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Adding a new food code to the Seattle Municipal Code; establishing fees and repealing the previous code and ordinances associated with it

109970

Ordinance No.

AN ORDINANCE relating to the Public Health Department; adding to the Seattle Municipal Code a new chapter that regulates the storage, sale and serving of foods in, and the construction, maintenance, and operation of, food-service establishments; requires permits; establishes fees; defines offenses; and prescribes penalties; and repealing Seattle Municipal Code Chapter 10.10 and Ordinances 92987, 99992, 104034, 105464, 107837, and 108421.

5-26-81 Pass (2-0)

CONTROLLER
FILE NUMBER

Council Bill No. 102274

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TO: Parks & Community Services

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SEATTLE FOOD CODE - ORDINANCE 109910 AMENDMENTS & RE TO

- Ord. 110268 -Amends Seattle Municipal Code regarding administrative fees, adds a new section relating to food-service establishment permit fees; adds a new section to provide exemptions from the Food Code, etc.
- Ord. 110268 -REPEALS PARTS OF SECTION 1 of ORDINANCE 109910.

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2 ORDINANCE NO. 109910

3 AN ORDINANCE relating to the Public Health Department; adding to the
4 Seattle Municipal Code a new chapter that regulates the storage,
5 sale and serving of foods in, and the construction, maintenance,
6 and operation of, food-service establishments; requires permits;
7 establishes fees; defines offenses; and prescribes penalties; and
8 repealing Seattle Municipal Code Chapter 10.10 and Ordinances
9 92987, 99992, 104034, 105464, 107837 and 108421.

10 Section 1. There is added to Title 10 of the Seattle Municipal Code a
11 new Chapter 10.11. as follows:

12 PART 1 - TITLE

13 Section 10.11.001. Citation. This Ordinance may be cited and referred
14 to, and shall be known as the "Seattle Food Code".

15 PART 2 - PURPOSE AND POLICY DECLARED

16 Section 10.11.002. Purpose and Policy Declared. This Ordinance is
17 enacted as an exercise of the police power of the City to protect and
18 preserve the public peace, health, safety and welfare. Its provisions shall
19 be liberally construed for the accomplishment of these purposes.

20 It is expressly the purpose of this Ordinance to provide for and
21 promote the health, safety and welfare of the general public, and not to
22 create or otherwise establish or designate any particular class or group of
23 persons who will or should be especially protected or benefited by the terms
24 of this Ordinance.

25 It is the specific intent of this Ordinance to place the obligation of
26 complying with its requirements upon the owner or operator of each
27 food-service establishment within its scope, and no provision of this
28 Ordinance is intended to impose any duty whatsoever upon the City or any of
29 its officers or employees, for whom the implementation or enforcement of
30 this Ordinance shall be discretionary and not mandatory.

31 Nothing contained in this Ordinance is intended to be nor shall be
32 construed to create or form the basis for any liability on the part of the
33 City, its officers, employees or agents, for any injury or damage resulting
34 from the failure of the owner or operator of a food-service establishment to
35 comply with the provisions of this Ordinance, or by reason or in consequence

1 of any act or omission in connection with the implementation or enforcement
2 of this Ordinance on the part of the City by its officers, employees or
3 agents.

4 PART 3 - DEFINITIONS

5 Section 10.11.010. Definitions "A" through "D". As used in this
6 Ordinance, unless the context clearly requires another meaning,

7 a. "ADULTERATED" means the condition of a food (1) if it bears or
8 contains poisonous or deleterious substance in a quantity that may render it
9 injurious to health; (2) if it bears or contains any added poisonous or
10 deleterious substance for which no safe tolerance has been established by
11 regulation, or in excess of such tolerance if one has been established; (3)
12 if it consists in whole or in part of any decomposed substance, or if it is
13 otherwise unfit for human consumption; (4) if it has been processed,
14 prepared, packed or held under an unsanitary condition, or in which it may
15 have been rendered injurious to health; (5) if it is in whole or in part the
16 product of a diseased animal, or an animal that has died otherwise than by
17 slaughter; or (6) if its container is composed in whole or in part of any
18 poisonous or deleterious substance that may render the contents injurious to
19 health.

20 b. "APPROVED" means acceptable to the health officer based on his/her
21 determination as to conformance with appropriate health standards and good
22 public health practice.

23 c. "CATERER" means any person operating a food-service establishment
24 that, pursuant to a prior order or agreement, prepares food, provides
25 transportation for such food to other premises for consumption, and serves
26 food or sets up a buffet for self-service, either as the primary function of
27 the establishment or as an activity additional to another requiring a permit
28 issued pursuant to this Ordinance.

29 d. "CLOSED" means fitted together snugly leaving no openings large
30 enough to permit entrance of insects, spiders, and rodents.

31 e. "COMMERCIAL CANNERY" means an approved commercial establishment
32 where food for human consumption is packaged in hermetically sealed
33 containers.

1 f. "COMMISSARY" means a food-service establishment or any other place
2 in which food, containers, or supplies are kept, handled, prepared, packaged
3 or stored for use in a mobile or temporary food establishment.

4 g. "CORROSION-RESISTANT MATERIALS" means those materials that maintain
5 their original surface characteristics under prolonged influence of the food
6 with which it comes in contact, the normal use of cleaning compounds and
7 bactericidal solutions, and the general conditions-of-use environment.

8 h. "DEPARTMENT" means the Public Health Department of The City of
9 Seattle.

10 Section 10.11.020. Definitions "E" through "F". As used in this
11 Ordinance, unless the context clearly requires a different meaning,

12 a. "EASILY CLEANABLE" means readily accessible, of such material and
13 finish, and so fabricated that residue may be effectively removed by normal
14 cleaning methods.

15 b. "EQUIPMENT" means all stoves, ovens, ranges, hoods, slicers,
16 mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing
17 machines, steam-tables, and similar items, other than utensils, used in the
18 operation of a food-service establishment.

19 c. "EXTENSIVELY REMODELED" means having undergone a change in
20 condition from that existing prior to the commencement of the remodeling
21 work, that results in one or more of the following circumstances: (1) the
22 square footage of the food-preparation area or the area where food is served
23 to the public is increased by more than twenty percent (20%); (2) food-
24 service capacity is increased by more than twenty percent (20%) by the
25 installation of equipment or fixtures; or (3) the food-service establishment
26 provides, for the first time, seating or drive-in parking spaces for its
27 patrons.

28 d. "FOOD" means any raw, cooked, or processed edible substance, ice,
29 beverage, or ingredient used or intended for use or for sale, in whole or in
30 part, for human consumption.

