masculine pronoun shall include the feminine.
(Ord. 15957 § 52(part), 1907.)

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10.26.050 Violation—Penalty.

Any person violating or failing to comply with any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding One Hundred Dollars (\$100.00) or by imprisonment in the City Jail not exceeding thirty days, or by both such fine and imprisonment.

(Ord. 15957 § 53(part), 1907.)

Chapter 10.28

HOSPITAL RECORDS—ACCIDENT REPORTS

Sections:

Subchapter I Hospital Records

10.28.010 Definitions.

10.28.020 Records to be kept—Information required.

10.28.030 Access of records for inspection.

10.28.040 Refusal or neglect to report certain persons.

10.28.050 Violation—Penalty.

Subchapter II Accident Reports by Physicians

10.28.100 Report to police required.

10.28.110 Violation—Penalty.

Statutory Reference: For statutory provisions on the retention and preservation of hospital records, see RCW 70.41.190.

Subchapter I Hospital Records

10.28.010 Definitions.

A. "Hospital," wherever used in this chapter, means and includes any building, place or institution maintained and conducted for the purpose of caring for sick, injured and disabled persons.

B. "Person," wherever used in this chapter, shall, when necessary, mean and include natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall include the plural and the masculine pronoun shall include the feminine.

(Ord. 16677 § 1, 1907.)

10.28.020 Records to be kept—Information required.

It shall be unlawful for any person to conduct, maintain or have charge of any hospital without keeping at such hospital in a well-bound book to be kept for that purpose, a permanent record, written in ink, showing in regard to each person received, treated, nursed or cared for at such hospital, his name; sex; color or race; conjugal condition (as single, married, widowed or divorced); date of birth; age; place of birth, state or foreign country; name of father; birthplace of father, state or foreign country; maiden name of mother; birthplace of mother, state or foreign country; occupation; place of residence; signature of patient, or signature and address of informant; name and place of residence of next of kin, or in case the identity of the person cannot be ascertained, a physical description of such person, giving sex; color or race; apparent age; apparent height and weight; complexion; color of eyes and hair and a description and location of filling in teeth; scars; deformities; birthmarks and any marked physical peculiarities, and the name and address of the person bringing such person to the hospital, and, in case of injury, the place where sustained; nature of illness, if suffering from poisoning, physical injury or traumatism; name of attending physician, date of entering hospital and date of discharge from hospital or of death.

(Ord. 16677 § 2, 1907.)

10.28.030 Access of records for inspection.

It shall be unlawful for any person in charge of any hospital to fail, neglect or refuse to allow the Health Officer or the Chief of Police of the city to at all reasonable times examine and inspect the record provided for in Section 10.28.020.

(Ord. 16677 § 3, 1907.)

10.28.040 Refusal or neglect to report certain persons.

It shall be unlawful for any person conducting, maintaining or having charge of any hospital on receiving any person at such hospital suffering from poisoning or any physical injury or traumatism, or any person whose identity cannot be ascertained, to fail, neglect or refuse to immediately report the same to the Chief of Police, or fail, neglect or refuse to permit the Chief or Police or Health Officer, or any authorized representative of either, to visit such person.

(Ord. 16677 § 4, 1907.)

10.28.050 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Hundred Dollars (\$100.00), or by imprisonment in the City Jail for a term not exceeding thirty days, or by both such fine and imprisonment. (Ord. 16677 § 5, 1907.)

Subchapter II Accident Reports by Physicians

10.28.100 Report to police required.

It shall be unlawful for any doctor, physician or surgeon or other person in the city to refuse, neglect or fail to immediately report to the Police Department of the city any case of accident or injury to any person or persons who may come to him or be delivered or sent to him for care or treatment. (Ord. 32986 § 1, 1914.)

10.28.110 Violation—Penalty.

A. Every offense defined by this chapter or conduct made unlawful thereby shall constitute a violation. A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

B. Notwithstanding the civil nature of the penalty provided in this section for violations, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal. (Ord. 104445 § 1, 1975; Ord. 32986 § 1A, 1914.)

Chapter 10.30

**PHYSICAL EXAMINATION OF
ARRESTED PERSONS**

Sections:

- 10.30.010 Examination required.
- 10.30.020 Violation—Penalty.

