Title 13
FOOD SANITATION

Chapters:

Chapter 13.04
COLD STORAGE EGGS

Sections:

13.04.010 Cold storage eggs to be labeled as such. It shall be unlawful for any vendor in the city of Seattle, 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; December 19, 1911).

13.04.020 Penalty for violations. Any person guilty of violating any of the provisions of this chapter shall, upon conviction, befined in any sum not more than three hundred dollars, or be committed to the city jail for a period not exceeding ninety days, or may be both so fined and imprisoned. (Ord. 28605 § 2, as amended by Ord. 45820; October 3, 1923).

Chapter 13.08
MEAT

Sections:

Prior ordinance history: Ordinance 61098.

13.08.010 Definitions. Words and phrases as used herein shall have the following meanings:

"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.

"Apprentice meat cutter" 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.

"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.

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

"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.

"Director" means the Director of public health of the city of Seattle or his authorized representative.

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

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

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

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

"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.

"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.

"Meat cutter" 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.

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

"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.

"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.

"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 be deemed and construed to include the plural; and the masculine pronoun to include the feminine.

"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.

"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.

"Wholesale commission meat dealer" means any person who purchases meat from a licensed wholesale meat shop for purposes of sale to any person other than a consumer.

"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.

"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.

"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.

"Food and beverage service worker's permit" means a food and beverage service worker's permit issued under Chapter 197, Laws of 1957, as now or hereafter amended, and pursuant to the rules and regulations of the state board of health in such connection.

"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.

"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. (Ord. 94465 § 1, as amended by Ord. 95906; June 28, 1967).

13.08.020 Enforcement. The director shall enforce this chapter, and may make rules and regulations consistent with the provisions of this chapter. The city comptroller shall assist in the enforcement of those portions of this chapter relating to licenses. (Ord. 94465 § 2; January 6, 1966).

13.08.030 License requirements. It is unlawful for any person: (i) 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 of Seattle without a "meat distribution facilities license" for each such establishment.

(ii) to operate or do business as a wholesale commission meat dealer or wholesale meat dealer within the city of Seattle without a "meat dealer's license."

(iii) to engage in the business of, operate or be employed as a meat cutter, apprentice meat cutter or meat wrapper or meat wrapper salesman within the city of Seattle without a "meat cutter license," "apprentice meat cutter license," "meat wrapper license" or "meat wrapper salesman license."

(iv) bring into, send into, or receive in the city of Seattle 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 hereunder, by persons holding valid food and beverage service workers permits when such sales are authorized by, and comply with the conditions set forth in Sections 13.08.060 and 13.08.260; 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 hereunder.

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

Meat distribution facilities license:

Retail meat shop employing not more than three meat cutters and/or meat wrappers or meat wrapper salesmen

Open until 6:00 p.m. ..... $ 80.00

Open after 6:00 p.m. ..... $ 95.00

Retail meat shop employing four or more meat cutters and/or meat wrappers or meat wrapper salesmen

Open until 6:00 p.m. $130.00

Open after 6:00 p.m. $180.00

Retail processed meat shop ..... $ 35.00

Wholesale meat shop employing not more than five persons

If under federal inspection $200.00

If not under federal inspection $350.00

Wholesale meat shop employing six or more persons

If under federal inspection $350.00

If not under federal inspection $550.00

Meat warehouse ..... $ 25.00

Meat dealer's license:

Wholesale meat dealer and wholesale commission meat dealer $250.00

Meat cutter license, apprentice meat cutter license, meat wrapper license, and meat wrapper salesman license ..... $ 10.00

Each license issued hereunder shall expire on the thirtieth of June 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 the first of January and the thirtieth of June of any year, the required fee shall be one-half of the annual fee therefor.

Meat distribution facilities licenses issued hereunder 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 hereunder. (Ord. 94465 § 3 as amended by Ord. 95906 and Ord. 96788; June 12, 1968).

13.08.040 Issuance of licenses. Meat cutter, apprentice meat cutter, meat wrapper, and meat wrapper salesman licenses shall be issued by the city comptroller upon compliance with the provisions of this chapter and/or rules or regulations adopted hereunder.

Persons desiring a license shall make written application to the city comptroller on forms provided by him. 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 employer. Applications shall be accompanied by a receipt showing the payment of the required fee to the city treasurer. 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 corporate 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 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 per mile, to be deposited when received in the meat inspection fund.

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 shall file with such application his written agreement to permit the inspection, at all reasonable times, of his 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 in a slaughterhouse unless the same are passed through a licensed wholesale meat shop.

When application is for a meat distribution facilities license, the city comptroller shall refer the same to the director who shall inspect the premies therein described and the fixtures and equipment to be used to determine compliance with the provisions of this ordinance. When such inspection reveals that the applicable requirements of this chapter have been met, the director shall approve the application and return it to the city comptroller who shall thereupon issue such license. If the director determines that the requirements of this chapter have not been met, he shall so certify on and return the application to the city comptroller, who shall reject the same.

Applications for a meat cutter, apprentice meat cutter, meat wrapper, and meat wrapper salesman license shall be accompanied by a certification by the director that the applicant holds a valid food and beverage service workers' permit. Applications for an apprentice meat cutter's license shall

also show a certification of enrollment in a Seattle-King County meat cutter's apprenticeship program approved by the director and/or approved by the joint apprenticeship committee consisting 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. Applicants for a meat cutter's license shall show a certification from the civil service commission that the applicant has passed the meat cutter's license examination provided for by Section 13.08.120, and such applicant shall further show by competent evidence that he has had at least three years practical experience as a meat cutter and has acquired the basic manual skills and special knowledge of meat cutting. (Ord. 94465 § 4, as amended by Ord. 95906; June 28, 1967).

13.08.050 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 hereunder, 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 hereunder. (Ord. 94465 § 5; January 6, 1966).

13.08.060 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 the 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 meat cutter or a licensed apprentice meat cutter 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 meat cutter, licensed apprentice meat cutter, 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 inspection and approval be exempted from those sanitary requirements provided for meat establishments in Section 13.08.240 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 in a state or federally inspected slaughterhouse. Upon application of the holder of such license, and the approval of the director, the city comptroller 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 city comptroller 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 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. MEAT CUTTER. A meat cutter'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 MEAT CUTTER. An apprentice meat cutter'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 meat cutter.

I. MEAT WRAPPER. A meat wrapper's license shall entire 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. 94465 § 6, as amended by Ord. 95906; June 28, 1967).

13.08.070 Special inspection services. The director is hereby 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; January 6, 1966).

13.08.080 Suspension and revocation of licenses. No license issued pursuant to the provisions of this chapter may be rovoked except after a hearing before the director, 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 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 shall find that one or more of such reasons exist, he shall immediately so advise the city comptroller in writing, stating the reasons found to exist for such revocation, and the city comptroller shall forthwith revoke and take up the license.

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 of Seattle 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 meat cutter's license and an apprentice meat cutter'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 may forthwith so certify to the city comptroller, 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 shall find no cause for revocation, or further suspension, he shall immediately notify the city comptroller thereof in writing, who shall reinstate the license and return the same to the licensee.

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.

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. 94465 § 8, as amended by Ord. 95906; June 28, 1967).

13.08.090 Appeal. 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 whose decision shall be final, subject to review by the courts for arbitrary, capricious or fraudulent action.

Any person feeling aggrieved because of the revocation of his license may appeal to the city council, whose decision shall be final, subject to review by the courts for arbitrary, capricious or fraudulent action. (Ord. 94465 § 9; January 6, 1966).

13.08.110 Meat advisory committee. There is hereby 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 meat cutters.
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.

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 appointments, all committee members shall be appointed for a period of three years.

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.

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. 94465 § 10, as amended by Ord. 95906; June 28, 1967).

13.08.120 Examinations—Meat cutter—Meat wrapper salesman. The civil service department shall examine applicants for a meat cutter's license and a meat wrapper salesman's license in accordance with reasonable rules set forth by the meat advisory committee. Each applicant shall pay an examination fee of ten dollars. The examination shall be of a kind to test the competency of the meat wrapper salesman's practical knowledge of wrapping, refrigeration, sanitation, and care of meat; and the meat cutter's competency in the cutting, handling, care of meat, knowledge of sanitation and his ability by the senses to recognize in meats decomposition and other taints and conditions deleterious to health. If after examination the civil service department shall rule that the applicant has passed the examination, he shall then be advised in writing that he is eligible to apply to the city comptroller for a meat cutter's license or meat wrapper salesman's license. (Ord. 94465 § 11 as amended by Ord. 94567, Ord. 95906 and Ord. 96110; September 20, 1967).

13.08.130 Meat workers health permits. All persons handling meat or meat products intended for sale shall be in possession of a valid food and beverage service workers' 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 workers' permit. (Ord. 94465 § 12; January 6, 1966).

13.08.140 Fraudulent use or removal of licenses, certificates, marks and numbers. It shall be unlawful to forge, simulate or alter any license or certificate issued or issuable hereunder; 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.

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.

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.

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; January 6, 1966).

13.08.150 Records 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 city comptroller, director or their authorized representatives exhibit to them any books, records, or other papers of such business. (Ord. 94465 § 14; January 6, 1966).

13.08.160 Meat grading. It shall be unlawful to sell, dispose of, offer 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 of Seattle or by the U. S. Department of Agriculture in accordance with the U. S. Department of Agriculture, Consumer and Marketing Service Livestock Division Meat Grinding 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; January 6, 1966).

13.08.170 False and unlawful advertisements and displays. 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.

It is 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.

It is 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 is 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 is 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.

It is 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.

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.

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

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

Ground beef shall be labeled, classified, and advertised as: (a) Ground beef; (b) Lean ground beef; (c) Extra lean ground beef, and (d) 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.

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

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. 94465 § 16 as amended by Ord. 100445 § 1; November 19, 1971).

13.08.180 Labeling of meat. It is 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.

All label 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 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; January 6 ,1966).

13.08.190 Possession or storage of meat. 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 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; January 6, 1966).

13.08.200 Selling meat unfit for human food. It is 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 adultered, 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; January 6, 1966).

13.08.210 Meat peddling. It is 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 of Seattle. (Ord. 94465 § 20; January 6, 1966).

13.08.220 Transportation of meat. It is 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 vermin proof 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; January 6, 1966).

13.08.240 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.

(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.

(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. 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 handwashing basin provided with hot and cold running water shall be located in area where meat is being cut and wrapped.

(g) Refrigeration. All meat shall be maintained at a temperature of forty degrees Fahrenheit or less except dry cured sausage 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 Ordinance and Seattle Building Code. 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; January 6, 1966).

13.08.250 Examination and inspection of meat distribution facilities. 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 insure that such establishments are maintained in compliance with this chapter and to further insure 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 insanitary 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 herein. Upon issuing such order the director shall cause a copy or copies thereof to be prominently posted upon such establishment.

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.

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; January 6, 1966).