31 e. "FOOD-CONTACT SURFACE" means every surface of equipment and
32 utensils with which food normally comes in contact, and every surface from
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1 which food may drain, drip, or splash back onto a surface normally in
2 contact with food.

3 f. "FOOD DEMONSTRATION" means the serving, without charge, of any
4 sample or small portion of food, drink, or food product, for the purpose of
5 publicizing, advertising, or promoting the sale of food, food products, or
6 food preparation equipment.

7 g. "FOOD DEMONSTRATOR" means any person who engages in the business or
8 practice of conducting food demonstrations.

9 h. "FOOD PREPARATION" means the putting together, cutting, slicing,
10 dividing, mixing, apportioning, or packaging of perishable or potentially
11 hazardous food for a consumer, except that trimming or cleaning of whole
12 vegetables or fruits for display and sale shall not be considered food
13 preparation.

14 i. "FOOD-PROCESSING ESTABLISHMENT" means any commercial establishment
15 other than a restaurant, snack bar, mobile restaurant, retail bakery, or
16 caterer, in which food is processed or otherwise prepared or packaged or
17 where any potentially hazardous food is placed, packaged, or repackaged into
18 another container for consumption or for resale.

19 j. "FOOD-SERVICE ESTABLISHMENT" means any restaurant; snack bar;
20 tavern; bar; night club; produce stand; industrial feeding establishment;
21 grocery store; limited grocery store; mobile food service unit; retail
22 bakery; private, public, or non-profit organization or institution routinely
23 serving food; catering kitchen; food-processing establishment; commissary or
24 similar place in which food or drink is prepared for sale or for service on
25 the premises or elsewhere; and any other establishment or operation where
26 food is served or provided for the public with or without charge; Provided,
27 that any establishment subject to licensure under Ordinance 94465, as
28 amended (relating to meat), or licensure or the issuance of a certificate of
29 registration under Ordinance 80028, as amended (relating to poultry,
30 rabbits, fish and shellfish), or the issuance of a permit under Ordinance
31 63773 (relating to shellfish), or any successor ordinance relating to any
32 such matters, shall not thereby avoid being considered to be a food-service
33 establishment.

1 Section 10.11.030. Definitions "G" through "L". As used in this
2 Ordinance, unless the context clearly requires a different meaning,

3 a. "GROCERY STORE" means any food-service establishment other than an
4 establishment defined in subsections 10.11.010 c.; 10.11.020 g. and i.;
5 10.11.030 f.; 10.11.040 b. and i.; 10.11.050 b., c., and i.; and
6 10.11.060 b. and c. of this Ordinance, that sells or offers for sale any
7 food requiring temperature control.

8 b. "HEALTH OFFICER" means the Director of Public Health of The City of
9 Seattle and any of his/her designated representatives.

10 c. "HERMETICALLY SEALED CONTAINER" means a container designed and
11 intended to be secure against the entry of microorganisms and to maintain
12 the commercial sterility of its content after processing.

13 d. "KITCHENWARE" means all multi-use utensils other than tableware
14 used in the storage, preparation, transportation, or serving of food.

15 e. "LAW" includes Federal, State, and local statutes, ordinances, and
16 rules and regulations.

17 f. "LIMITED GROCERY STORE" means any food-service establishment not
18 defined in subsections 10.11.010 c.; 10.11.020 g. and i.; 10.11.030 a.;
19 10.11.040 b. and i.; 10.11.050 b., c., and i.; and 10.11.060 b. and c. of
20 this Ordinance, that sells or offers for sale or generally makes available
21 to the consumer only food not requiring temperature control.

22 Section 10.11.040. Definitions "M" through "Q". As used in this
23 Ordinance, unless the context clearly requires a different meaning,

24 a. "MISBRANDED" means the presence of any written, printed, or graphic
25 matter upon or accompanying food or a container of food, that is false or
26 misleading or that violates any applicable Federal, State or City labeling
27 requirement.

28 b. "MOBILE FOOD-SERVICE UNIT" means an approved movable vehicle that
29 is operated from either a fixed location or on an established daily route;
30 is supplied from, and cleaned and maintained at, a commissary or other
31 approved fixed food establishment; and from which food is prepared, served,
32 or provided for the public with or without charge. Such units shall be
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1 classified according to the following categories:

2 (1) "Mobile Food Cart" -- A vehicle limited to serving non-potentially
3 hazardous foods or frankfurters.

4 (2) "Restricted Mobile Food Vehicle" -- A vehicle limited to serving
5 only prepackaged potentially hazardous food prepared at an
6 approved food-service establishment.

7 (3) "Unrestricted Mobile Food Vehicle" -- A vehicle preparing or
8 serving potentially hazardous food that is not prepackaged.

9 (4) "Mobile Caterer" -- A person engaged in the business of
10 transporting in motor vehicles, food and beverages to business and
11 industrial establishments pursuant to prearranged schedules, and
12 dispensing from said vehicles said items, at retail, for
13 convenience of the personnel of such establishments.

14 c. "PACKAGED" means bottled, canned, cartoned, or securely wrapped.

15 d. "PERISHABLE FOOD" means any food of such type or in such condition
16 as may spoil.

17 e. "PERSON" means any individual, or a firm, partnership, company,
18 corporation, trustee, association, or any public or private entity.

19 f. "PERSON IN CHARGE" means the individual present in a food-service
20 establishment who is the supervisor of the food-service establishment at the
21 time of inspection. If no individual is the supervisor, then any person
22 working therein may be deemed to be the person in charge.

23 g. "POISONOUS MATERIAL" means and includes insecticides and
24 rodenticides; detergents, sanitizers, and related cleaning or drying agents;
25 caustics, acids, polishes, and other toxic chemicals.

26 h. "POTENTIALLY HAZARDOUS FOOD" means any food that consists in whole
27 or in part of milk or milk products, eggs, meat, poultry, fish, shellfish,
28 edible crustacea, or other ingredients, including synthetic ingredients, in
29 a form capable of supporting rapid and progressive growth of infectious or
30 toxigenic microorganisms. The term does not include clean, whole,
31 uncracked, odor free shell eggs or foods which have a pH level of 4.6 or
32 below or a water activity (a) value of 0.85 or less.

1 i. "PRODUCE STAND" means a roadside stand or similar structure that
2 operates as a food-service establishment at a fixed location and offers for
3 sale only fresh whole fruits and/or vegetables, pursuant to special rules
4 promulgated by the health officer pursuant to this Ordinance.