10.30.010 Examination required.

For the purpose of preventing the spread of contagious and infectious diseases or maladies,

it shall be the duty of the Director of the Seattle-King County Department of Health or his/her designated representative to duly examine in such manner and by such methods as modern science has found to be proper all persons who are taken into custody by the Police Department of the city, who are suspected of being afflicted with any contagious or infectious disease or malady. The Director or his/her representative is authorized and empowered, and it shall be his/her duty, to order any such persons so taken into custody to be examined for such purpose. It shall be unlawful for any person who is in the custody of the city to refuse or neglect to comply with any order made by the Director or his/her representative with reference to such examinations. (Ord. 108152 § 1, 1979; Ord. 32444 § 1, 1914.)

Cases: Seattle Ordinances 15957 and 32444 were held constitutional against the contention that they unlawfully delegated legislative authority by leaving the definition and classification of diseases to health boards. *State ex rel. McBride v. Superior Court*, 103 Wn.409, 174 P. 973 (1918).

Imprisonment for one week of a person arrested for prostitution, for the purpose of determining the presence of venereal disease, pursuant to a city health ordinance, was not unconstitutional. *Laux v. Stitt*, 186 Wn. 180 57 P.2d 321 (1936).

10.30.020 Violation—Penalty.

Any person convicted of a violation of this chapter shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding the sum of One Hundred Dollars (\$100.00), or imprisoned in the City Jail for a term not exceeding thirty days, or may be both fined and imprisoned. (Ord. 32444 § 2, 1914.)

Chapter 10.32

DISTRIBUTING MEDICINE SAMPLES

Sections:

- 10.32.010 Unlawful deposit designated.
- 10.32.020 Violation—Penalty.

10.32.010 Unlawful deposit designated.

It shall be unlawful to place or leave upon the property of any person, within the limits of the city, unless such person has solicited it, any drug, medicine, chemical or any combination of

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such, recommended or said to cure or relieve any disease, illness, pain, injury or any bodily ailment whatever.

(Ord. 29205 § 1, 1912.)

10.32.020 Violation—Penalty.

A. Every offense defined by this chapter or conduct made unlawful thereby shall constitute a violation. A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

B. Notwithstanding the civil nature of the penalty provided in this section for violations, nothing in this section shall deny any constitutional rights which a defendant would have were the penalty deemed criminal.

(Ord. 104539 § 1, 1975; Ord. 29205 § 1A, 1912.)

Chapter 10.34

RODENT CONTROL¹

Sections:

10.34.010 Chapter purpose.

10.34.020 Buildings to be rodentproofed—Inspection.

10.34.030 Preventive measures to be taken.

10.34.040 Violation—Penalty.

Statutory Reference: For statutory provisions on rodent control, see RCW Ch. 17.16.

1. Editor's Note: References in this chapter to "Commissioner of Health" have been editorially changed to "Director of Public Health."

10.34.010 Chapter purpose.

It is the purpose of this chapter to prevent the spread of infectious and contagious diseases and especially the disease known as "Bubonic Plague" by rats, mice, and other rodents.

(Ord. 74182 § 1, 1945.)

10.34.020 Buildings to be rodentproofed—Inspection.

It shall be unlawful for the owner or occupant to fail to reconstruct or repair all storerooms, grain elevators, warehouses, docks, and slaughterhouses, and other buildings, including

residences, by the use of screens, nets, cement or other materials approved by the Director of Public Health as to sufficiency, for the purpose of preventing rats, mice, or other rodents from gaining entrance thereto; and it shall also be unlawful for the owner of any food or other products or of any goods, wares, and merchandise in such buildings to fail to adequately protect the same to prevent such rodents from gaining access to or coming in contact therewith. Such buildings shall at all times be kept free from such rodents; and the Director of Public Health, or his representative, may at any reasonable hours inspect such buildings for the purpose of ascertaining the presence of such rodents; and if found to be present, the owner or occupant of the premises shall apply such reasonable measures for their eradication as shall be approved by the Director and shall thereafter continue such reasonable measures likewise approved to keep such buildings free therefrom.

(Ord. 74182 § 2, 1945.)

10.34.030 Preventive measures to be taken.

All premises and places shall be maintained free from rats, mice, and other rodents; and it shall be unlawful for the owner or occupant thereof to fail to take such reasonable preventive and remedial measures for such purpose as shall be prescribed by the Director of Public Health.