13.08.260 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:

1. A licensed meat cutter or a licensed apprentice meat cutter or a licensed meat wrapper salesman shall at all times be on duty at said meat cabinet when customers are allowed to take fresh meat therefrom for purchase. Provided that between twelve and one p.m. in a meat shop in which there is only one licensed meat cutter employed, an apprentice meat cutter, 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 meat cutter, or other designated person between the hours specified, to supervise and maintain said meat case, to remove any mutilated, torn or broken meat packages, and to remove any spoiled meat products.

2. 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.

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

4. 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:

(a) The true name of the product.

(b) Date must include day of the month when packaged.

(c) 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.

(d) The name and place of the licensed retail meat shop where the meat is cut, packaged and sold.

(e) 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.

(f) The federal or state inspection legend and the number of the establishment or approved city inspection legend or identification. (Ord. 94465 § 25, as amended by Ord. 95906; June 28, 1967).

13.08.270 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:

1. All prepackaged frozen meat must be completely enclosed in cartons or wrappings of such strength and quality as will prevent the products from being contaminated. All wrapping materials shall meet the requirements of the director.

2. 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.

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

4. 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.

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

6. No prepackaged frozen meat shall be re-frozen after having been thawed.

7. 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 13.08.180 hereof and each label shall contain, prominently and informatively displayed:

(a) The true name of the product and date when packaged and frozen.

(b) 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.

(c) The name and place of business of the manufacturer, packer or distributor.

(d) 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.

(e) The federal or state inspection legend and the number of the establishment or approved city inspection legend or identification. (Ord. 94465 § 26 as amended by Ord. 95906; June 28, 1967).

13.08.280 Horsemeat. It is unlawful to sell or dispose of horsemeat, 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 horsemeat 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 horsemeat." It is unlawful to serve horsemeat in any form or when mixed or combined with any other meat or food in any restaurant, hotel, boardinghouse, or by any caterer or in any place where food is served for public consumption, without making known on menus, or otherwise, that horsemeat is being served, and if a choice of meats is offered, the service which is horsemeat or contains horsemeat; and it is unlawful to keep or store horsemeat 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; January 6, 1966).

13.08.290 Sale of adulterated sausage. It is 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.

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 3 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 sau-

sage 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 of Washington, but such product or products must be properly labeled as herein provided. Breading 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 herein.

The terms "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 said "hamburger" or "ground beef" is made. Heart, liver, tongues, spleen and tripe shall not be contained in "hamburger" or "ground beef" and, if present, shall be considered adulterants.

It is 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 foregoing definition. (Ord. 94465 § 28 as amended by Ord. 95906 and Ord. 97794 § 1; May 28, 1969).

13.08.300 Meat inspection fund. There is hereby 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; said fund shall be used solely to pay the costs and expenses incurred by the city in the enforcement of this chapter. (Ord. 94465 § 29; January 6, 1966).

13.08.310 Application to inspect for state and collect fees. The diretcor of public health is hereby authorized to apply for and on behalf of the city of Seattle, 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 said state department for reimbursement of such inspection costs under Sections 3 and 4, Chapter 204 Laws of 1959; provided, that any reimbursement of such inspection costs when received from the state shall be credited to the Meat Inspection Fund. (Ord. 94465 § 30; January 6, 1966).

13.08.320 Meat inspectors. 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.

A licensed veterinarian shall be responsible to the director for the administration of meat inspection activities under this chapter. (Ord. 94465 § 31; January 6, 1966).

13.08.330 Violations—License revocation. It is unlawful for anyone to employ a person as a meat cutter, apprentice meat cutter, 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 workers' permit. Violation of this provision shall constitute grounds for the revocation of a license, in addition to those grounds set forth in Section 13.08.080 hereof. (Ord. 94465 § 32, as amended by Ord. 95906; June 28, 1967).

13.08.340 Compliance with state laws. 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; January 6, 1966).

13.08.350 Penalty for violations. Anyone violating or failing to comply with 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, 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; January 6, 1966).

13.08.360 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; January 6, 1966).

Chapter 13.12
POULTRY, RABBIT AND FISH

Sections:

13.12.010 Definitions. As used herein words and phrases, in addition to their usual meaning, shall mean:

"Director" means the director of public health of the city of Seattle.

"Farmer" means and includes any person residing upon any property lying within the state of Washington, 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.

"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.

"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 Chapter 13.08.

"Person" means and includes individuals, corporations, copartnerships and associations.

"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.

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

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

"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.

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

"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.

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

"Wild rabbit" means and includes rabbit not domesticated, and not raised and held in restraint in hutches or like inclosures.

"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. (Ord. 80028 § 1 as amended by Ord. 88581 and Ord. 96125; October 4, 1967).

13.12.020 Compliance with chapter required. It shall be unlawful to sell or offer for sale or to slaughter, kill, clean or possess for purpose of sale in the City of Seattle any poultry, rabbit or fish except as authorized by this chapter. (Ord. 80028 § 2; May 31, 1951).

13.12.030 Shop license or certificate of registration—Requirement. It is 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 Chapter 13.08 and approved therefor by the director, or in a wholesale or retail shop duly licensed under this chapter, or by a farmer holding a certificate of registration and operating as herein authorized, or by the holder of a preparing

certificate of registration operating as herein authorized; provided, that poultry, rabbit or fish which has been processed may be sold in a retail processed meat shop licensed under Chapter 13.08, without an additional license under this ordinance; and provided further, that canned poultry, rabbit and fish may be sold or offered for sale without a license under this chapter. (Ord. 80028 § 3 as amended by Ord. 80601 and Ord. 96125; October 4, 1967).

13.12.040 Salesman's license—Requirement. It is 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 meat cutter's license, apprentice meat cutter's license, meat wrapper's license or a meat wrapper salesman's license issued under Chapter 13.08. (Ord. 80028 § 4 as amended by Ord. 88581 and Ord. 96125; October 4, 1967).

13.12.045 Unlawful to employ unlicensed person as retail salesman. It shall be unlawful to employ any person as a retail salesman 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 Chapter 13.08. (Ord. 80028 § 4-A, added by Ord. 88581; September 15, 1959).

13.12.050 Purchasing for resale from licensed shop required—Sales by farmer excepted. It is 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 chapter or through a wholesale meat shop licensed under Chapter 13.08 as amended, and approved for the receipt and sale of poultry, rabbit and/or fish under this chapter, except that poultry, rabbit or fish raised or produced by a farmer may be sold or offered for sale as herein provided. (Ord. 80028 § 5 as amended by Ord. 96125; October 4, 1967).

13.12.060 Prepackaged fresh poultry, rabbit or fish. Prepackaged fresh poultry, rabbit or fish may be sold as provided for prepackaged fresh meat under Chapter 13.08, 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 chapter: Provided, 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. 80028 § 6 as amended by Ord. 96125; October 4, 1967).

13.12.070 Prepackaged frozen poultry, rabbit or fish. Any prepackaged

frozen poultry, rabbit or fish may be sold in compliance with the provisions of Chapter 13.08, relating to the sale of prepackaged frozen meat but in addition to the requirements of Chapter 13.08 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. 80028 § 7 as amended by Ord. 96125; October 4, 1967).

13.12.080 Farmer's certificate of registration. Any farmer who desires to prepare or process any poultry, rabbit or fish for sale in the city of Seattle shall make application to the city comptroller on a form prescribed by him for registration as a farmer hereunder. The application shall be forwarded to the director who shall examine the place and premises to be used as to sanitary facilities and return the application to the city comptroller with his approval or rejection noted thereon. If the application is not approved no certificate of registration shall be issued. If the application is approved the city comptroller shall issue to the farmer a certificate of registration for such farm and shall assign thereto an official number. Each poultry, rabbit, or 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 13.12.200 hereof.

Any poultry, rabbit or fish prepared or processed by a farmer on a farm registered hereunder may be sold or offered for sale when tagged or stamped as herein provided in any licensed retail or wholesale shop, or by such farmer in any place without a license. (Ord. 80028 § 8, as amended by Ord. 80061; December 20, 1951).

13.12.090 Inspection of premises. The director may inspect any place or premises licensed or for which a certificate of registration has been issued under this chapter at any time, or the place or premises of all wholesale meat shops licensed under Chapter 13.08, 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 of Seattle 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 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. 80028 § 9 as amended by Ord. 80601 and Ord. 96125; October 4, 1967).

13.12.100 Preparation and processing establishments—License or certificate of registration. Any poultry, rabbit or fish prepared or processed in any place outside the city and within the state of Washington for sale in

tificate of registration. Any poultry, rabbit or fish prepared or processed in any place outside the city and within the State of Washington for sale in the city shal be done only in a Wholesale Meat Shop licensed under Chapter 13.08 and approved therefor by the Director, in a Wholesale Shop licensed under this chapter or in an establishment for which a preparing certificate of registration has been issued under this chapter, except as otherwise provided for a farmer. The preparing certificate of registration

the city shall be done only in a wholesale meat shop licensed under Chapter 13.08, and approved therefor by the director, in a wholesale shop licensed under this chapter or in an establishment for which a preparing certificate of registration has been issued under this chapter, 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 Chapter 13.08, and approved therefor by the director, or through a wholesale shop licensed under this chapter. 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 chapter 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 13.12.210. (Ord. 80028 § 10 as amended by Ord. 80601 and Ord. 96125; October 4, 1967).

13.12.110 Preparation and processing—Director to prescribe sanitation regulations. 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. 80028 § 11, as amended by Ord. 80061; December 20, 1951).

13.12.120 Sale—License and sanitation requirements. 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 chapter 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 chapter. (Ord. 80028 § 12, as amended by Ord. 80601; December 20, 1951).

13.12.130 Sanitation regulations. 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 180 degrees F. 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 insure 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, catch basins or from any inedible products.

(f) Such place shall be kept free of flies, rats, mice and other vermin.

(g) The use of poison 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 dust-proof 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.

(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 hereafter replaced or newly installed shall be of such materials and construction as will facilitate its thorough cleaning and insure 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; May 31, 1951).

13.12.140 Fish—Processing requirements. No fish 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 Department of Health of the state of Wahington, may be sold or offered for sale.

(c) All fish refuse shall be placed in metal cans and removed from premises at least once a day or oftener if required by heavy operations. Refuse cans shall be thoroughly cleaned by steam before re-use.

(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.

(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. 80028 § 14; May 31, 1951).

13.12.150 Poultry and rabbit—Processing requirements. 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 above zero 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 above zero 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; May 31, 1951).

13.12.160 Application for licenses and certificates—Fees. It is 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 chapter without the license or certificate required by this chapter. Application for such licenses or certificate shall be made to the city comptroller on forms prescribed by him, shall be accompanied by the prescribed fee and forwarded to the director for approval or rejection; provided, a salesman's license may be issued and renewed annually without reference to the director, upon presentation of a valid health card and payment of the prescribed fee. The director 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 chapter, the director shall approve the application, and return the same to the city comptroller who shall issue the license or certificate of registration. If the director does not approve, the application shall be rejected.

License fees shall be payable annually and the license and certificate of registration shall expire on the thirtieth of June 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

(Ord. 80028 § 16 as amended by Ord. 88241, Ord. 96125 and Ord. 96787; June 12, 1968).