5 Section 10.11.050. Definitions "R" through "S". As used in this
6 Ordinance, unless the context clearly requires a different meaning,

7 a. "RECONSTITUTED" means dehydrated food products recombined with water
8 or other liquids.

9 b. "RESTAURANT" means any stationary food-service establishment
10 providing seating or seating equivalents, including but not limited to a
11 cafeteria, coffee shop, luncheonette, grill, tea room, sandwich shop,
12 short-order cafe, cocktail lounge, dinner theater, and soda fountain, that
13 gives, sells, or offers for sale food to the public, guests, patrons, or its
14 personnel, as well as commercial kitchens in which food is prepared and is
15 either served on the premises or is transported off-premises but is not
16 served or set up as a buffet by restaurant personnel.

17 c. "RETAIL BAKERY" means any food-service establishment in which food
18 and food products are mixed and baked to final form and offered to the
19 ultimate consumer and intended for off-premises consumption.

20 d. "SAFE MATERIALS" means articles manufactured from or composed of
21 materials that may not reasonably be expected to result, directly or
22 indirectly, in their becoming a component or otherwise affecting the
23 characteristics of any food. If materials used are food additives or color
24 additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and
25 Cosmetic Act, they are "safe" only if they are used in conformity with
26 regulations established pursuant to Section 409 or Section 706 of that Act.
27 Other materials are "safe" only if, as used, they are not food additives or
28 color additives as defined in Section 201(s) or (t) of that Act and are used
29 in conformity with all applicable regulations of the United States of
30 America, Department of Health and Human Services, Food and Drug
31 Administration.

32 e. "SAFE TEMPERATURE", as applied to potentially hazardous food, means
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1 temperatures of forty-five degrees Fahrenheit (45°F.) (seven degrees Celsius
2 (7°C.)) or below, and one hundred forty degrees Fahrenheit (140°F.)
3 (fifty-seven degrees Celsius (57°C.)) or above.

4 f. "SANITIZE" means to treat by a process providing accumulative heat
5 or a concentration of chemicals for a period of time sufficient to reduce
6 the bacterial count, including pathogens, to a safe level on utensils and
7 equipment.

8 g. "SEALED" means free of cracks or other openings that permit the
9 entry or passage of moisture.

10 h. "SINGLE SERVICE ARTICLES" means and includes cups, containers, lids,
11 closures, plates, knives, forks, spoons, stirrers, paddles, straws, place
12 mats, napkins, doilies, wrapping material, and all similar articles that are
13 constructed wholly or in part from paper, paperboard, molded pulp, foil,
14 wood, plastic, or other readily destructible material, and that are intended
15 by the manufacturers thereof, or are generally recognized by the public as
16 being for one-time, one-person use prior to disposal.

17 i. "SNACK BAR" means any stationary food-service establishment from
18 which food is served or provided to the public and that provides no inside
19 or outside seating or defined parking space for its patrons or customers.

20 Section 10.11.060. Definitions "T" through "Z". As used in this
21 Ordinance, unless the context requires a different meaning,

22 a. "TABLEWARE" means all multi-use eating and drinking utensils,
23 including flatware (knives, forks, and spoons).

24 b. "TAVERN" means any food-service establishment issued a Type B, C, E
25 or F license by the Washington State Liquor Control Board, or having an
26 application for such type of license pending before such Board, and that
27 offers for consumption or sale no food other than prepackaged food not
28 requiring food preparation or handling.

29 c. "TEMPORARY FOOD-SERVICE ESTABLISHMENT" means a food-service
30 establishment that operates at a fixed location for a period of time of not
31 more than fourteen (14) consecutive days in conjunction with a single event
32 or celebration, such as a fair, carnival, circus, or public exhibition.

1 d. "UTENSIL" means any implement used in the storage, preparation,
2 transportation, or service of food.

3 e. "WHOLESOME" means in sound condition, clean, free from adulteration,
4 and otherwise suitable for use as human food.

5 (PARTS 4-10 RESERVED)

6 PART 11 - FOOD SUPPLIES

7 Section 10.11.111. (F.S.S.M. § 2-101) Food Supplies - General. All
8 food in food-service establishments shall be from sources not disapproved by
9 the health officer, and shall be wholesome and not misbranded. The use of
10 food in hermetically sealed containers not filled and sealed in a commercial
11 cannery is prohibited.

12 Section 10.11.112. (F.S.S.M. § 2-102) Food Supplies - Special
13 Requirements.

14 a. Fluid milk and fluid milk products used or served shall be
15 pasteurized and shall meet the Grade A quality standards established by law.
16 Dry milk and dry milk products shall be made from pasteurized milk and milk
17 products.

18 b. Shucked shellfish, whether fresh or frozen, shall be packed and
19 stored in non-returnable packages identified with the name and address of
20 the original shucker-packer, or repacker, and the official governmental
21 certification number issued according to law. Each container of unshucked
22 shellfish shall be identified by an attached tag that states the name and
23 address of the original shell stock processor, the kind and quantity of
24 shell stock, and an official governmental certification number issued by the
25 shellfish control agency. Shellfish, whether shucked or unshucked, shall be
26 kept in the container in which they were received until they are used.

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

31 PART 12 - FOOD PROTECTION

32 Section 10.11.121. (F.S.S.M. § 2-201) Food Protection - General. Food
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1 shall be protected at all times from potential contamination from, among
2 other things, dust, insects, rodents, unclean equipment and utensils,
3 unnecessary handling, coughs and sneezes, flooding, drainage, and overhead
4 leakage or overhead drippage from condensation. Potentially hazardous food
5 shall be kept at a safe temperature at all times, except as otherwise
6 provided in this Ordinance.

7 Section 10.11.122. (F.S.S.M. § 2-202) Food Protection - Emergency
8 Occurrences. In the event of a fire, flood, power outage, or similar event
9 that might result in the contamination of food, or that might prevent
10 potentially hazardous food from being held at a safe temperature, the person
11 in charge shall immediately contact the health officer. Upon receiving
12 notice of this occurrence, the health officer shall take whatever action
13 that he/she deems necessary to protect the public health.

14 PART 13 - FOOD STORAGE

15 Section 10.11.131. (F.S.S.M. § 2-301) Food Storage - General.

16 a. Food, whether raw or prepared, if removed from the container or
17 package in which it was obtained, shall be stored in a clean, covered
18 container except during necessary periods of preparation or service.
19 Container covers shall be impervious and nonabsorbent, except that linens or
20 napkins may be used for lining or covering bread or roll containers. Solid
21 cuts of meat shall be protected by being covered in storage, except that
22 quarters or sides of meat may be hung uncovered on clean sanitized hooks if
23 no food product is stored beneath the meat.