(Ord. 74182 § 3, 1945.)

10.34.040 Violation—Penalty.

The violation of or failure to comply with, any of the provisions of this chapter shall be punishable by a fine of not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for not to exceed ninety days, or by both such fine and imprisonment.

(Ord. 74182 § 4, 1945.)

Chapter 10.36

BEEKEEPING

Sections:

10.36.010 maintenance and registration of colonies.

10.36.020 Nuisances designated.

Statutory Reference: For statutory provisions on apiaries, see RCW Ch. 15.60.

10.36.010 Maintenance and registration of colonies.

A. It shall be the duty of any person, firm or corporation having honey bees, *apis mellifera* on its property to maintain each colony in the following condition:

1. Colonies shall be maintained in movable-frame hives.

2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.

3. Colonies shall be re-queened following any swarming or aggressive behavior.

B. All colonies shall be registered with the Director of Agriculture pursuant to RCW 15.60.030 prior to April 1st of each year. (Ord. 108150 § 1, 1979; Ord. 101531 § 1, 1972.)

10.36.020 Nuisances designated.

Bees living in trees, buildings, or any other space except in movable-frame hives; abandoned colonies; or diseased bees shall constitute a public nuisance and subject the owner to the penalties imposed by Section 1 of Ordinance 101531.¹

(Ord. 101531 § 2, 1972.)

1. Editor's Note: Section 1 of Ord. 101531, as amended by Ord. 108150, no longer contains a penalty provision.

Chapter 10.38**LAUNDRIES****Sections:**

- 10.38.010 Compliance with chapter regulations.**
- 10.38.020 Employment of persons with contagious disease prohibited.**
- 10.38.030 Toilet facilities and dressing rooms.**
- 10.38.040 Receiving or distributing laundry in building where foodstuffs or secondhand garments are sold.**
- 10.38.050 Inspections.**
- 10.38.060 Violation—Penalty.**

1. Editor's Note: References in this chapter to "Commissioner of Health" have been editorially changed to "Director of Public Health."

10.38.010 Compliance with chapter regulations.

It shall be unlawful for any person, persons,

firm or corporation to establish, maintain, operate or carry on the business of public laundry or public washhouse where clothes or other articles are cleansed for hire, within the corporate limits of the city, without first having complied with the conditions specified in this chapter.

(Ord. 41908 § 1, 1921.)

10.38.020 Employment of persons with contagious disease prohibited.

No person, persons, firm or corporation engaged in the laundry business within the city, shall knowingly permit any person suffering from any infectious or contagious disease to work in or about, or remain within or upon the premises used by such person, persons, firm or corporation for the purposes of a public laundry. It shall be unlawful for any person afflicted with any contagious or infectious disease, such as typhus, typhoid, ship or yellow fever, Asiatic cholera, diphtheria, smallpox, or membranous croup, scarlet fever, measles, German measles, whooping cough, mumps, chicken-pox, cerebrospinal meningitis, bubonic plague or tuberculosis, or any venereal disease in a contagious state, or who shall suspect that he has any of the abovementioned diseases, or who has any rash or skin trouble, or in whose place of residence any contagious or infectious disease exists, to work or be employed in or for any person to employ such person in about any laundry or public washhouse during the time the disease exists, or thereafter, until the Director of Public Health shall issue a certificate that there is no danger from employment of the person in such establishment. If at any time any infectious or contagious disease, rash or skin trouble shall appear, the Director of Public Health shall have the authority to at once exclude such person from the establishment where employed, and it shall be unlawful for any person so excluded to return to work, or for the employer to allow such person so affected to work in his establishment, so long as the person is affected with any contagious or infectious disease, rash or skin trouble. (Ord. 41908 § 7, 1921.)

10.38.030 Toilet facilities and dressing rooms.

It shall be unlawful for any person to maintain or operate any public laundry or public washhouse not provided with ample and separate toilet facilities and separate dressing rooms

furnished with suitable hooks for the hanging of clothes, for the male and female employees thereof, which toilets and dressing rooms shall at all times be kept in proper condition for the use of such employees. The floors of all wash-rooms in every public laundry or public wash-house must be made impervious to water and be of cement tile laid in cement or other material approved by the Director of Public Health. (Ord. 66658 § 1, 1936: Ord. 41908 § 8, 1921.)