13.12.165 Transfer of licensed location—Fee. No retail shop or wholesale shop license issued under this chapter, 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 city comptroller upon such forms as he may prescribe and payment to him of a license transfer fee equivalent to ten per cent of the required annual license fee. (Ord. 80028 § 16-A, added by Ord. 92085; May 28, 1963).

13.12.170 Health examinations. The director may require at any time a 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 food handler's training course approved by the director. (Ord. 80028 § 16; May 31, 1951).

13.12.180 Official numbers—Wholesale shops. The director shall issue to each licensed wholesale shop an official number. Whenever a wholesale meat shop licensed under Chapter 13.08, is approved for the preparation or processing and sale of poultry, rabbit or fish the provisions of this ordinance with respect to tag, stamp or invoice shall apply to such wholesale meat shop. (Ord. 80028 § 18 as amended by Ord. 80601 and Ord. 96125; October 4, 1967).

13.12.190 Marking or tagging with official number. Each poultry, rabbit, or fish, or parts or divisions thereof, prepared or processed in a wholesale shop or a wholesale meat shop licensed under Chapter 13.08, 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 13.12.210, with respect to an invoice for all sales shall be complied with. (Ord. 80028 § 18-1 added by Ord. 80601 and amended by Ord. 96125; October 4, 1967).

13.12.200 Farmer's stamps and tags. Every farmer holding a farmer's certificate of registration issued under this chapter 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. 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 Chapter 13.08, and approved by the director for handling poultry, rabbit or fish, or through a wholesale shop licensed under this chapter 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 13.12.210.

It is unlawful to use any stamp or tag required by this section unless the same has been purchased from the director as herein required.

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 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 tag or stamp procured from the director as herein required. (Ord. 80028 § 18-2 added by Ord. 80601 and Ord. 96125; October 4, 1967).

13.12.210 Sales invoices. Whenever an invoice for a sale is used as required or authorized herein, 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, specie 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. 80028 § 18-3, added by Ord. 80601; December 20, 1951).

13.12.220 Diseased or unfit—Examination and condemnation. 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 of Seattle, 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; May 31, 1951).

13.12.230 Fees to meat inspection fund. All fees required hereunder shall be paid to the city treasurer and placed in the meat inspection fund, created by Chapter 13.08, and the fund shall be expended for the purposes of enforcing the provisions of this chapter and of Chapter 13.08. (Ord. 80028 § 20 as amended by Ord. 96125; October 4, 1967).

13.12.240 Wild rabbit prohibited. No wild rabbit shall be sold or offered for sale, or posssssed or stored in any wholesale or retail shop or other food establishment. (Ord. 80028 § 21; May 31, 1951).

13.12.250 Poultry, rabbit or fish from outside state. 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; May 31, 1951).

13.12.260 Rules and regulations. The director is authorized to make rules and regulations not inconsistent with the provisions of this chapter for the purpose of enforcing and carrying out the same. (Ord. 80028 § 23; May 31, 1951).

13.12.280 Penalty for violations. Violation of or failure to comply with the provisions of this chapter shall be punishable by a fine in any sum not exceeding three hundred dollars or by imprisonment in the city jail for a period of not exceeding ninety days or by both such fine and imprisonment. (Ord. 80028 § 24; May 31, 1951).

Chapter 13.14

POULTRY PROCESSING PLANTS—INSPECTION

Sections:

13.14.010 Inspection authorized. The Director of Public Health is hereby authorized to supervise sanitation, ante-mortem and post-mortem inspection of poultry in processing plants licensed under Chapter 13.12 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 chapter. Such inspection, and the conditions thereof, shall be as hereinafter set forth. (Ord. 85679 § 1; November 27, 1956).

13.14.020 Poultry inspectors—Employment. Each poultry processing plant licensed under Chapter 13.12, as amended, and electing to qualify under the provisions of this chapter shall:

1. 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.

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

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

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

a. MILEAGE: The fee of 10c a mile for each mile of travel from the City of Seattle to the processing plant, and return.

b. MEALS AND LODGING: Meals consumed during the normal working day on poultry supervision away from the city of Seattle, and necessary lodging.

c. TIME: Actual wage of the supervising inspector for each hour or part of hour for travel and in-plant supervisory inspection, plus 10%.

5. 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; November 27, 1956).

13.14.030 Payment of fees and charges. Each such poultry processing plant using the Wholesomeness inspection label shall pay such fees and charges as herein required to the Director not later than ten (10) 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; November 27, 1956).

13.14.040 Duties of poultry inspectors. It shall be the duty of such Poultry Meat Inspector to:

1. 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.

2. 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.

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

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

5. 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.

6. 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.

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

8. 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.

9. 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; November 27, 1956).

13.14.050 Supervisory inspections. Supervisory inspections to see that the provisions of this chapter 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; November 27, 1956).

13.14.060 Wholesomeness inspection label. Any such poultry processing plant which complies with this chapter 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:

1. 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.

2. 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.

3. 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.

4. 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; November 27, 1956).

13.14.070 Rules and regulations. The Director is authorized to make rules and regulations not inconsistent with the provisions of this chapter for the purpose of enforcing and carrying out the same. (Ord. 85679 § 7; November 27, 1956).

13.14.080 Penalty for violations. The use or display of such wholesomeness inspection label or facsimile thereof without complying with or in violation of the provisions of this chapter 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 (90) days or by both such fine and imprisonment. (Ord. 85679 § 8; November 27, 1956).

Chapter 13.16

SHELLFISH PACKING PLANTS

Sections:

13.16.010 Exercise of police power. This chapter is hereby declared to be an exercise of the police power of the State of Washington and of the City of Seattle for the protection and preservation of the public health, safety and welfare, and its provisions shall be liberally construed for the accomplishment of that purpose. (Ord. 63773 § 1; June 13, 1933).

13.16.020 Definitions. In this chapter, unless the context otherwise requires—

"SHELLFISH" means and includes all varieties of uncooked oysters, clams, mussels and scallops;

"SHUCKING" or "OPENING" means the removal of the shell from the shellfish;

"PACK" or "HANDLE" means the shucking, opening, packing, repacking or placing of shellfish in containers;

"PERSON" means and includes natural persons of either sex, associations, copartnerships and corporations;

"PACKING PLANT" means and includes any building or place where shellfish are packed or handled;

"DIRECTOR" means the Director of Public Health of the City of Seattle or any of his duly authorized assistants;

"CERTIFICATE" means a certificate showing that the shellfish have been produced, packed and/or shipped in conformity with the sanitary and other regulations of the state of the United States or province of Canada in which they were grown, packed and/or shipped and issued by the authority of such state or province;

"SHELL STOCK" means unshucked shellfish;

"POTABLE WATER" means water of a purity equal to the standard required by the United States public health service for potable water.

Words in the present tense shall include the future tense; in the masculine shall include the feminine and neuter genders; in the singular shall include the plural, and in the plural shall include the singular. (Ord. 63773 § 2; June 13, 1933).

13.16.030 Permit and certificate required. It shall be unlawful to maintain and operate any packing plant without a certificate from the State Director of Health of the State of Washington and a permit from the Director of Health of the City of Seattle. (Ord. 63773 § 3; June 13, 1933).

13.16.040 Application for permit. Any person desiring to maintain and operate a packing plant in the City of Seattle shall first make written application for a permit to the Director on forms supplied by him, setting forth the name of the applicant and the location by street and number of the packing plant for which a permit is sought. The Director shall there-

upon cause such place and all fixtures and appliances connected therewith or to be used therein, to be carefully inspected, and if said applicant shall have fully complied with the provisions of this chapter the Director shall issue a written permit to such applicant, which shall be conspicuously posted upon the premises and shall not be transferable to any other person or location. All permits shall expire on the 31st day of December of the year in which they are issued. (Ord. 63773 § 4; June 13, 1933).

13.16.050 Revocation or suspension of permit. The Director is hereby empowered and authorized to revoke, or suspend, any permit issued hereunder when he is satisfied after hearing before him that the same was procured by fraud, or false representations of fact, or that the permit holder has violated any of the provisions of this chapter. Before revoking any permit the Director shall cause to be mailed or delivered to the holder of such permit, at his last known address or at the premises for which such permit is issued, a notice stating the specific grounds of such proposed revocation, together with the time and place of hearing, which shall be not less than three (3) days after mailing or delivery of said notice, at which time the Director shall cause to be produced all evidence in support of such proposed revocation, and the permit holder shall be entitled to be heard and introduce evidence in opposition thereto. Whenever any permit holder shall be convicted of violating any of the provisions of this chapter, such conviction shall be prima facie evidence of facts sufficient to warrant revocation of the permit held by such person.

The Director may, if in his judgment the public health so requires, suspend any permit for a packing plant for violation of any of the provisions of this chapter for such time as may be necessary. All suspensions shall be made in writing, delivered at the premises to the person in charge and shall be effective immediately.

It shall be unlawful for any person whose permit has been revoked or suspended, to keep the permit issued to him in his possession, or under his control, but said permit shall immediately be surrendered to the Director, who shall in case of revocation cancel the same and in case of suspension retain the same during the period of suspension.

Any person whose permit has been revoked shall not be granted a permit for a period of at least one (1) year from the date of such revocation. (Ord. 63773 § 5; June 13, 1933).

13.16.060 Construction and sanitation of packing plants. Every building occupied and used as a packing plant shall be well drained, and all plumbing therein shall be constructed in accordance with ordinances and rules or regulations governing plumbers and plumbing in the City of Seattle. No packing plant shall be located or operated in any cellar, basement or other place, the floor of which is not, at all points, at or above the surface of the surrounding ground. Rooms used for handling shellfish

shall be used exclusively for such purpose and shall have tight, smooth floors, impervious to water, and tight, smooth, cleanable walls and ceilings. Such rooms shall at all times be kept clean and in a state of good repair, and the ceilings thereof shall be at least eight (8) feet above the floor. No part of a packing plant in which shellfish are opened, packed or stored shall be used as a sleeping place, nor shall any sleeping room open directly into such part of a packing plant.

Every packing plant shall be rat-proofed according to the building ordinances of the City of Seattle, and shall at all times be kept free from rats, mice and other rodents, flies and vermin. (Ord. 63773 § 6; June 13, 1933).

13.16.070 Lighting. All parts of all packing plant rooms in which shellfish are handled shall be lighted, naturally or artificially, to an intensity not less than four (4) foot candles at a plane three (3) feet above the floors. Each shucking room shall have a window area, admitting natural light, equal to at least one-eighth (1/8) of the floor area of said room, but said window area shall in no event be less than twelve (12) square feet. (Ord. 63773 § 7; June 13, 1933).

13.16.080 Lavatories and toilets. Every packing plant shall have ample, easily accessible lavatories supplied with hot and cold water and dressing rooms, for male and female employees, and shall have at least one water closet for each twenty-four (24) persons, or fraction thereof, of each sex. No water closet shall be within, in a room or directly connected with, any packing room. (Ord. 63773 § 8; June 13, 1933).

13.16.090 Construction of rooms, storage bins, benches and refrigeration chambers—Water supply. Washing and packing rooms shall be separate from shucking rooms. They shall be so constructed throughout as to permit easy and thorough cleaning.