24 b. Containers of food shall be stored a minimum of six (6) inches
25 above the floor in a manner that protects the food from splash and other
26 contamination, and that permits easy cleaning of the storage area, except
27 that containers may be stored on easily movable dollies, racks, or pallets.

28 c. Food and containers of food shall not be stored under exposed or
29 unprotected sewer lines or water lines except for automatic fire protection
30 sprinkler heads required by law. The storage of food in toilet rooms or
31 vestibules is prohibited.

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

1 requiring washing or cooking.

2 e. Packaged food shall not be stored in contact with water or
3 undrained ice. Wrapped sandwiches shall not be stored in direct contact
4 with ice.

5 f. Bulk food such as cooking oil, syrup, salt, sugar or flour not
6 stored in the product container or package in which it was obtained, shall
7 be stored in a container identifying the food by common name.

8 Section 10.11.132. (F.S.S.M. § 2-302) Food Storage - Refrigerated.

9 a. Enough conveniently located refrigeration facilities or effectively
10 insulated facilities shall be provided to ensure the storage of potentially
11 hazardous food at a safe temperature. Each mechanically refrigerated
12 facility storing potentially hazardous food shall be provided with an easily
13 readable, numerically scaled indicating or recording thermometer, accurate
14 to plus or minus three degrees Fahrenheit ($\pm 3^{\circ}\text{F.}$), located to measure the
15 air temperature in the warmest part of the facility.

16 b. Potentially hazardous food requiring refrigeration after
17 preparation shall be rapidly cooled to forty-five degrees Fahrenheit
18 (45°F.) (seven degrees Celsius (7°C.)) or below. Potentially hazardous
19 foods of large volume or prepared in large quantities shall be rapidly
20 cooled, utilizing such methods as:

- 21 (1) Quick chilling with running cold water bath or an ice bath cooled
22 with agitation;
- 23 (2) Storage of foods in small containers in freezer units coupled with
24 agitation;
- 25 (3) Shallow pans - food depth of four (4) inches or less; or
26 (4) Other approved methods.

27 In all cases potentially hazardous foods shall be cooled to seventy
28 degrees Fahrenheit (70°F.) (twenty-one degrees Celsius (21°C.)) or below
29 within two (2) hours and to forty-five degrees Fahrenheit (45°F.) (seven
30 degrees Celsius (7°C.)) or below within four (4) hours after removal from a
31 hot-holding device or the end of the cooking process.

32 c. Frozen food shall be kept frozen and should be stored at a
33 temperature of zero degrees Fahrenheit (0°F.) (minus eighteen degrees

1 Celsius (-18°C.) or below.

2 d. Ice intended for human consumption shall not be used as a medium
3 for cooling stored food, food containers or utensils, except that such ice
4 may be used for cooling tubes conveying beverages or beverage ingredients to
5 a dispenser head. Ice used for cooling stored food and food containers
6 shall not be used for human consumption.

7 Section 10.11.133. (F.S.S.M. § 2-303) Food Storage - Heated.

8 a. Enough conveniently located hot food storage facilities shall be
9 provided to assure the storage of potentially hazardous food at a safe
10 temperature. Each hot food facility storing potentially hazardous food
11 shall be provided with an easily readable, numerically scaled indicating or
12 recording thermometer, accurate to plus or minus three degrees Fahrenheit
13 (+3° F.), located to measure the air temperature in the coolest part of the
14 facility. Where it is impractical to install thermometers on equipment such
15 as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or
16 insulated food transport carriers, a product thermometer must be available
17 and used to check internal food temperature.

18 b. The internal temperature of potentially hazardous foods requiring
19 hot storage shall be one hundred forty degrees Fahrenheit (140° F.)
20 (fifty-six degrees Celsius (56°C.)) or above, except during necessary
21 periods of preparation. Potentially hazardous food to be transported shall
22 be held at a temperature of one hundred forty degrees Fahrenheit (140° F.)
23 (fifty-six degrees Celsius (56°C.)) or above, unless maintained in
24 accordance with Subsection 10.11.132 b. of this Ordinance.

25 PART 14 - FOOD PREPARATION

26 Section 10.11.141. (F.S.S.M. § 2-401) Food Preparation - General.

27 a. Food shall be prepared with the least possible manual contact, with
28 suitable utensils, and on surfaces that prior to use have been cleaned,
29 rinsed and sanitized to prevent cross-contamination.

30 b. Preparation of potentially hazardous salads (such as potato or
31 macaroni types) shall be completed using prechilled ingredients to assure
32 minimum temperature rise during preparation.

1 Section 10.11.142. (F.S.S.M. § 2-402) Food Preparation - Raw Fruits
2 and Raw Vegetables. Raw fruits and raw vegetables shall be thoroughly
3 washed with potable water before being cooked or served.

4 Section 10.11.143. (F.S.S.M. § 2-403) Food Preparation - Cooking
5 Potentially Hazardous Foods. Potentially hazardous foods requiring cooking
6 shall be cooked to heat all parts of the food to a temperature of at least
7 one hundred forty degrees Fahrenheit (140° F.) (fifty-six degrees Celsius
8 (56° C.)), except that:

9 a. Poultry, poultry stuffings, stuffed meats and stuffings containing
10 meat shall be cooked to heat all parts of the food to at least one hundred
11 sixty-five degrees Fahrenheit (165° F.) (seventy-four degrees (74° C.)) with
12 no interruption of the cooking process.

13 b. Pork and any food containing pork shall be cooked to heat all parts
14 of the food to at least one hundred fifty degrees Fahrenheit (150°
15 (sixty-six degrees Celsius (66° C.))).

16 c. Unless otherwise ordered by the immediate consumer, rare roast beef
17 shall be cooked to an internal temperature of at least one hundred thirty
18 degrees Fahrenheit (130° F.) (fifty-four degrees Celsius (54° C.)), and rare
19 beef steak shall be cooked to a temperature of one hundred thirty degrees
20 Fahrenheit (130° F.) (fifty-four degrees Celsius (54° C.)).

21 Section 10.11.144. (F.S.S.M. § 2-404) Food Preparation - Dry Milk and
22 Dry Milk Products. Reconstituted dry milk and dry milk products may be used
23 only for cooking and baking purposes.