10.38.040 Receiving or distributing laundry in building where foodstuffs or secondhand garments are sold.

It shall be unlawful for any person, firm, or corporation to maintain any device for receiving soiled clothing for the purpose of being laundered, or to conduct any office or place for the collection of soiled clothing for laundering purposes, or for the distribution of clothing after laundering, within any building, room, apartment, dwelling, basement or cellar where foodstuffs are sold, offered for sale, prepared, produced, manufactured, packed, stored, or otherwise disposed of, or in any premises wherein the business of secondhand or misfit clothing, hat or clothing renovating, or repairing of shoes is conducted. (Ord. 41908 § 11, 1921.)

10.38.050 Inspections.

The Director of Public Health and Fire Marshal of the city, or their respective deputies shall at all times have the right to, and it shall be their duty to inspect all public laundries or washhouses for the purpose of ascertaining whether the same are kept in a sanitary condition and so conducted as to not be dangerous to surrounding property from fire, and in case any such public laundry or public wash-house is not being maintained and carried on in accordance with the rules and regulations established by the Board of Public Works, or with the requirements of this chapter, the Director of Public Health or Fire Marshal may, upon due notice, require such changes to be made as will render such place of business sanitary and safe from fire, and in case the notice shall not be complied with the Board of Public Works may revoke the permit provided for in this chapter.¹ (Ord. 41908 § 12, 1921.)

1. Editor's Note: The sections of Ord. 41908 which provided for the issuance of a laundry or washhouse permit were repealed by Ord. 45633.

10.38.060 Violation—Penalty.

Any person, persons, firm or corporation establishing, maintaining or carrying on the business of public laundry or public wash where clothes or other articles are cleansed for hire within the limits of the city, without first having complied with the provisions of this chapter, or who shall permit any person suffering from any infectious or contagious disease to work in or about, or remain within or upon the premises used by said person, persons, firm or corporation for the purposes of a public laundry, or who shall fail for ten days to comply with any order of the Director of Public Health or Fire Marshal requiring the place where the public laundry is carried on to be made sanitary and safe from fire, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00), or by imprisonment for not more than thirty days or both such fine and imprisonment; and in case of a second conviction, the permit¹ for establishing, maintaining, and carrying on such public laundry shall be revoked, and the place of business may be abated as a public nuisance. (Ord. 41908 § 15, 1921.)

1. Editor's Note: The sections of Ord. 41908 which provided for the issuance of a laundry or washhouse permit were repealed by Ord. 45633.

Chapter 10.40

RENTING SHOES AND WEARING APPAREL¹

Sections:

- 10.40.010 Disinfecting required.**
- 10.40.020 Violation—Penalty.**

1. Editor's Note: References in this chapter to "Commissioner of Health" have been editorially changed to "Director of Public Health."

10.40.010 Disinfecting required.

All shoes and wearing apparel rented or furnished to the public shall, after each use, be disinfected in such manner as to prevent the spread of any contagious or infectious disease; provided, that any disinfectant or disinfectant agency approved by the Director of Public

Health for such purpose and used as required by this chapter shall satisfy the requirements hereof.

(Ord. 74178 § 1, 1945.)

10.40.020 Violation—Penalty.

Any violations of, or failure to comply with, the provisions of this chapter shall be punishable by a penalty of not more than Three Hundred Dollars (\$300.00) or to imprisonment in the City Jail for not more than ninety days, or by both such fine and imprisonment.

(Ord. 74178 § 2, 1945.)

Chapter 10.42

COMMON DRINKING CUPS

Sections:

10.42.010 Use prohibited.

10.42.020 Furnishing or allowing common cup to be used—Prohibited.

10.42.030 Violation—Penalty.

10.42.010 Use prohibited.

The use of public and common drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, in railway stations, either steam, electric or cable, in public or private schools, public buildings, halls, churches, theaters, markets, playgrounds, parks, stores, factories or manufacturing establishments in the city, is prohibited.

(Ord. 28383 § 1, 1911.)