Storage bins or storage rooms for shell stock shall be so constructed as to permit easy and thorough cleaning and draining. All sacked shell stock shall be stored on benches eighteen (18) inches from the floor.

Shucking benches shall be of a sanitary type, of nonabsorbent material. Such benches and walls immediately adjacent thereto, to a height of two feet above the benches, shall be of smooth, nonabsorbent material and so constructed as to be easily and thoroughly cleaned. The use of wooden shucking benches is prohibited.

Refrigeration chambers and all other places for the storage or keeping of shellfish must be so constructed as to permit easy and thorough cleaning.

Every packing plant shall be supplied with hot and cold potable water under pressure equal to that in the adjacent city watermains. Such hot water shall be heated to a temperature of at least 150° F. (Ord. 63773 § 9; June 13, 1933).

13.16.100 Cleaning tools and utensils. All utensils and tools, such as opening knives, shucking pails, pans, measures, skimmers and colanders, which come in contact with shellfish, shall be thoroughly scoured until clean and then sterilized by steam in a steam chamber or box. Such sterilization shall be carried out before beginning work, or at the close of the day if such articles are stored over night so as not to become contaminated. Shipping containers must be cleaned and sterilized by steam prior to filling. (Ord. 63773 § 10; June 13, 1933).

13.16.110 Cleaning and care of plant. During the operating season the packing plant shall be used for no purpose other than the handling of shellfish. Material foreign to this particular business shall not be stored or kept within the operating part of the plant. All equipment not in daily use shall be removed from the plant, and the floors in every way kept clear for thorough cleansing. At least once every day, at the completion of the day's run, the unoccupied portion of storage bins, the shucking benches and all floors shall be swept and flushed with potable water until they are thoroughly clean, and shall then be sterilized by flushing with scalding water or a solution of calcium or sodium hypochlorite of not less than fifty (50) parts per million of available chlorine. (Ord. 63773 § 11; June 13, 1933).

13.16.120 Disposal of wastes. Shells, washings and other wastes shall be disposed of in such manner as not to cause a nuisance. (Ord. 63773 § 12; June 13, 1933).

13.16.130 Disease—Employees afflicted or in contact with. It shall be unlawful for any person afflicted with any communicable or infectious disease, such as typhus, typhoid or yellow fever, Asiatic cholera, diphtheria, smallpox, German measles, whooping cough, mumps, chicken pox, cerebrospinal meningitis, bubonic plague or tuberculosis, or any veneral disease, or in whose residence there is any of the above named diseases except German measles, whooping cough, mumps or chicken pox, or who shall have reason to believe that he has any of the above mentioned diseases, or who has any rash or skin trouble, to work or to be employed, or for any person to employ such person, in or about any place where any shellfish are handled during the time said disease exists or thereafter until the Director shall issue a certificate that there is no danger from employment of said person in such establishment. In case any individual has been afflicted with, or been in intimate contact with, or has a history of, an attack of typhoid, or in case there is reason to believe that he is a carrier of typhoid (or paratyphoid) bacilli, examination of blood, feces and urine of such individual in the laboratory of the Health Department of Seattle shall be required. Carriers of typhoid (or paratyphoid) bacilli shall be excluded from employment. (Ord. 63773 § 13; June 13, 1933).

13.16.140 Health certificate required. It shall be unlawful for any person to work or be employed in any place where shellfish are handled unless he shall furnish annually to the person in charge a certificate from the Director certifying that such person has been examined by the Director and found free from communicable disease. Said certificate shall be issued and said examination shall be made by the Director without charge to the applicant therefor. Such certificate shall be at all times kept on file in the office of the employer of such person and open for inspection at all reasonable hours by the Director.

It shall be unlawful for any person in charge of any packing plant to work therein or to employ any person therein unless such person first procures and there is on file in the office thereof the health certificate provided for herein. (Ord. 63773 § 14; June 13, 1933).

13.16.150 Procedure when disease suspected. If at any time any infectious or communicable disease, rash or skin trouble shall appear, or the Director shall have reasonable ground to believe that any person, whether employer or employee, has such communicable disease, rash or skin trouble, the Director shall at once exclude such person from the establishment, 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 until such person is examined by the Director and found to be free from such disease, rash or skin trouble. (Ord. 63773 § 15; June 13, 1933).

13.16.160 Unlawful to maintain or create unsanitary conditions. It shall be unlawful for any person to maintain or operate any packing plant in an unclean or insanitary condition, or for any person to expectorate or commit a nuisance of any character therein. (Ord. 63773 § 16; June 13, 1933).

13.16.170 Employees to wash hands. All employees shall wash their hands thoroughly with running water and soap before beginning work and after each visit to a water closet or other act which might contaminate such employee's hands. Signs to this effect shall be posted in conspicuous places in the packing plant. (Ord. 63773 § 17; June 13, 1933).

13.16.180 Clothing and gloves of employees. It shall be unlawful for any person to handle shellfish without wearing an external garment of cleanable fabric, which garment shall be used for that purpose only and shall at all times be kept clean.

Manual handling of shucked shellfish, except with sterilized rubber gloves, is prohibited.

Gloves or other protection for the hands shall be of such material as can be easily and thoroughly cleaned. (Ord. 63733 § 18; June 13, 1933).

13.16.190 Washing shucked shellfish. Shucked shellfish shall be thoroughly washed in water of equal or greater salinity and purity than that in which they were grown, or for not over three (3) minutes in potable cold water which is continuously draining. (Ord. 63773 § 19; June 13, 1933).

13.16.200 Receptacles and temperature for shucked shellfish. Shucked shellfish shall be kept at a temperature of 50° F., or below, but above freezing, in a clean ice box or refrigerator in which no other article is kept which will contaminate or injure the shellfish, from the time they leave the shipper until they reach the consumer.

No ice or foreign substance shall be allowed to come in contact with the same. (Ord. 63773 § 20; June 13, 1933).

13.16.210 Records to be kept. All shippers, reshippers, packers and wholesalers shall keep an accurate record of all shucked or unshucked shellfish received, shipped and sold, which shall show the place from which, the name and certificate number of the person from whom such shellfish came; the date received, the date of sale and to whom sold. Retailers shall keep a record of all shellfish received, which shall show the date received, the place from which, the name and certificate number of the person from whom such shellfish came. All records required by this section shall be subject to inspection by the Director at all reasonable times. (Ord. 63773 § 21; June 13, 1933).

13.16.220 Sale and shipping containers. No shucked shellfish shall be packed, shipped, sold, offered or exposed for sale except in containers sealed in such manner that tampering is easily discernable, and bearing the legibly written or printed name, address and certificate number of the packer, shipper and/or seller. (Ord. 63773 § 22; June 13, 1933).

13.16.230 Sale in sealed containers required. No person shall sell, offer or expose shucked shellfish for sale, or being a retailer of food and food products, have shucked shellfish in his possession in his retail store, except in the sealed containers, with seal unbroken, in which they were packed at the packing plant. (Ord. 63773 § 23; June 13, 1933).

13.16.240 Repacking shucked shellfish—Sealed containers required. No repacker of shucked shellfish shall, except during the process of repacking, have in his possession any such shellfish which are not in sealed containers. (Ord. 63773 § 24; June 13, 1933).

13.16.250 Repacked shucked shellfish—Containers to be marked—Refrigeration. Containers in which shucked shellfish are repacked shall be plainly marked "Repacked", and shall show the certificate number of the original packer of repacked shellfish, and the name, address and certificate number of the repacker. Refrigeration temperatures below 50° F. and

above freezing shall be provided in all places, including retail stores, where shucked stock is kept. (Ord. 63773 § 25; June 13, 1933).

13.16.260 Compliance with chapter—Analysis of samples. No person shall pack, repack, sell and/or offer or expose for sale any shellfish which were not packed or handled in accordance with, or which do not conform to the standards of, this chapter. Possession by any packer or seller of shellfish not so packed or handled or not conforming to such standards is prohibited. The director may take such samples for chemical analysis and bacteriological examination as he shall deem necessary. (Ord. 63773 § 26; June 13, 1933).

13.16.270 Adulteration or misbranding. The packing, repacking, selling, offering, or exposing for sale of adulterated or misbranded shellfish is hereby prohibited.

Shellfish shall be deemed adulterated—

(1) If, after removal from the shell, they have been subjected to a process whereby their solid content is decreased or their volume increased.

(2) If grown, floated, or cleansed in contaminated water.

(3) If they consist wholly or in part of diseased, decomposed, putrid, or rotten animal or vegetable substance.

(4) If in a spawning condition.

(5) If they contain any antiseptic or preservative injurious to health.

(6) If they are floated in waters of lower salinity than the water in which they are grown.

(7) If any substance has been mixed or packed with them so as to reduce or injuriously affect their quality or strength.

(8) If, after removal from the shell, they have been cleansed except as in this chapter provided.

Shellfish shall be deemed misbranded—

(a) If they are labeled or branded as to deceive or mislead the purchaser.

(b) If the container or its label shall bear any statement, design, or device regarding the shellfish or the other ingredients contained therein, which statement, design, or device shall be false or misleading in any particular. (Ord. 63773 § 27; June 13, 1933).

13.16.280 Enforcement. The director shall be charged with the general supervision, control and regulation of all packing plants and with the enforcement of the provisions of this chapter. (Ord. 63773 § 28; June 13, 1933).

13.16.290 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder

of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby. (Ord. 63773 § 29; June 13, 1933).

13.16.300 Penalty for violations. 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 the sum not exceeding three hundred dollars, or by imprisonment in the city jail for a period not exceeding ninety days, or by both such fine and imprisonment. (Ord. 63773 § 30; June 13, 1933).

Chapter 13.20
FOOD ESTABLISHMENTS

Sections:

13.20.010 Definitions. The following words and phrases as used herein shall mean as follows:

1. ADULTERATED: The condition of a food (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) 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; (c) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (d) if it has been processed, prepared, packed or held under insanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (e) if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or (f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

2. APPROVED: Acceptable to the health officer based on his determination as to conformance with appropriate standards and good public health practice.

3. CLOSED: Fitted together snugly leaving no openings large enough to permit the entrance of vermin.

4. CORROSION-RESISTANT MATERIAL: A material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.

5. EASILY CLEANABLE: Readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

6. EMPLOYEE: 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.

7. EQUIPMENT: All stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam-tables, and similar items, other than utensils, used in the operation of a food-service establishment.

8. FOOD: 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.

9. FOOD CONTACT SURFACES: 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.

10. FOOD DEMONSTRATION: Serving without charge, 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.

11. FOOD-PROCESSING ESTABLISHMENT: A commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

12. FOOD-SERVICE ESTABLISHMENT: Any fixed or mobile restaurant, coffeeshop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail bakery; private, public, or non-profit 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. Meat, poultry, rabbit or milk establishments governed by other ordinances of the city shall not be included within the provisions of this chapter.