24 Section 10.11.145. (F.S.S.M. § 2-405) Food Preparation - Liquid,
25 Frozen, Dry Eggs and Egg Products. Liquid, frozen, dry eggs and egg
26 products shall be used only for cooking and baking purposes.

27 Section 10.11.146. (F.S.S.M. § 2-406) Food Preparation - Reheating.
28 Potentially hazardous foods that have been cooked and then refrigerated,
29 shall be reheated rapidly to one hundred sixty-five degrees Fahrenheit (165°
30 F.) (seventy-four degrees Celsius (74° C.)) or higher throughout before being
31 served or before being placed in a hot food storage facility. Steam tables,
32 bainmaries, warmers, and similar hot food holding facilities are prohibited
33 for the rapid reheating of potentially hazardous foods.

1 Section 10.11.147. (F.S.S.M. § 2-407) Food Preparation - Nondairy
2 Products. Nondairy creaming, whitening, or whipping agents may be
3 reconstituted on the premises only when they will be stored in sanitized,
4 covered containers not exceeding one gallon in capacity and cooled to
5 forty-five degrees Fahrenheit (45° F.) (seven degrees Celsius (7°C.)) or
6 below within four (4) hours after preparation.

7 Section 10.11.148. (F.S.S.M. § 2-408) Food Preparation - Use of
8 Product Thermometers. Indicating thermometers as described in Section
9 10.11.325 of this Ordinance, shall be used to assure the attainment and
10 maintenance of proper internal cooking, holding, or refrigeration
11 temperatures of all potentially hazardous foods.

12 Section 10.11.149. (F.S.S.M. § 2-409) Food Preparation - Thawing
13 Potentially Hazardous Foods. Potentially hazardous foods shall be thawed:

14 a. In refrigerated units at a temperature not to exceed forty-five
15 degrees Fahrenheit (45° F.) (seven degrees Celsius (7°C.)); or

16 b. Under potable running water of a temperature of seventy degrees
17 Fahrenheit (70° F.) (twenty-one degrees Celsius (21°C.)) or below, with
18 sufficient water velocity to agitate and float off loose food particles into
19 the overflow; or

20 c. In a microwave oven only when the food will be immediately
21 transferred to conventional cooking facilities as part of a continuous
22 cooking process or when the entire, uninterrupted cooking process takes
23 place in the microwave oven; or

24 d. As part of a conventional cooking process, such as, but not limited
25 to, boiling, baking, broiling and frying.

26 PART 15 - FOOD DISPLAY AND SERVICE

27 Section 10.11.150. (F.S.S.M. § 2-501) Food Display and Service -
28 Potentially Hazardous Food. Potentially hazardous food shall be kept at an
29 internal safe temperature during display and service.

30 Section 10.11.151. (F.S.S.M. § 2-502) Food Display and Service - Milk
31 and Cream Dispensing.

32 a. Milk and milk products for drinking purposes shall be provided to
33 the consumer from an unopened, commercially filled package not exceeding one

1 (1) pint in capacity, or drawn from a commercially filled container stored
2 in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser
3 for milk and milk products is not available and portions of less than
4 one-half (1/2) pint are required for mixed drinks, cereal, or dessert
5 service, milk and milk products may be poured from a commercially filled
6 container of not more than one-half (1/2) gallon capacity.

7 b. Cream or half and half shall be provided in an individual service
8 container, protected pour-type pitcher, or drawn from a refrigerated
9 dispenser designed for such service.

10 Section 10.11.152. (F.S.S.M. § 2-503) Food Display and Service -
11 Nondairy Product Dispensing. Nondairy creaming or whitening agents shall be
12 provided in an individual service container, protected pour-type pitcher, or
13 drawn from a refrigerated dispenser designed for such service.

14 Section 10.11.153. (F.S.S.M. § 2-504) Food Display and Service -
15 Condiment Dispensing.

16 a. Condiments, seasonings and dressings for self-service use shall be
17 provided in individual packages, from dispensers, or from containers
18 protected in accordance with Section 10.11.157. of this Ordinance.

19 b. Condiments provided for table or counter service shall be
20 individually portioned, except that catsup and other sauces may be served in
21 the original container or pour-type dispenser. Sugar for consumer use shall
22 be provided in individual packages or in pour-type dispensers.

23 Section 10.11.154. (F.S.S.M. § 2-505) Food Display and Service - Ice
24 Dispensing. Ice for consumer use shall be dispensed only by personnel with
25 scoops, tongs, or other ice-dispensing utensils or through automatic
26 self-service, ice-dispensing equipment. Ice-dispensing utensils shall be
27 stored on a clean surface or in the ice with the dispensing utensil's handle
28 extended out of the ice. Between uses, ice transfer receptacles shall be
29 stored in a way that protects them from contamination. Ice storage bins
30 shall be drained through an air gap.

31 Section 10.11.155. (F.S.S.M. § 2-506) Food Display and Service -
32 Dispensing Utensils. To avoid unnecessary manual contact with food,
33 suitable dispensing utensils shall be used by personnel or provided to

1 consumers who serve themselves. Between uses during service, dispensing
2 utensils shall be:

3 a. Stored in the food with the dispensing utensil handle extended out
4 of the food; or

5 b. Stored clean and dry; or

6 c. Stored in running water; or

7 d. Stored either in a running water dipper well, or clean and dry in
8 the case of dispensing utensils and malt collars used in preparing frozen
9 desserts.

10 Section 10.11.156. (F.S.S.M. § 2-507) Food Display and Service -
11 Re-service. Once served to a consumer, portions of leftover food shall not
12 be served again except that packaged food, other than potentially hazardous
13 food, that is still packaged and is still in sound condition, may be
14 re-served.

15 Section 10.11.157. (F.S.S.M. § 2-508) Food Display and Service -
16 Display Equipment. Food on display shall be protected from consumer
17 contamination by the use of packaging or by the use of easily cleanable
18 counter, serving line or salad bar protector devices, display cases or by
19 other effective means. Enough hot or cold food facilities shall be
20 available to maintain potentially hazardous food at a safe temperature while
21 on display.

22 Section 10.11.158. (F.S.S.M. § 2-509) Food Display and Service - Re-use
23 of Tableware. Re-use of soiled tableware by self-service consumers
24 returning to the service area for additional food is prohibited. Beverage
25 cups and glasses are exempt from this requirement.