10.42.020 Furnishing or allowing common cup to be used—Prohibited.

No person, copartnership or corporation, in charge or control of any railway station, either steam, electric or cable, public or private school, public building, hall, church, theater, market, playground, park, store, factory or manufacturing establishment or any other public place whatsoever, shall furnish, provide, place or expose or allow to be furnished, provided, placed or exposed any cup, glass or any other drinking vessel at any place where the public or more than one particular individual may or can have access to or the use of such vessels or where such vessels may or can be used in common by the public or by more than one particular

individual in any railway station, either steam, electric or cable, public or private school, public building, hall, church, theater, market, playground, park, store, factory or manufacturing establishment or any other place whatsoever, under his, her or its control, in the city.

(Ord. 28383 § 2, 1911.)

10.42.030 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment, not to exceed thirty days, or by both such fine and imprisonment, and each day's failure to comply with any of the provisions of this chapter shall constitute an additional and separate offense.

(Ord. 28383 § 3, 1911.)

Chapter 10.44

WIPING AND ABSORBENT MATERIALS

Sections:

10.44.010 Regulations generally.

10.44.020 Violation—Penalty.

10.44.010 Regulations generally.

It shall be unlawful for any person to use, or sell or offer for sale for such use, any material for wiping machinery, metal or utensils of any kind or character used or employed in any manufacturing plant, printing establishment or other industry, or in any kitchen or restaurant, or for the purpose of absorbing oil or grease in, on or about such machinery, metal or utensils, or for the purpose of cleaning or polishing such machinery, metal or utensils in the places in this section, unless such material has first been thoroughly washed and cleansed and is entirely free from all blood, pus or other obnoxious or unsanitary substances of any kind or character.

(Ord. 26022 § 1, 1911.)

10.44.020 Violation—Penalty.

Any person violating any of the provisions of Section 10.44.010 shall upon conviction be fined in any sum not exceeding One Hundred Dollars (\$100.00) or imprisoned in the City Jail for a term not exceeding thirty days, or may be both fined and imprisoned.

(Ord. 26022 § 2, 1911.)

Chapter 10.46

SEPTIC TANKS, CESSPOOLS AND GREASE TRAPS

Sections:

- 10.46.010 Permit for disposal required.
- 10.46.020 Authority to make rules and regulations.
- 10.46.030 Violation—Penalty.

10.46.010 Permit for disposal required.

It shall be unlawful for anyone to deposit or dispose of the cleanings of septic tanks, cesspools, grease traps and seepage pits within the city without a proper permit issued by the City Engineer authorizing the disposal of such cleanings at points to be specified by the City Engineer. The fee for such permit, which shall be issued only to the holder of a proper registration and inspection certificate to carry on or engage in the business of cleaning septic tanks, cesspools, grease traps and seepage pits issued by the Seattle-King County Health Department pursuant to law for carrying on such business, shall be Thirty Dollars (\$30.00) per month, payable in advance on the first day of each and every month to defray the costs of supervision of such waste disposal and in addition such permit holder shall deposit with the City Treasurer in the Guaranty Deposit Fund the sum of One Hundred Fifty Dollars (\$150.00) to guarantee compliance with the terms of Section 10.48.020. (Ord. 84055 § 1, 1955.)

10.46.020 Authority to make rules and regulations.

The City Engineer is authorized to promulgate rules and regulations governing the issuance of such permits, the dumping of such cleanings under the terms of this chapter, fixing the locations and times at which dumping of such cleanings shall be made.

(Ord. 84055 § 2, 1955.)

10.46.030 Violation—Penalty.

Any violation of or failure to comply with any of the provisions of this chapter or of the rules and regulations referred to in Section 10.46.020 shall subject the offender on conviction thereof to a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or to imprisonment in the City Jail for a term not exceeding

ninety days or by both such fine and imprisonment and each day on which violation or failure to comply occurs shall constitute a separate offense.

(Ord. 84055 § 3, 1955.)

Chapter 10.48

REGULATIONS FOR REMOVAL OF GARBAGE AND SWILL¹

Sections:

- 10.48.010 License required for removal of waste vegetable or animal matter.
- 10.48.020 Removal in covered vehicles—Making of fertilizer.
- 10.48.030 Removal during certain hours prohibited.
- 10.48.040 Can or vessel requirements.
- 10.48.050 Designation of places for deposit of waste and swill.
- 10.48.060 Collection vehicles to be covered.
- 10.48.070 Use of covered conveyance required.
- 10.48.080 Removal of dead animals—Contract.
- 10.48.090 Removal of dead animals—Owner or contractor.
- 10.48.100 Right of entry for inspection.
- 10.48.110 Person defined—Number and gender.
- 10.48.120 Violation—Penalty.