13. HEALTH OFFICER: The director of public health of the municipality of Seattle or his designated representative.

14. KITCHENWARE: All multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.

15. MISBRANDED: The presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable State or local labeling requirements.

16. PERISHABLE FOOD: Any food of such type or in such condition as may spoil.

17. PERSON: Any individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

18. POTENTIALLY HAZARDOUS FOOD: Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxiganic micro-organisms.

19. SAFE TEMPERATURES, as applied to potentially hazardous food, shall mean temperatures of forty-five degrees Fahrenheit or below, and one hundred forty degrees Fahrenheit or above.

20. SANITIZE: Effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the health officer as being effective in destroying micro-organisms, including pathogens.

21. SEALED: Free of cracks or other openings which permit the entry or passage of moisture.

22. SINGLE SERVICE ARTICLES: Cups, containers, lids or closures; plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

23. TABLEWARE: All multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).

24. TEMPORARY FOOD-SERVICE ESTABLISHMENT: Any food-service establishment which operates at a fixed location for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, or public exhibition.

25. UTENSIL: Any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

26. WHOLESOME: In sound condition, clean, free from adulteration, and otherwise suitable for use as human food. (Ord. 92987 § 1; June 16, 1964).

13.20.020 Food supply and protection. A. SOURCES OF SUPPLY. 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.

B. FOOD PROTECTION. 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.

C. POISONS AND TOXIC MATERIALS. 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 establish-

ments: 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; June 16, 1964).

13.20.030 Personnel regulations. A. 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 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 workers 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 workers 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.

B. 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; June 16, 1964).

13.20.040 Equipment and utensils. A DESIGN AND CONSTRUCTION. 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 above material requirements for equipment such as cutting boards, blocks, and bakers' tables.

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

Equipment in use on June 16, 1964 which does not meet fully the above requirements, 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 non-toxic.

Single-service articles shall be made from non-toxic materials.

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

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 to keep them in a clean and sanitary condition.

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.

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

Food service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles. (Ord. 92987 § 4; June 16, 1964).

13.20.050 Water and ice supply. 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.

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.

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); June 16, 1964).

13.20.060 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); June 16, 1964).

13.20.070 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 insanitary condition or nuisance. (Ord. 92987 § 5(3); June 16, 1964).

13.20.080 Toilet facilities. Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees; provided that adequate and convenient toliet 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, 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 13.20.090. (Ord. 92987 § 5(4); June 16, 1964).

13.20.090 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); June 16, 1964).

13.20.100 Garbage and rubbish disposal. All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leak-proof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use: Provided, that such con-

tainers need not be covered when stored in a special vermin-proofed 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); June 16, 1964).

13.20.110 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); June 16, 1964).

13.20.120 Floors, walls and ceilings. 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.

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. 92987 § 6(1) as amended by Ord. 99992 § 1(part); June 10, 1971).

13.20.130 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 cleanup activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned. (Ord. 92987 § 6(2) as amended by Ord. 99992 § 1(part); June 10, 1971).

13.20.140 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. 92987 § 6(3) as amended by Ord. 99992 § 1(part); June 10, 1971).

13.20.150 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. 92987 § 6(4) as amended by Ord. 99992 § 1(part); June 10, 1971).

13.20.160 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. (Ord. 92987 § 6(5)(part) as amended by Ord. 99992 § 1 (part); June 10, 1971).

13.20.170 Animals. 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. 92987 § 6(5)(part) asamended by Ord. 99992 § 1(part); June 10, 1971).

13.20.180 Modification of specific requirements. Temporary food-service establishments, food demonstrations, and specific food-service establishments, including mobile restaurants, 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. (Ord. 92987 § 7; June 16, 1964).

13.20.190 Permit requirements. A. GENERAL. It shall be unlawful for anyone to operate a food-service establishment without a valid permit so to do issued to him by the health officer. Only a person who complies with the requirements of this chapter and rules and regulations 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. It shall be valid for one year from date of issue. Said permit shall be posted conspicuously in the food-service establishment for which issued. Permits for temporary food-service establishments may be issued for a period of time not to exceed fourteen days.

B. APPLICATION. Any person desiring to operate a food-service establishment shall make written application for a permit on a form to be provided by the health officer. Such application shall include the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the names and addresses of the partners, the location and type of the proposed food-service establishment; and the signature of the applicant or applicants. If the application is for a temporary food-service establishment, it shall also include the inclusive dates of the proposed operation.

C. INSPECTION AND ISSUANCE. The health officer shall make an inspection of the proposed food-service 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. 92987 § 8; June 16, 1964).

13.20.200 Suspension of permits. A. AUTHORITY. Any permit may be suspended temporarily by the health officer for failure of the holder to comply with the requirements of this chapter.

B. NOTICE. 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. IMMEDIATE CLOSURE—ORDER TO CORRECT. Notwithstanding any other provisions of this chapter, whenever the health officer finds that a violation of this chapter has created or is creating an insanitary 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 issure a written notice to the permit holder

or operator citing the ordinance violations creating the insanitary 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. REINSTATEMENT. 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, 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; June 16, 1964).

13.20.210 Revocation of permits. 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; June 16, 1964).

13.20.220 Hearing on suspension or revocation. 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 a finding 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; June 16, 1964).

13.20.230 Inspection powers and duties. A. DUTY TO INSPECT. The health officer shall inspect each food-service establishment as often as is necessary for the enforcement of this chapter.

B. ACCESS TO ESTABLISHMENTS. 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; June 16, 1964).

13.20.240 Inspection procedure. A. REPORT. 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 PHS Form 4006. The health officer making such inspection shall furnish the original of such inspection report form to the permit holder or operator. Such form shall summarize the requirements of Sections 13.20.020 through 13.20.180 of this chapter and shall set forth demerit point values to be charged any such permittee for violation of any of such requirements. 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.

B. NOTICE AND CORRECTION OF VIOLATIONS. 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 20 or less, all violations of 2 or 4 demerit points must be corrected by the time of the next routine inspection; or when the demerit score is more than 20 but not more than 40, all items of 2 or 4 demerit points must be corrected within thirty days; or when one or more 6 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 40, the health officer shall immediately suspend the permit. 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.

C. APPEAL. 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.

D. 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; June 16, 1964).

13.20.250 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 may demand a hearing such as is provided for in Section 13.20.220 hereof 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 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; June 16, 1964).

13.20.260 Sale of food from outside 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; June 16, 1964).

13.20.270 Plan review of future construction. When a food-service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for uses 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; June 16, 1964).

13.20.280 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 establisment 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 examination of the employee, of other employees, and of his and their body discharges. (Ord. 92987 § 16; June 16, 1964).

13.20.290 Enforcement interpretation—Rules and regulations. This chapter shall be enforced by the director of public health in accordance with 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 § 17; June 16, 1964).

13.20.300 Penalty for violations. 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, 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; June 16, 1964).

13.20.310 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; June 16, 1964).

Chapter 13.24

MILK

Sections:

13.24.010 Definitions—Introductory. The following definitions shall apply in the interpretation and enforcement of this chapter. (Ord. 84106 § 1 part; May 16, 1955).

13.24.015 Definitions—Milk. Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than 8¼ per cent milk solids-not-fat and not less than 3½ per cent milkfat; Provided, however, that 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 herein fixed. (Ord. 84106 § 1-A; May 16, 1955).

13.24.020 Definitions—Goat milk. Goat milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word "milk" shall be interpreted to include goat milk. (Ord. 84106 § 1-A-1; May 16, 1955).

13.24.025 Definitions—Milkfat. Milkfat, or butterfat, is the fat of milk. (Ord. 84106 § 1-B; May 16, 1955).

13.24.030 Definitions—Cream, light cream, coffee cream, or table cream. Cream, etc., is a portion of milk which contains not less than 20 per cent milkfat. (Ord. 84106 § 1-B-1; May 16, 1955).

13.24.035 Definitions—Sour cream. Sour cream is cream the acidity of which is more than 0.20 per cent, expressed as lactic acid. (Ord. 84106 § 1-B-2; May 16, 1955).

13.24.040 Definitions—Whipping cream. Whipping cream is cream which contains not less than 30 per cent milkfat. (Ord. 84106 § 1-B-3; May 16, 1955).

13.24.045 Definitions—Half and half. Half and half is a product consisting of a mixture of milk and cream homogenized which contains not less than 11.5 per cent milkfat. (Ord. 84106 § 1-B-4; May 16, 1955).

13.24.050 Definitions—Reconstituted or recombined half and half. 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 11.5 per cent milkfat. (Ord. 84106 § 1-B-5; May 16, 1955).

13.24.055 Definitions—Concentrated milk. 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 above. (Ord. 84106 § 1-C; May 16, 1955).

13.24.060 Definitions—Concentrated milk products. Concentrated milk products shall be taken to mean and to include 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 Section 13.24.010 through 13.24.225. (Ord. 84106 § 1-C-1; May 16, 1955).

13.24.065 Definitions—Dry milk. Dry milk is milk from which at least 95 per cent of the water has been removed. (Ord. 84106 § 1-C-2; May 16, 1955).

13.24.070 Definitions—Skim milk. Skim milk is milk from which a sufficient portion of milkfat has been removed to reduce its milkfat content to less than 3½ per cent. (Ord. 84106 § 1-D; May 16, 1955).

13.24.075 Definitions—Nonfat, fat-free, or defatted milk. Nonfat, fat-free or defatted milk is skim milk which contains not more than 0.25 per cent milkfat. (Ord. 84106 § 1-D-1; May 16, 1955).

13.24.080 Definitions—Skim milk solids. Skim milk solids shall be deemed to include concentrated skim milk and nonfat dry-milk solids. (Ord. 84106 § 1-D-2; May 16, 1955).

13.24.085 Definitions—Nonfat dry-milk solids. Nonfat dry-milk solids shall mean non-fat milk from which at least 95 per cent of the water has been removed. (Ord. 84106 § 1-D-3; May 16, 1955).

13.24.090 Definitions—Flavored milk. Flavored milk is a beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients. (Ord. 84106 § 1-E; May 16, 1955).

13.24.095 Definitions—Flavored drink, or flavored dairy drink. 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. (Ord. 84106 § 1-E-1; May 16, 1955).

13.24.100 Definitions—Flavored reconstituted milk. Flavored reconstituted milk is a flavored milk made from reconstituted milk. (Ord. 84106 § 1-E-2; May 16, 1955).

13.24.105 Definitions—Flavored reconstituted drink, or flavored reconstituted dairy drink. Flavored reconstituted drink, or flavored reconstituted dairy drink, is a flavored drink made from reconstituted skim milk. (Ord. 84106 § 1-E-3; May 16, 1955).

13.24.110 Definitions—Buttermilk. Buttermilk is a fluid product resulting from the churning of milk or cream. It contains not less than 8¼ per cent milk solids-not-fat. (Ord. 84106 § 1-F; May 16, 1955).

13.24.115 Definitions—Cultured buttermilk. 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 8¼ per cent milk solids-not-fat. (Ord. 84106 § 1-F-1; May 16, 1955).

13.24.120 Definitions—Cultured milk. 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 8¼ per cent milk solids-not-fat and not less than 3½ per cent milkfat. (Ord. 84106 § 1-F-2; May 16, 1955).

13.24.125 Definitions—Vitamin D milk. 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. (Ord. 84106 § 1-G; May 15, 1955).