26 PART 16 - FOOD TRANSPORTATION

27 Section 10.11.161. (F.S.S.M. § 2-601) Food Transportation - General.
28 During transportation, food and utensils shall be kept in covered containers
29 or completely wrapped or packaged so as to be protected from contamination.
30 Foods in original individual packages do not need to be overwrapped or
31 covered if the original package has not been torn or broken. During
32 transportation, including transportation to another location for service or
33 catering operations, food shall meet the requirements of this Ordinance

1 relating to food protection and food storage.

2 (PARTS 17-20 RESERVED)

3 PART 21 - PERSONNEL

4 Section 10.11.211. (F.S.S.M. § 3-101) Personnel - General Health. No
5 person who is infected with a disease in a communicable form that can be
6 transmitted by foods; who is a carrier of organisms that cause such a
7 disease; or who is afflicted with a boil, an infected wound, or an acute
8 respiratory infection, shall work in a food-service establishment in any
9 capacity in which there is a likelihood of such person contaminating food or
10 food-contact surfaces with pathogenic organisms or transmitting disease to
11 another person.

12 Section 10.11.212. Personnel - Food and Beverage Service Workers
13 Permits. Every person whose duties, for more than thirty (30) days, include
14 the handling of unwrapped or unpackaged food shall obtain and file with
15 his/her employer, or where self-employed shall obtain a valid Food and
16 Beverage Worker's Permit issued under Ch. 69.06 RCW. No person shall employ
17 for more than thirty (30) days any person whose duties include the handling
18 of unwrapped or unpackaged food and who has not filed such permit with
19 his/her employer.

20 Section 10.11.213. (F.S.S.M. § 3-201) Personnel - Personal
21 Cleanliness. Food-service establishment personnel whose duties include food
22 handling shall thoroughly wash their hands and the exposed portions of their
23 arms with soap and warm water before starting work, during work as often as
24 is necessary to keep them clean, and after smoking, eating, drinking,
25 handling raw meat or poultry, or using the toilet. Such personnel shall
26 keep their fingernails clean and trimmed.

27 Section 10.11.214. (F.S.S.M. § 3-301) Personnel - Clothing.

28 a. Food-service establishment personnel whose duties include food
29 handling shall put on clean outer clothing at the commencement of their
30 work.

31 b. Food-service establishment personnel whose duties include food
32 handling shall use effective hair restraints to prevent the contamination of
33 food or food contact-surfaces while they are on duty.

1 Section 10.11.215. (F.S.S.M. § 3-401) Personnel - Practices.

2 a. Food-service establishment personnel shall consume food only in
3 designated dining areas; no area shall be so designated if consuming food
4 there may result in contamination of other food, equipment, utensils, or
5 other items needing protection.

6 b. Food-service establishment personnel shall not use tobacco in any
7 form while engaged in food preparation or service, nor while in areas used
8 for equipment or utensil washing or for food preparation. Such personnel
9 shall use tobacco only in designated areas; no area shall be so designated
10 if the use of tobacco there may result in contamination of food, equipment,
11 utensils, or other items needing protection.

12 c. Food-service establishment personnel shall handle soiled tableware
13 in a way that minimizes contamination of their hands.

14 d. Food-service establishment personnel shall maintain a high degree
15 of personal cleanliness and shall conform to good hygienic practices during
16 all working periods in the food-service establishment.

17 PARTS 22-30 RESERVED

18 PART 31 - PERMISSIBLE EQUIPMENT AND MATERIALS

19 Section 10.11.311. (F.S.S.M. § 4-102) Equipment and Materials -
20 Solder. If solder is used, it shall be composed of safe materials and be
21 corrosion resistant.

22 Section 10.11.312. (F.S.S.M. § 4-103) Equipment and Materials - Wood.
23 Hard maple or equivalently nonabsorbent material that meets the general
24 requirements set forth in Section 10.11.321. a. and b. of this Ordinance may
25 be used for cutting blocks, cutting boards, salad bowls, and baker's tables.
26 Wood may be used for single-service articles, such as chop sticks, stirrers,
27 or ice cream spoons. The use of wood as a food-contact surface under other
28 circumstances is prohibited.

29 Section 10.11.313. (F.S.S.M. § 4-104) Equipment and Materials - Rubber
30 and Plastic. Safe plastic, rubber, or rubber-like materials that are
31 resistant under normal conditions of use to scratching, scoring,
32 decomposition; that are of sufficient weight and thickness to permit
33 cleaning and sanitizing by normal dishwashing methods; and that meet the

1 requirements set forth in Section 10.11.321. a. and b. of this Ordinance,
2 are permitted for repeated use.

3 Section 10.11.314. (F.S.S.M. § 4-105) Equipment and Materials -
4 Mollusk and Crustacea Shells. Mollusk and crustacea shells may be used only
5 once as a food serving container.

6 Section 10.11.315. (F.S.S.M. § 4-106) Equipment and Materials - Single
7 Service. Re-use of single service articles is prohibited.

8 PART 32 - EQUIPMENT AND MATERIALS DESIGN AND FABRICATION

9 Section 10.11.321. (F.S.S.M. § 4-101 & 201) Design and Fabrication -
10 General.

11 a. All equipment and utensils, including plastic-ware and single-
12 service articles, shall be durable under conditions of normal use; resistant
13 to denting, buckling, pitting, chipping, and crazing; and shall not impart
14 odors, color or taste, nor contribute to the contamination of food.

15 b. Food-contact surfaces shall be non-absorbent; easily cleanable;
16 smooth; corrosion resistant; free of breaks, open seams, cracks, chips,
17 pits, and similar imperfections, and difficult-to-clean internal corners and
18 crevices. Cast iron may be used as a food-contact surface only if the
19 surface is heated, such as in grills, griddle tops, and skillets. Threaded
20 surfaces shall be designed to facilitate cleaning; ordinary "V" type threads
21 are prohibited in food-contact surfaces except in equipment such as ice
22 makers or hot oil cooking equipment and hot oil filtering systems; in which
23 such threads shall be minimized.

24 c. Equipment containing bearings and gears requiring unsafe lubricants
25 shall be designed and constructed so that the lubricant cannot leak, drip,
26 or be forced into food or onto food-contact surfaces. Only safe lubricating
27 materials shall be used on equipment designed to receive lubrication of
28 bearings and gears on or within food-contact surfaces.

29 d. Tubing conveying beverages or beverage ingredients to dispensing
30 heads shall be fabricated only from safe materials, shall be grommeted at
31 entry and exit points to preclude moisture (condensation) from entering the
32 ice machine or the ice storage bin, and shall be kept clean. Drainage or
33 drainage tubes from dispensing units shall not pass through any ice machine

1 or any ice storage bin.