1. Cross-reference: For further provisions regarding the collection and disposal of garbage and refuse, see Subtitle III of Title 21 of this Code.

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

10.48.010 License required for removal of waste vegetable or animal matter.

It shall be unlawful for any person to remove through the streets, from any meat market, fish store, oyster house, commission house or from any place in the city, any waste vegetable matter, dead animal, butcher's offal, fish or parts of fish, shells or refuse or any waste animal matter, unless such person shall have a license to carry on such business under such restrictions and regulations as the City Council may prescribe.

(Ord. 15957 § 18, 1907.)

REGULATIONS FOR REMOVAL OF GARBAGE AND SWILL

10.48.020 Removal in covered vehicles— Making of fertilizer.

It shall be unlawful for any person to remove from place to place, any waste vegetable matter, dead animals, butcher's offal, fish or parts of fish or waste animal matter, unless the same shall be removed in watertight, metal-lined, covered wagons, constructed purposely for such business, and in accordance with such rules and regulations as the Seattle-King County Department of Public Health may, from time to time, adopt; and it shall be unlawful for any person to reduce any such waste matter to fertilizing material unless the same be done in such a manner as will destroy therein all germs of disease, and in such a manner as not to cause annoyance to or endanger the health of persons residing in the neighborhood where such process is carried on.

(Ord. 15957 § 19, 1907.)

10.48.030 Removal during certain hours prohibited.

It shall be unlawful for any person to remove any swill in any wagon, cart or other conveyance, between the hours of ten a.m. and eight p.m.

(Ord. 15957 § 20, 1907.)

10.48.040 Can or vessel requirements.

It shall be unlawful for any person, whether the owner, lessee, occupant or agent of any premises, to keep or permit to be kept in any building, areaway or upon any premises, or in any alley, street or public place adjacent to any premises, any waste animal or vegetable matter, dead animals, butcher's offal, fish or parts of fish, ashes, swill or refuse matter from any restaurant, eating place, residence, place of business or other building, unless the same be collected and kept in a tightly covered or closed metal can or vessel, which can or vessel shall have firmly attached to the body thereof a metallic tag or label, bearing the name or names of the owner or owners thereof, and the number of the premises in connection with which such can or vessel is being or is intended to be used.

(Ord. 15957 § 21, 1907.)

10.48.050 Designation of places for deposit of waste and swill.

The Board of Public Works of the city shall, from time to time, designate a certain place or places for the deposit of ashes, garbage, swill or

other waste matter, and it shall be unlawful for any person hauling, delivering or discharging ashes, garbage, swill or other waste matter, to deposit the same at any other place or places than such place or places designated by the Board of Public Works.

(Ord. 15957 § 22, 1907.)

10.48.060 Collection vehicles to be covered.

It shall be unlawful for any person to remove, gather, carry or transport any swill or waste animal or vegetable matter, through any of the streets, alleys or public places, in any wagon, cart or other conveyance, other than a conveyance having a tightly closed body, box or receptacle for the swill, made of such material and constructed in such manner, and so tightly closed and covered as to prevent the escape of any odor or the escape or leakage of any such swill or other substance.

(Ord. 15957 § 23, 1907.)

10.48.070 Use of covered conveyance required.

It shall be unlawful for any person to remove any garbage or refuse matter (except swill) in any other than a closely and securely covered conveyance, or to move or transport any dead animal except in a metal-lined wagon bed so constructed that the contents shall not be offensive to sight or smell.

(Ord. 26853 § 1, 1911; Ord. 15957 § 24, 1907.)

10.48.080 Removal of dead animals— Contract.

The Board of Public Works of the city shall designate some place, within or without the city, to which shall be removed, in the manner specified in Section 10.48.090, all dead animals from the streets, alleys and public places and from private lots and buildings, and the Board of Public Works shall, from time to time, after due notice and calls for bids, enter into a contract, for not more than one year, with such person as shall be the lowest bidder, for the removal of all dead animals found within the limits of the city, and such person to whom such contract is let shall, except as otherwise provided in this chapter, remove to the place so designated by the Board of Public Works, all such dead animals, within twenty-four hours after notice thereof.

(Ord. 15957 § 26, 1907.)