13.24.130 Definitions—Fortified milk and milk products. 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 chapter, 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. (Ord. 84106 § 1-G-1; May 16, 1955).

13.24.135 Definitions—Reconstituted, or recombined milk. 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 or milk as defined herein. (Ord. 84106 § 1-H; May 16, 1955).

13.24.140 Definitions—Reconstituted, or recombined cream. 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 herein. (Ord. 84106 § 1-H-1; May 16, 1955).

13.24.145 Definitions—Cottage cheese. 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 80 per cent moisture. (Ord. 84106 § 1-I; May 16, 1955).

13.24.150 Definitions—Creamed cottage cheese. Creamed cottage cheese is the soft uncured cheese which is prepared by mixing cottage cheese mith pasteurized cream, or with a pasteurized mixture of cream and milk or skim milk, and which contains not less than 4 per cent milkfat by weight, and not more than 80 per cent moisture. (Ord. 84106 § 1-I-1; May 16, 1955).

13.24.155 Definitions—Homogenized milk. 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 48 hours of quiescent storage, no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart bottle, or of proportionate volume in containers of other sizes, does not differ by more than 10 per cent of itself from the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk. (Ord. 84106 § 1-J; May 16, 1955).

13.24.160 Definitions—Milk products. Milk products shall be taken to mean and to include 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 substances to milk, or to any of these milk products, and used for similar purposes, and designated as a milk product by the Director. (Ord. 84106 § 1-K; May 16, 1955).

13.24.165 Definitions—Pasteurization. The terms "pasteurization," "pasteurized" and similar terms shall be taken to refer to the process of heating every particle of milk or milk products to at least 143° F., and holding it at such temperature continuously for at least 30 minutes, or to at least 161° F., and holding it at such temperature continuously for at least 15 seconds, in approved and properly operated equipment: Provided, That nothing contained in this definition shall be construed as barring any other process which has been demonstrated to be equally efficient and which is approved by the State Health authority. (Ord. 84106 § 1-L; May 16, 1955).

13.24.170 Definitions—Adulterated and misbranded milk and milk products. 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. (Ord. 84106 § 1-M; May 16, 1955).

13.24.175 Definitions—Milk producer. 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. (Ord. 84106 § 1-N; May 16, 1955).

13.24.180 Definitions—Milk distributor. A milk distributor is any person who offers for sale or sells to another any milk or milk products for human consumption as such. (Ord. 84106 § 1-O; May 16, 1955).

13.24.185 Definitions—Producer-distributor. A producer-distributor is a milk producer who is also a milk distributor. (Ord. 84160 § 1-O-1; May 16, 1955).

13.24.190 Definitions—Dairy, or dairy farm. 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. (Ord. 84106 § 1-P; May 16, 1955).

13.24.195 Definitions—Producer dairy. A producer dairy is a dairy farm which sends milk or cream to a milk plant for processing. (Ord. 84106 § 1-P-1; May 16, 1955).

13.24.200 Definitions—Milk hauler. 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. (Ord. 84106 § 1-P-2; May 16, 1955).

13.24.205 Definitions—Milk plant. 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. (Ord. 84106 § 1-Q; May 16, 1955).

13.24.210 Definitions—Director. The term "Director" shall mean the Director of Public Health of the City of Seattle or his authorized representative. (Ord. 84106 § 1-R; May 16, 1955).

13.24.215 Definitions—Average bacterial plate count, direct microscopic count and cooling temperature. Average bacterial plate count and average direct microscopic count shall be taken to mean the logarithmic average, and average cooling temperature shall be taken to mean the arithmetic average of the respective test results of the last four consecutive samples, taken upon separate days, irrespective of the 6-month period referred to in Section 13.24.250. (Ord. 84106 § 1-S; May 16, 1955).

13.24.220 Definitions—Person. The word "person" shall mean any individual, partnership, corporation, company, firm, trustee or asosciation. (Ord. 84106 § 1-T; May 16, 1955).

13.24.225 Definitions—And/or. Where the term "and/or" is used, "and" shall apply where possible, otherwise "or" shall apply. (Ord. 84106 § 1-U; May 16,1955).

13.24.230 Sale of adulterated, misbranded, or ungraded milk or milk products prohibited. No person shall, within the City of Seattle, 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."

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; May 16, 1955).

13.24.235 Permits. It shall be unlawful for any person to bring into, send into, or receive into the City of Seattle, 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 of the City of Seattle.

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.

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; May 16, 1955).

13.24.240 Labeling. All bottles, cans, packages, and other containers enclosing milk or any milk product defined in Section 13.24.010 through 13.24.225 of this chapter shall be plainly labeled or marked with (1) the name of the contents as given in the definition in this chapter; (2) the word "reconstituted" or "recombined" if included in the name of the product as given in the definition; (3) the grade of the contents; (4) the word "pasteurized" only if the contents have been pasteurized; (5) the word "raw" only if the contents are raw; (6) the phrase "for pasteurization" if the contents are to be pasteurized; (7) the name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (8) in the case of vitamin D milk or milk products, the designation "Vitamin D," the source of the vitamin D, and the number of U.S.P. units per quart; (9) in the case of concentrated milk or milk products, the volume or proportion of water to be added for recombining; and (10) the words "skim-milk solids added," and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products: Provided, That only the identity of the producer dairy shall be required on cans delivered to a milk plant which receives only one grade of raw milk for pasteurization, and which immediately dumps, washes, and returns the cans to the producer dairy.

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.

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 Section 13.24.155. (Ord. 84106 § 4; May 16, 1955).

13.24.245 Inspection of dairy farms and milk plants. Prior to the issuance of a permit, and at least once every 6 months thereafter, the Director shall inspect all dairy farms and all milk plants whose milk or milk products are intended for consumption within the City of Seattle, or its police jurisdiction, Provided the Director may accept, as a supplement to official inspection, the results of periodic inspections by industry, or 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 3 days; and the second inspection shall be used in determining compliance with the requirements of Section 13.24.255 through 13.24.540 of this chapter. Any violation of the same requirement of this chapter on such reinspection shall call for immediate degrading and/or suspension of permit, and/or court action.

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 said inspection report shall not be defaced or removed by any person except the Director.

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. 84160 § 5; May 16, 1955).

13.24.250 Examination of milk and milk products. During each 6-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 6-month period. Samples may be taken at any time prior to the final delivery of the milk or milk products. Samples of milk and milk

products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the Director may require. All proprietors of such places shall furnish the Director, upon his request, with the names of all distributors from whom their milk and milk products are obtained. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests, efficiency of bactericidal treatment, and other laboratory and screening tests shall conform to the procedures in the latest edition of "Standard Methods for the Examination of Dairy Products" recommended by the American Public Health Association as shown in Comptroller's File No. 226831. Examinations may include such other chemical and physical determinations as the Director may deem necessary for the detection of adulteration. Bio-assays of the vitamin D content of vitamin D milk, and milk products, and bio-assays and chemical tests of fortified milk and milk products shall be made when required by the Director in a laboratory approved by him for such examination. The cost of such bio-assays and chemical tests shall be borne by the dairies from which the samples for examination are taken.

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 3 days, for determining a new average in accordance with Section 13.24.215. Violation of the grade requirements by the new average, or by any subsequent average during the remainder of the current 6-month period, shall call for immediate degrading, suspension of permit, and/or court action, unless the last individual result is within the grade limit. Provided, that the 3-out-of-4 method, as specified in the following paragraph 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.

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 3 days. Immediate degrading, suspension of permit, and/or court action shall be called for when the grade limit is violated by such additional samples, or when the grade limit is again violated during the remainder of the current 6-month period by more than one of the last four consecutive samples, unless the last individual result is within the grade limit.

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; May 16, 1955).

13.24.255 Grading of milk and milk products. At least once every 6 months, the Director shall announce the grades of all milk and milk products delivered by all distributors and ultimately consumed within the City of Seattle or its police jurisdiction. Grades shall be based on the following standards (Section 13.24.260 through 13.24.540), 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; May 16, 1955).

13.24.260 Certified milk—Raw for pasteurization. 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 this chapter, and which is produced under the supervision of a medical milk commisison reporting monthly to the Director. (Ord. 84106 § 7 part; May 16, 1955).

13.24.265 Grade A raw milk—Standards. Grade A raw milk is raw milk produced upon dairy farms conforming with all of the following items of sanitation (13.24.275 through 13.24.400). The bacterial plate count or the direct microscopic clump count of the milk shall not exceed 20,000 per milliliter, as determined in accordance with Section 13.24.250. (Ord. 84160 § 7 part; May 16, 1955).

13.24.270 Grade A raw milk for pasteurization. Grade A raw milk for pasteurization is raw milk from producer dairies conforming with the following items of sanitation, (13.24.275 through 13.24.400) except Section 13.24.390 (Bottling and Capping), Section 13.24.395 (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 100,000 per milliliter, as determined in accordance with Section 13.24.250. (Ord. 84160 § 7 part; May 16, 1955).

13.24.275 Dairies—Cows, health. 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 6 years prior to the adoption of this chapter and at least every 6 years after such test: Provided, That herds located in an area that fails to maintain such accredited status, or that has an incidence of bovine tuberculosis in excess of 0.2% shall have been accredited by said 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 12 months thereafter. Said tests and retests shall be made, and any reactors disposed of, in accordance with the latest requirements approved by the Bureau of Animal Industry, United States Department of Agriculture, for tuberculosis-free, accredited herds, in effect at the time of the adoption of this chapter. 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 above test.

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 semi-annually 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 non-infection of an animal or herds, or in lieu thereof two official negative milk ring tests for brucellosis not less than 6 months apart may be accepted as such evidence.

All herds of cows or goats shall be blood tested for brucellosis annually or milk ring tested for brucellosis semi-annually. All herds showing any reaction to the milk ring test must be blood tested and all reactors to the blood test must be removed from the herd and disposed of within fifteen (15) days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than 30-day nor more than 60-day intervals from date of the first test. A series of retests, with removal and slaughter of reacting animals, shall be continued until the herd shall have passed two successive negative tests, at the above mentioned interval, computed from succeeding tests in which no reactors are found. If upon a final test, not less than six 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 12 months thereafter. Reactors are those animals classified as such by existing or subsequently amended State and Federal regulations, copies of which are on file in the City 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.

"Official Veterinarian" shall include all veterinarians approved, employed or appointed by the State Department of Agriculture or the United States Bureau of Animal Industry. 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.

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 § 7-1r; May 16, 1955).

13.24.280 Dairies—Milk 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 § 7-2r; May 16, 1955).

13.24.285 Dairies—Milk barn, 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 § 7-3r; May 16, 1955).

13.24.290 Dairies—Milking barn, floors—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. 84160 § 7-4r; May 16, 1955).

13.24.295 Dairies—Milking barns, 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 § 7-5r; May 16, 1955).

13.24.300 Dairies—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. 84160 § 7-6r; May 16, 1955).

13.24.305 Dairies—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 § 7-7r; May 16, 1955).

13.24.310 Dairies—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 a smooth floor, constructed of concrete or other imprevious 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 2-compartment, stationary, wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the 3-compartment type must be used. The cleaning and other operations shall be located and conducted so as to prevent any contamination of the milk or of cleaned equipment, and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment. Section 13.24.570 shall be posted in the milk house. (Ord. 84106 § 7-8r; May 16, 1955).