2 e. Sinks and drain boards shall be self-draining.

3 Section 10.11.322. (F.S.S.M. § 4-202) Design and Fabrication -
4 Food-contact Surface Accessibility. Unless designed for in-place cleaning,
5 food-contact surfaces shall be accessible for cleaning and inspection:

6 a. Without being disassembled; or

7 b. By disassembling without the use of tools; or

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

11 Section 10.11.323. (F.S.S.M. § 4-203) Design and Fabrication -
12 In-Place Cleaning. Equipment intended for in-place cleaning shall be so
13 designed and fabricated that:

14 a. Cleaning and sanitizing solutions can be circulated throughout a
15 fixed system using an effective cleaning and sanitizing regimen; and

16 b. Cleaning and sanitizing solutions will contact all interior
17 food-contact surfaces; and

18 c. The system is self-draining or capable of being completely
19 evacuated.

20 Section 10.11.324. (F.S.S.M. § 4-204) Design and Fabrication -
21 Pressure Spray Cleaning. Fixed equipment designed and fabricated to be
22 cleaned and sanitized by pressure spray methods shall have sealed electrical
23 wiring, switches, and connections.

24 Section 10.11.325. (F.S.S.M. § 4-205) Design and Fabrication -
25 Thermometers. Indicating thermometers required for immersion into food or
26 cooking media shall be of metal stem type construction, numerically scaled,
27 and accurate to plus or minus two degrees Fahrenheit (+2° F.).

28 Section 10.11.326. (F.S.S.M. § 4-206) Design and Fabrication -
29 Non-food-contact Surfaces. Surfaces of equipment not intended for contact
30 with food, but which are exposed to splash or food debris or which otherwise
31 require frequent cleaning shall be designed and fabricated to be smooth,
32 washable, free of unnecessary ledges, projections, or crevices, and readily
33 accessible for cleaning, and shall be of such material and in such repair as

1 to be easily maintained in a clean and sanitary condition.

2 Section 10.11.327. (F.S.S.M. § 4-207) Design and Fabrication -
3 Ventilation Hoods. Ventilation hoods and devices shall be designed to
4 prevent grease or condensation from collecting on walls and ceilings, and
5 from dripping into food or onto food-contact surfaces. Filters or other
6 grease extracting equipment shall be readily removable for cleaning and
7 replacement if not designed to be cleaned in place.

8 Section 10.11.328. (F.S.S.M. § 4-208) Design and Fabrication -
9 Existing Equipment. Equipment that was installed in a food-service
10 establishment prior to the effective date of this Ordinance, and that does
11 not fully meet all of the design and fabrication requirements of this Part
12 shall be deemed acceptable in that establishment if it is in good repair,
13 capable of being maintained in a sanitary condition, and the food-contact
14 surfaces are nontoxic. Replacement equipment and new equipment acquired
15 after the effective date of this Ordinance shall meet the requirements of
16 this Ordinance.

17 PART 33 - EQUIPMENT INSTALLATION AND LOCATION

18 Section 10.11.331. (F.S.S.M. § 4-301) Equipment Installation and
19 Location - General. Equipment, including ice makers and ice storage
20 equipment, shall not be located under exposed or unprotected sewer lines or
21 water lines, open stairwells, or other sources of contamination. This
22 requirement does not apply to automatic fire protection sprinkler heads that
23 may be required by law.

24 Section 10.11.332. (F.S.S.M. § 4-302) Equipment Installation and
25 Location - Table Mounted Equipment. Equipment placed on a table or counter
26 shall be sealed to the same or elevated on legs to provide at least a four
27 (4) inch clearance between the table or counter and equipment, and shall be
28 installed to facilitate the cleaning of the equipment and adjacent areas;
29 Provided, that this requirement shall not apply to equipment that is small
30 and light enough to be moved easily by one (1) person; and has no utility
31 connection, or has a utility connection that can be disconnected in less
32 than one (1) minute, or has a flexible utility connection line of sufficient
33 length to permit the equipment to be moved for easy cleaning.

1 Section 10.11.333. (F.S.S.M. § 4-303) Equipment Installation and
2 Location - Floor-mounted Equipment.

3 a. Floor-mounted equipment, unless readily movable, shall be:

4 (1) Sealed to the floor; or

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

8 (3) Elevated on legs to provide at least a six (6) inch clearance
9 between the floor and equipment, except that vertically mounted
10 floor mixers may be elevated to provide at least a four (4) inch
11 clearance between the floor and equipment if no part of the floor
12 under the mixer is more than six (6) inches from cleaning access.

13 b. Equipment is "readily movable" for the purposes of Section
14 10.11.333 a. of this Ordinance if:

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

16 (2) It has no utility connection or has a utility connection that can
17 be disconnected in less than one (1) minute, or has a flexible
18 utility line of sufficient length to permit the equipment to be
19 moved for easy cleaning.

20 c. Unless sufficient space is provided for easy cleaning between,
21 behind, and above each unit of fixed equipment, the space between it and
22 every adjoining equipment unit and adjacent wall or ceiling shall be not
23 more than one-thirty-secondth ($1/32$) of an inch; or if exposed to seepage,
24 the equipment shall be sealed to the adjoining equipment or adjacent wall or
25 ceiling.

26 Section 10.11.334. (F.S.S.M. § 4-304) Equipment Installation and
27 Location - Aisles and Working Spaces. Aisles and working spaces between
28 units of equipment and walls shall be unobstructed and of sufficient width
29 to permit food-service establishment personnel to perform their duties
30 readily without contamination of food or food-contact surfaces by clothing
31 or personal contact. All easily movable storage equipment such as pallets,
32 racks, and dollies shall be positioned to provide accessibility to working
33 areas.

1 (PARTS 34-40 RESERVED)

2 PART 41 - EQUIPMENT AND UTENSIL CLEANING

3 Section 10.11.411. (F.S.S.M. § 5-101) Equipment and Utensil Cleaning -
4 Frequency.

5 a. Tableware shall be washed, rinsed, and sanitized after each use.

6 b. To prevent cross-contamination, kitchenware and food-contact
7 surfaces of equipment shall be washed, rinsed, and sanitized after each use
8 and following any interruption of operations during which time contamination
9 may have occurred.

10 c. Where equipment and utensils are used for the preparation of
11 potentially hazardous foods on a continuous or production-line basis,
12 utensils and the food-contact surfaces of equipment shall be washed, rinsed,
13 and sanitized at intervals throughout the day on a schedule approved by the
14 health officer, that takes into consideration, among other things, food
15 temperature, type of food, and amount of food particle accumulation.