**10.48.090 Removal of dead animals—
Owner or contractor.**

The owner of any animal which shall die, shall, within twenty-four hours after the death of such animal, remove the dead body thereof to the place designated by the Board of Public Works, as provided in this chapter. If such owner shall fail or neglect to so remove and dispose of such dead body within such twenty-four hours, then the person to whom the aforesaid contract shall be let, shall remove such dead body to such place. The owner of such animal shall pay the person therefor the sum named in the contract made between the Board of Public Works and such person, and if the owner of any such animal shall not be known or cannot be found, the person holding the contract with the Board of Public Works, as provided by this chapter, shall remove the dead body of such animal, within twenty-four hours after the notice thereof by the Board of Public Works, at the expense of the city.
(Ord. 15957 § 27, 1907.)

10.48.100 Right of entry for inspection.

The members of the Seattle-King County Department of Public Health, the Health Officer and any accredited officer or agent of the Department, are authorized and empowered to, at all reasonable times, enter and inspect all buildings and premises for the purpose of ascertaining whether the provisions of this chapter are being violated; and it shall be unlawful for any person to prevent or attempt to prevent any such entrance or inspection or to obstruct or interfere with any such officer while engaged therein.
(Ord. 15957 § 51(part), 1907.)

10.48.110 Person defined—Number and gender.

"Person," wherever used in this chapter, shall be held and construed to mean and include natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall include the plural and the masculine pronoun shall include the feminine.
(Ord. 15957 § 52(part), 1907.)

10.48.120 Violation—Penalty.

Any person violating or failing to comply with any of the provisions of this chapter, shall

be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding One Hundred Dollars (\$100.00) or by imprisonment in the City Jail not exceeding thirty days, or by both such fine and imprisonment.
(Ord. 15957 § 53(part), 1907.)

Chapter 10.50

OFFENSIVE BUSINESSES¹

Sections:

- 10.50.010 Offensive businesses designated.**
- 10.50.020 Control of odors, gases and fumes.**
- 10.50.030 Rendering of animal matter.**
- 10.50.040 Approval of construction or repair of buildings.**
- 10.50.050 Violation—Penalty.**

1. Editor's Note: References in this chapter to "Commissioner of Health" have been editorially changed to "Director of Public Health."

10.50.010 Offensive businesses designated.

It shall be unlawful for any person, firm or corporation within the limits of the city to conduct any of the following businesses or to use any building or premises for any of the following uses, unless the businesses shall at all times be so conducted as to create no offense or nuisance:

- A. Cement, lime, gypsum or plaster of paris manufacture;
- B. Chlorine or hydrochloric, nitric, picric, sulphurous, or sulphuric acid manufacture;
- C. Distillation of bones;
- D. Fat, tallow, or lard rendering;
- E. Fertilizer manufacture from organic materials or minerals;
- F. Glue, size or gelatine manufacture;
- G. Hair factory;
- H. Petroleum refining;
- I. Potash refining;
- J. Reduction of garbage, offal, dead animals or refuse;
- K. Slaughterhouses or packing plants;
- L. Smelting of copper, tin, zinc, or iron ores;
- M. Stockyards;
- N. Tannery;
- O. Wool pulling or scouring;
- P. Any other trade, industry or use which is or is likely to become similarly objectionable

by reason of the emission of dangerous, unwholesome, foul, nauseous or offensive gases, odors or fumes.
(Ord. 45312 § 1, 1923.)

10.50.020 Control of odors, gases and fumes.

All dangerous, unwholesome, nauseous or offensive odors, gases or fumes arising from or incidental to any of the businesses or uses enumerated in Section 10.50.010 or any part thereof shall be condensed or destroyed by some effective means and no such odors, gases or fumes shall be allowed to escape into the open air in such amounts as to be at any time disagreeably noticeable more than two hundred feet from the building or premises whence said odors, gases or fumes emanated.
(Ord. 45312 § 2(part), 1923.)

10.50.030 Rendering of animal matter.

No animal matter shall be rendered after it becomes spoiled or putrid, nor shall any animal matter be rendered on any premises except such animal matter as shall be produced or accumulated from slaughtering or packing operations conducted upon such premises.
(Ord. 45312 § 2(part), 1923.)