13.24.315 Dairies—Milk house or room, cleanliness and flies. 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 § 7-9r; May 16, 1955).

13.24.320 Dairies—Toilets. 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 and does not pollute the surface soil nor contaminate any water supply. (Ord. 84106 § 7-10r; May 16, 1955).

13.24.325 Dairies—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 § 7-11r; May 16, 1955).

13.24.330 Dairies—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, non-absorbent, non-corrodible, non-toxic 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 re-used. All milk pails obtained hereafter 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 § 7-12r; May 16, 1955).

13.24.335 Dairies—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 § 7-13r; May 16, 1955).

13.24.340 Dairies—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. (Ord. 84106 § 7-14r; May 16, 1955).

13.24.345 Dairies—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 § 7-15r; May 16, 1955).

13.24.350 Dairies—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 § 7-16r; May 16, 1955).

13.24.355 Dairies—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 § 7-17r; May 16, 1955).

13.24.360 Dairies—Milking—Flanks. 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 § 7-18r; May 16, 1955).

13.24.365 Dairies—Milkers' hands. 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 § 7-19r; May 16, 1955).

13.24.370 Dairies—Clean clothing. Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment. (Ord. 84106 § 7-20r; May 16, 1955).

13.24.375 Dairies—Milk stools and surcingles. Milk stools and surcingles shall be kept clean. (Ord. 84106 § 7-21r; May 16, 1955).

13.24.380 Dairies—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 § 7-22r; May 16, 1955).

13.24.385 Dairies—Cooling milk. Milk for pasteurization, delivered daily, shall be cooled immediately to 60 degrees Fah., or less and shall be maintained at that temperature as determined in accordance with Section 13.24.250, until delivered. Provided, That within 5 years after the adoption of this chapter, all milk for pasteurization delivered daily, shall be cooled immediately to 50 degrees Fah., 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 50 degrees Fah., or less, and shall be maintained at that temperature until delivery as determined in accordance with Section 13.24.250. Milk for pasteurization, picked up every other day, must be cooled to a temperature of 40 degrees Fah., or less and be maintained at that temperature until picked up. Milk held for every other day pick-up shall not exceed a temperature of 45 degrees Fah. upon delivery to a milk plant. (Ord. 84106 § 7-23r; May 16, 1955).

13.24.390 Dairies—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 § 7-24r; May 16, 1955).

13.24.395 Dairies—Personnel, health. 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 para-typhoid 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.

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.

No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment. (Ord. 84106 § 7-25r; May 16, 1955).

13.24.400 Dairies—Vehicles and surroundings. 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. (Ord. 84106 § 7-26r; May 16, 1955).

13.24.405 Grade C raw milk. Grade C raw milk is raw milk which violates any of the requirements for Grade A raw milk. (Ord. 84106 § 7 part; May 16, 1955).

13.24.410 Grade C raw milk for pasteurization. Grade C raw milk for pasteurization is raw milk which does not meet the requirements for Grade A raw milk for pasteurization. (Ord. 84106 § 7 part; May 16, 1955).

13.24.415 Certified milk-pasteurized. 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. (Ord. 84106 § 7 part; May 16, 1955).

13.24.420 Grade A pasteurized milk. 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 below (13.24.425 through 13.24.535). 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 20,000 per milliliter, or a coliform count exceeding 5 per milliliter, as determined in accordance with Section 13.24.250: Provided, That the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count or direct microscopic clump count exceeding 200,000 per milliliter.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collecting stations with respect to compliance with Sections 13.24.425 to 13.24.495, inclusive, and Sections 13.24.505, 13.24.515, 13.24.525, 13.24.530 and 13.24.535, except that the partitioning requirement of Section 13.24.445 shall not apply. (Ord. 84106 § 7 part; May 16, 1955).

13.24.425 Milk plant—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-imprevious and easily-cleaned material, and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair. (Ord. 84106 § 7-1p; May 16, 1955).

13.24.430 Milk plant—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 § 7-2p; May 16, 1955).

13.24.435 Milk plant—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 § 7-3p; May 16, 1955).

13.24.440 Milk plant—Lighting and ventilation. All rooms shall be well lighted and well ventilated. (Ord. 84106 § 7-4p; Ma 16, 1955).

13.24.445 Milk plant—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 § 7-5p; May 16, 1955).

13.24.450 Milk plant—Toilet facilities. Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City of Seattle. 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 13.24.570 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 § 7-6p; May 16, 1955).

13.24.455 Milk plant—Water supply. The water supply shall be easily accessible, adequate, and of a safe, sanitary quality. (Ord. 84106 § 7-7p; May 16, 1955).

13.24.460 Milk plant—Handwashing facilities. Convenient handwashing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Handwashing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without having washed his hands. (Ord. 84106 § 7-8p; May 16, 1955).

13.24.465 Milk plant—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 § 7-9p; May 16, 1955).

13.24.470 Milk plant—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, non-corrodible, non-toxic 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 § 7-10p; May 16, 1955).

13.24.475 Milk plant—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 § 7-11p; May 16, 1955).

13.24.480 Milk plant—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 § 7-12p; May 16, 1955).

13.24.485 Milk plant—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 § 7-13p; May 16, 1955).

13.24.490 Milk plant—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 § 7-14p; May 16, 1955).

13.24.495 Milk plant—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 § 7-15p; May 16, 1955).

13.24.500 Milk plants—Pasteurization. Pasteurization shall be performed as described in Section 13.24.165 of this chapter. (Ord. 84106 § 7-16p; May 16, 1955).

13.24.505 Milk plant—Cooling. All milk and milk products received for pasteurization shall be cooled immediately in approved equipment to 50 degrees Fah. 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 50 degrees Fah. or less, and shall be maintained thereat until delivery, as determined in accordance with Section 13.24.250. (Ord. 84106 § 7-17p; May 16, 1955).

13.24.510 Milk plant—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 § 7-18p; May 16, 1955).

13.24.515 Milk plant—Overflow milk. Overflow milk or milk products shall not be sold for human consumption. (Ord. 84106 § 7-19p; May 16, 1955).

13.24.520 Milk plant—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 § 7-20p; May 16, 1955).

13.24.525 Milk plant—Personnel, health examinations and schooling—Health cards. 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 of Seattle 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.

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.

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

No person with an infected cut or lesion on hands or arms shall handle milk, milk products, milk containers, or milk equipment. (Ord. 84106 § 7-21p; May 16, 1955).

13.24.530 Milk plant—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 § 7-22p; May 16, 1955).

13.24.535 Milk plant—Vehicles. 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.

Milk tank cars and tank trucks shall comply with the construction, cleaning, bactericidal treatment, storage, and handling requirements of

Sections 13.24.445, 13.24.470, 13.24.480, 13.24.485, and 13.24.490. 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 § 7-23p; May 16, 1955).

13.24.540 Grade C pasteurized milk. Grade C pasteurized milk is pasteurized milk which does not meet the requirements for Grade A pasteurized milk. (Ord. 84106 § 7 part; May 16, 1955).

13.24.545 Grades of milk and milk products which may be sold. From the date on which this chapter takes effect 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 30 days, or in emergencies such longer periods as he may deem necessary. (Ord. 84106 § 8; May 16, 1955).

13.24.550 Reinstatement of permit—Supplementary regrading. 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 13.24.245 to 13.24.540, inclusive, of this chapter, the Director shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

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.

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 13.24.250: 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 30 days, upon satisfying himself, by inspection of the facilities and the operating methods, that the conditions responsible for the violation have been corrected, with final reinstatement of permit conditional upon subsequent bacteriological or temperature findings.

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 said 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 of 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; May 16, 1955).

13.24.555 Transferring or dipping milk—Delivery containers—Cooling—Quarantined residences. 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 specially used for that purpose. The sale of dip milk is hereby prohibited.

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

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 1-quart containers packaged at a milk plant, nor to mixed milk drinks requiring less than ½ pint of milk, which may be poured from 1-quart or 2-quart containers packaged at a milk plant.

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 50 degrees F. 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.

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.

The delivery of milk or milk products to, and the collection of milk or milk product containers from, residences in which cases of commun-

icable disease transmissible through milk supplies exist, shall be subject to the special requirements of the Director. (Ord. 84106 § 10; May 16, 1955).

13.24.560 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 of Seattle may not be sold in the City of Seattle, 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; May 16, 1955).

13.24.565 Future dairies and milk plants. All dairies and milk plants from which milk or milk products are supplied to the City of Seattle, which are hereafter constructed, reconstructed, or extensively altered, shall conform in their construction to the Grade A requirements of this chapter. Properly prepared plans for all dairies and milk plants, which are hereafter constructed, reconstructed, or extensively altered, shall be submitted to the Director for approval before work is begun. In the case of milk plants, signed approval shall be obtained from the Director and/or the State health authority. (Ord. 84106 § 12; May 16, 1955).

13.24.570 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; May 16, 1955).

13.24.575 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: (1) the immediate exclusion of that person from milk handling; (2) the immediate exclusion of the milk supply concerned from distribution and use; and (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges. (Ord. 84106 § 14; May 16, 1955).

13.24.580 Enforcement and interpretation. 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 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; May 16, 1955).

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

13.24.590 Severability. Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said chapter shall not be affected thereby. (Ord. 84106 § 18; May 16, 1955).

Chapter 13.26

FROZEN DAIRY FOOD PRODUCTS AND CONFECTIONS

Sections:

13.26.010 Definitions. "Frozen dairy food" means and includes ice cream, mix, soft serve, milk shake, 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 whole-

some 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.

"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. The term "Frozen Dairy Foods" shall be interpreted to include frozen confection.

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

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

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

"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.

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

"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.

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

"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.

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

"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.

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

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

"Milk shake" means the product resulting from agitation of frozen dairy food to which milk has been added or from processing of mix in

a milk shake machine and to which flavoring may or may not have been added.

"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.

"Adulterated" means the condition of the frozen dairy food (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) 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; (c) if it consists in whole or in part of any substance unfit for human consumption; (d) if it has been processed, prepared, packed, or held under insantiary conditions whereby it may have been rendered injurious to health; (e) 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 (f) if it contains any substance that does not conform to the definitions contained in this ordinance.

"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.

"Person" means any individual, partnership, corporation, company, firm, trustee, or association. (Ord. 94524 § 1; February 2, 1966).

13.26.020 Pasteurization of mix—Impoundment procedure. 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.

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 heath 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 for in Section 13.26.060 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.

It shall be the duty of all persons to whom mix or frozen dairy foods are delivered to rinse thoroughly the multiuse containers in which such mix or frozen dairy foods are delivered before returning such multiuse containers.

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.

The product contact surfaces of all frozen dairy foods freezers and other equipment used in processing or preparing frozen dairy foods shall be thoroughly cleaned by methods approved by the health officer at least once in every twenty-four hours. All such equipment shall be sanitized by methods approved by the health officer just prior to re-use.