10.50.040 Approval of construction or repair of buildings.

No permit for construction, reconstruction or repair of any building or structure used for any of the businesses enumerated in this chapter shall be issued by any department of the city until the plan therefor shall show adequate means for carrying out the provisions of this chapter and until the plan shall have been approved by the Director of Public Health.
(Ord. 45312 § 3, 1923.)

10.50.050 Violation—Penalty.

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding One Hundred Dollars (\$100.00), or imprisoned in the City Jail for a term not exceeding thirty days, or both so fined and imprisoned, and each day the person, firm or corporation shall continue to violate or fail to comply with any of the provisions of this chapter, shall be deemed and considered a separate offense, and in addition to the penalty provided in this section for the

violation of this chapter, any failure, neglect or refusal to comply with any of the terms of this chapter, shall be deemed a nuisance and may be abated in the manner provided by the ordinances of the city for the abatement of nuisances.

(Ord. 45312 § 6, 1923.)

Chapter 10.52

WEEDS AND VEGETATION¹

Sections:

10.52.010 Nuisances designated—Duty to remove.

10.52.020 Violation—Penalty.

10.52.030 Enforcement—Resolution to remove nuisance.

10.52.040 Notification of resolution.

10.52.050 Failure to abate nuisance or pay bill—Lien on property.

Statutory Reference: For statutory provisions authorizing first-class cities to declare and abate nuisances, see RCW 35.22.280(31).

1. Editor's Note: This chapter is enacted pursuant to the authority granted by RCW 35.21.310.

10.52.010 Nuisances designated—Duty to remove.

Trees, plants, shrubs or vegetation or parts thereof which so overhang any sidewalk or street, or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public are public nuisances. Grass, weeds, shrubs, bushes, trees or vegetation growing or which have grown and died, and all debris upon any property and which are a fire hazard or a menace to public health, safety or welfare, are likewise public nuisances. It is the duty of the owner of the property wherein or whereon any such nuisances exist to abate the nuisance by destroying, removing or trimming any such growth, and removing or destroying any such debris.

(Ord. 98365 § 1, 1969; Ord. 98149 § 1, 1969; Ord. 78076 § 1, 1949.)

10.52.020 Violation—Penalty.

The failure or refusal to comply with any of the provisions of Section 10.54.010 shall

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subject the offender to a fine not exceeding Three Hundred Dollars (\$300.00), or imprisonment in the City Jail for not exceeding ninety days, or both.

(Ord. 78076 § 2, 1949.)

10.52.030 Enforcement—Resolution to remove nuisance.

The City Engineer shall enforce this chapter and if any property owner fails or refuses to abate any such nuisance as contemplated by Section 10.52.010, the City Council may, after report filed by the City Engineer, by resolution require such property owner, in addition or alternative to the penalties prescribed by Section 10.52.020, to abate the nuisance by removal or destruction, at his cost and expense within a time specified in the resolution; and if the removal or destruction is not made by such owner within the time specified, the City Engineer may abate the same as provided in Section 10.52.050.

(Ord. 78076 § 3, 1949.)

10.52.040 Notification of resolution.

The resolution mentioned in Section 10.52.030 shall not be passed until the property owner is given at least five days' notice of the pendency of the proposed resolution; such notice shall be given by the City Engineer by mailing a copy of the notice to the owner as shown upon the records of the County Treasurer and at the address shown thereon; and if no owner and address is shown on such records, a copy of the notice shall be posted upon the property, and shall also be published in one issue of the official newspaper. The mailing, posting and publication shall be made at least five days before the resolution is adopted and proof shall be made by affidavit of the City Engineer filed with the City Clerk. The notice shall include the resolution number and both shall describe the property involved and the nature of the hazardous condition constituting the nuisance.

(Ord. 78076 § 4, 1949.)

10.52.050 Failure to abate nuisance or pay bill—Lien on property.

If the nuisance is not abated by removal or destruction by the property owner within the time fixed in the resolution, the City Engineer may abate the same and he shall render a bill covering the cost to the city of such abatement,

including the engineer's expense, and mail the bill to the property owner. If the property owner fails or refuses to pay the bill immediately, or if no bill is rendered because he cannot be found, the City Engineer in the name of the city mail file a lien therefor against the property which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material.

(Ord. 78076 § 5, 1949.)

City Municipal code
Adopted in 1980
For current SMC, contact
the Office of the City Clerk