Product drip or overflow, or spilled mix or frozen dairy foods or their ingredients, shall not be sold for human consumption.

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; February 2, 1966.)

13.26.030 Permits. 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 of Seattle, 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 chapter 13.12 are exempt from such permit requirement.

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.

ISSUANCE OF PERMITS: 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 postoffice 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.

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; February 2, 1966.)

13.26.040 Examination of frozen dairy foods. 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 phosphates 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 wells shall not exceed fifty thousand per mililiter, nor the coliform count shall not exceed ten per mililiter. 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.

If any test made by the health officer is beyond the limits specified herein, 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 herein, 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.

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 herein. 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 herein 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 above. 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.

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 heretofore described. 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; February 2, 1966).

13.26.050 Suspension of permits. Any permit may be suspended temporarily by the health officer for failure of the holder to comply with the requirements of this chapter.

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. (Ord. 94524 § 5; February 2, 1966).

13.26.060 Revocation of permits. 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.

HEARING. Hearings on suspension or revocation of permits shall be conducted by the Director of Public Health of the City of Seattle 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; February 2, 1966.)

13.26.070 Sanitation standards. 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 Number 254783.

Retail frozen dairy foods processors, and frozen dairy foods distributors shall comply with the sanitation standards provided in Sections 13.20.-020—13.20.190 inclusive.

All freezers and other processing equipment installed after the effective date of this ordinance 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; February 2, 1966.)

13.26.080 Transferring and dispensing 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; February 2, 1966.)

13.26.090 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; Febraury 2, 1966.)

13.26.100 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 valid Food and Beverage Service Workers 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 Workers 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.

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; February 2, 1966.)

13.26.110 Enforcement interpretation. 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; February 2, 1966.)

13.26.020 Approval—Compliance with chapter. All frozen dairy foods plants from which mix or frozen dairy foods are supplied to the municipality of Seattle, which are hereafter constructed, reconstructed, or extensively altered, 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; February 2, 1966.)

13.26.130 Penalty for violations. 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 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; February 2, 1966.)

Chapter 13.28

FARMERS' MARKET

Sections:

13.28.010 Definitions. The term "Market Master" wherever used in this chapter means and includes the Director of Public Health and any employee assigned to such duty at the Pike Place Farmers Market; and the term "Market" means such market.

The term "stall" means any booth, store, stand, table, box, shelf or other device used for the purpose of selling or offering for sale any article or thing authorized to be sold under the provisions of this chapter. Stalls provided by the Market Master shall not exceed five (5) feet in width.

The word "manufactured" as used in this chapter applies to those products or combinations of products, the principal ingredients of which have been actually grown or produced by anyone selling or offering the same for sale. (Ord. 85384 § 1; August 6, 1956).

3.28.020 Sales to be made from assigned stalls—Rules and regulations. It is unlawful to sell or offer for sale any article or thing in the Market except from a stall assigned by the Market Master.

The Market Master may make such rules and regulations not inconsistent herewith as seem necessary for the betterment of said Market, a copy of which shall be posted in a conspicuous place upon a bulletin board at his office and upon bulletin boards in at least three places in such Market. (Ord. 85384 § 2; August 6, 1956).

13.28.030 Products to be raised or manufactured by vendor. It is unlawful to sell or offer for sale in the Market any article or thing except fresh fruit, flowers, berries, vegetables, butter, eggs, cheese, poultry, meats, lard, preserved fruits and other farm or garden products which have been raised, produced or manufactured by the vendor or his principal. (Ord. 85384 § 3; August 6, 1956).

13.28.040 Permits. It is unlawful to sell or offer for sale any produce,

or to occupy any stall, in such Market without a permit to do so, issued by the Market Master, subject to the following requirements:

Application shall be made in writing upon a form prescribed by the Market Master. The applicant shall describe, in such manner that it can be located by the Market Master, all the land upon which produce to be sold is to be grown or raised, and the applicant must reside upon some part of the land so described and the location of his residence must be designated. Evidence of right to use such land for the purposes stated by way of deed, contract, lease, or other conveyance, properly executed and sufficient as to legal form, shall be presented by the applicant for inspection by the Market Master, who shall require proof that the document presented has been recorded in the office of the Auditor of the county in which the land is situated. The Market Master may thereupon inspect, or may cause to be inspected, the land so described, which shall be clearly marked or separated from adjoining properties by fencing or by substantial cornerposts. If he

is satisfied that the facts set forth in the application are true, permit shall be issued, subject to revocation upon any change in the matters set forth in said application. The permit fee shall be Three Dollars ($3.00) and the permit shall be evidenced by a badge bearing the stamp permit number, which badge shall be worn in plain view upon the clothing of the vendor in charge of, and while occupying, a stall in such market. No duplicate badge shall be issued, but a badge may be replaced by the Market Master upon proof of loss of the original badge.

Before issuing a permit to any eligible applicant, the Market Master shall require from him an affidavit stating that said applicant, if a permit is issued to him, will sell or offer for sale at such market only produce which is grown on his own land or premises, and no other.

No permit holder shall in any manner transfer, lease or demise any part of the land or premises on the basis of which his permit is issued so as to evade the provisions of this ordinance limiting each applicant to one permit and to one stall.

Such permit shall expire on December 31st of the year in which issued. (Ord. 85384 § 4; August 6, 1956).

13.28.050 Blocking street or alley prohibited. No one shall be permitted to block any street or alley abutting on said Market with vehicles, boxes or debris of any kind or character whatsoever; provided, that ordinary standing and parking of vehicles in accordance with the general traffic ordinances and regulations shall be permitted. (Ord. 85384 § 5; August 6, 1956).

13.28.060 Sunday sales—Hours of business. It is unlawful to sell, or offer for sale, any article or thing in such Market on the first day of the week commonly called Sunday, or on any other day of the week except between hours of opening and closing as shall from time to time be fixed by the Market Master. (Ord. 85384 § 6; August 6, 1956).

13.28.070 When unlawful to occupy stall. It is unlawful to occupy any stall after disposal of all products, or when for good cause ordered to vacate the same by the Market Master. (Ord. 85384 § 7; August 6, 1956).

13.28.080 Disposal of waste. Anyone selling, or offering for sale, articles or things in such Market shall dispose of all trimmings and waste matter of every kind in strict accordance with instructions from the Market Master. (Ord. 85384 § 8; August 6, 1956).

13.28.090 Maintenance and operation — Sanitation. All places where food is stored or handled in such Market must be constructed, maintained and operated in a sanitary manner and in accordance with instructions of the Market Master.

All persons selling meat or meat products shall wear an external suit of white cotton or similar fabric, used for that purpose only, and which shall at all times be kept clean. All vendors shall maintain a neat and clean personal appearance. (Ord. 85384 § 9; August 6, 1956).

13.28.100 Diseased employees—Smoking prohibited. It is unlawful for anyone afflicted with any rash or skin disease, or with any contagious or veneral disease, to work in such Market, and it is unlawful to smoke or use tobacco while working in such Market. (Ord. 85384 § 10; August 6, 1956).

13.28.110 Who authorized to make sales. It is unlawful for anyone other than the actual producer or a representative of such producer to sell, hold for sale, or offer for sale, any farm or garden produce at any stall. No person under the age of sixteen (16) years shall occupy any stall. Any permittee desiring to have a salesman as his representative on a Market stall shall present such person to the office of the Market Master and have such person registered as such. It shall be unlawful to change representatives unless permission therefor has been granted by the Market Master. No permittee shall be allowed to act as representative for another permittee. (Ord. 85384 § 11; August 6, 1956).

13.28.120 Location, numbering and assignment of stalls—Rental fees. The designation, numbering and approximate location of the City's stalls in the Market shall be in accordance with the plan contained in Comptroller's File 227988, a copy of which shall be placed on file for public inspection in the Market Master's office of said Market.

Rentals for the City's stalls as shown on said plan shall be as follows:

Wet Row Stalls ..... $.85 per day
Dry Row Stalls ..... $.50 per day
Flower Row Stalls ..... $.50 per day

"Wet Row Stalls" shall be used for the sale of vegetables or vegetables and fruits combined: Provided, that if there are not enough vendors to fill such stalls with vegetables and fruits, other farm produce, except dressed meats and flowers, may be sold therein.

"Dry Row Stalls" shall be used for the sale of articles of farm production which do not require the use of water in their sale or display.

The Market Master shall assign vendors to tables by drawing or by such other method as will accord to each vendor equal opportunities and privileges of sale. Such drawing shall take place each week day, except holidays, at the office of the Market Master. The Market Master may, if he deems it expedient, exclude certain stalls from such drawing. Certain groups of stalls may be assigned by separate drawing.

Any vendor drawing a number shall be entitled to occupy a correspondingly numbered stall for the day stamped on the ticket issued as a receipt for the rent of such stall.

The charges herein provided for shall be paid to the Market Master, or other person in charge, at the time such stall is assigned, and all moneys so paid shall be turned over to the City Treasurer daily. (Ord. 85384 § 12; August 6, 1956).

13.28.130 Unwholesome or misrepresented articles prohibited. It is unlawful to sell or offer for sale any article or thing intended for human consumption which is of a filthy, unwholesome, or deleterious nature; or to resort to trickery, concealment, artifice, or untruth for the purpose of concealing or misrepresenting, or to conceal or misrepresent, the true quality, size, weight, number, volume, or value of produce, goods, wares, or merchandise sold or offered for sale; or to resort to any sort of unfair dealing as between seller or customer, or to cheat any customer in any manner whatsoever; or to treat any patron or customer in a rough, vulgar, profane, abusive, or discourteous manner. The Market Master shall decide and adjust all complaints between seller and buyer for alleged infractions of any provision of this section, and he may revoke or suspend any permit as provided for herein. (Ord. 85384 § 13; August 6, 1956).

13.28.140 Signs over stalls. Vendors shall be permitted to place signs over their stalls, with the name or trademark and permit number thereof, the propriety and character of which signs shall be governed by the judgment of the Market Master. (Ord. 85384 § 14; August 6, 1956).

13.28.150 Suspension or revocation of permits. The Market Master may at any time suspend or revoke any permit issued under this chapter in any of the following cases: (a) Where such permit was procured by fraud, concealment, or misrepresentation of fact; (b) Where the permittee, or his representative while acting in the scope of his employment has been convicted of a felony or misdemeanor involving moral turpitude, or an intent to defraud; (c) Where the permittee, or his representative while acting in the scope of his employment, shall violate any law of the United States or the State of Washington, or any ordinance of the City of Seattle, relating to the manufacture, sale, use or possession of intoxicating liquor or narcotic drugs, or relating to public morality, decency, sobriety and good order.

The Market Master may suspend any permit, if the holder thereof or his authorized agent violates any provision of this chapter, for any period not to exceed sixty (60) days for the first violation; and for the second or any subsequent violation he may either temporarily suspend or revoke the permit. (Ord. 85384 § 15; August 6, 1956).

13.28.160 Penalty for violations. Any violation of, or failure to comply with, any provision of this chapter shall subject the offender upon 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 (90) days, or both such fine and imprisonment. (Ord. 85384 § 16; August 6, 1956).