16 d. The food-contact surfaces of grills, griddles, and similar cooking
17 devices and the cavities and door seals of microwave ovens shall be cleaned
18 at least once a day, except that this shall not apply to hot oil cooking
19 equipment and hot oil filtering systems. The food-contact surfaces of all
20 cooking equipment shall be kept free of encrusted grease deposits and other
21 accumulated soil.

22 e. Non-food-contact surfaces of equipment shall be cleaned as often as
23 is necessary to keep the equipment free of accumulation of dust, dirt, food
24 particles, and other debris.

25 Section 10.11.412. (F.S.S.M. § 5-102) Equipment and Utensil Cleaning -
26 Wiping Cloths.

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

30 b. Moist cloths or sponges used for wiping food spills on kitchenware
31 and food-contact surfaces of equipment shall be clean and rinsed frequently
32 in one of the sanitizing solutions permitted in Section 10.11.413 of this
33

1 Ordinance and used for no other purpose. These cloths and sponges shall be
2 stored in the sanitizing solution between uses.

3 c. Moist cloths or sponges used for cleaning non-food-contact surfaces
4 of equipment such as counters, dining table tops and shelves shall be clean
5 and rinsed in one of the sanitizing solutions permitted in Section
6 10.11.413. of this Ordinance and used for no other purpose. These cloths
7 and sponges shall be stored in the sanitizing solution between uses.

8 Section 10.11.413. (F.S.S.M. § 5-103) Equipment and Utensil Cleaning -
9 Manual Cleaning and Sanitizing.

10 a. For manual washing, rinsing, and sanitizing of utensils and
11 equipment, a sink with not fewer than three (3) compartments shall be
12 provided and used. Sink compartments shall be large enough to permit the
13 accommodation of the equipment and utensils, and each compartment of the
14 sink shall be supplied with hot and cold potable running water. Fixed
15 equipment and utensils and equipment too large to be cleaned in sink
16 compartments shall be washed manually or cleaned through pressure spray
17 methods.

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

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

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

27 (1) Sinks shall be cleaned prior to use.

28 (2) Equipment and utensils shall be thoroughly washed in the first
29 compartment with a hot detergent solution that is kept clean.

30 (3) Equipment and utensils shall be rinsed free of detergent and
31 abrasives with clean water in the second compartment.

32 (4) Equipment and utensils shall be sanitized in the third compartment
33

1 according to one of the methods included in Section 10.11.413 e.
2 (1) - (4) of this Ordinance.

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

- 5 (1) Immersion for at least one-half (1/2) minute in clean, hot water
6 at a temperature of at least one hundred seventy degrees
7 Fahrenheit (170° F.) (seventy-seven degrees Celsius (77°C.)); or
8 (2) Immersion for at least one (1) minute in a clean solution
9 containing at least fifty (50) parts per million available
10 chlorine as a hypochloride and at a temperature of at least
11 seventy-five degrees Fahrenheit (75° F.) (twenty-four degrees
12 Celsius (24°C.)); or
13 (3) Immersion for at least one (1) minute in a clean solution having a
14 temperature of at least seventy-five degrees Fahrenheit (75° F.)
15 (twenty-four degrees Celsius (24°C.)), containing at least twelve
16 and one-half (12.5) parts per million of available iodine, and
17 having a pH not higher than five (5.0).
18 (4) Immersion in a clean solution containing any other chemical
19 sanitizing agent allowed under 21 CFR 178.1010 that will provide
20 the equivalent bactericidal effect of a solution containing at
21 least fifty (50) parts per million of available chlorine as a
22 hypochlorite at a temperature of at least seventy-five degrees
23 Fahrenheit (75° F.) (twenty-four degrees Celsius (24°C.)) for one
24 (1) minute; or
25 (5) Treatment with steam free from materials or additives other than
26 those specified in 21 CFR 178.310 in the case of equipment too
27 large to sanitize by immersion, but in which steam can be
28 confined; or
29 (6) Rinsing, spraying, or swabbing with a chemical sanitizing solution
30 of at least twice the strength required for that particular
31 sanitizing solution under Section 10.11.413 e. (4) of this
32 Ordinance, in the case of equipment too large to sanitize by
33 immersion.

1 f. When hot water is used for sanitizing, the following facilities shall
2 be provided and used:

- 3 (1) An integral heating device or fixture installed in, on, or under the
4 sanitizing compartment of the sink capable of maintaining the water
5 at a temperature of at least one hundred seventy degrees Fahrenheit
6 (170° F.) (seventy-seven degrees Celsius (77°C.)); and
7 (2) A numerically scaled indicating thermometer, accurate to plus or
8 minus three degrees Fahrenheit ($\pm 3^{\circ}$ F.), convenient to the sink for
9 frequent checks of water temperature; and
10 (3) Dish baskets of such size and design to permit complete immersion of
11 the tableware, kitchenware, and equipment in the hot water.

12 g. When chemicals are used for sanitization, they shall not have
13 concentrations higher than the maximum permitted under 21 CFR 178.1010. A test
14 kit or other device that accurately measures the parts per million
15 concentration of the solution shall be provided and used.

16 Section 10.11.414. (F.S.S.M. § 5-104) Equipment and Utensil Cleaning -
17 Mechanical Cleaning and Sanitizing.

18 a. Cleaning and sanitizing may be done by any spray-type or immersion
19 dishwashing machine or by any other type of machine or device if it is
20 demonstrated that it thoroughly cleans and sanitizes equipment and utensils.
21 These machines and devices shall be properly installed and maintained in good
22 repair. Machines and devices shall be operated in accordance with the
23 applicable manufacturer's instructions. Utensils and equipment placed in the
24 machine shall be exposed to all dishwashing cycles. Automatic detergent
25 dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any,
26 shall be properly installed and maintained.

27 b. The pressure of final rinse water supplied to spray-type dishwashing
28 machines shall not be less than fifteen (15) nor more than twenty-five (25)
29 pounds per square inch measured in the water line immediately adjacent to the
30 final rinse control valve. A one-quarter (1/4) inch IPS valve shall be
31 provided immediately upstream from the final rinse control valve to permit
32 checking the flow pressure of the final rinse water.

33 c. Machine or water line mounted numerically scaled indicating

1 thermometers, accurate to plus or minus three degrees Fahrenheit (+3° F.),
2 shall be provided to indicate the temperature of the water in each tank of the
3 machine and the temperature of the final rinse water as it enters the
4 manifold.

5 d. Rinse water tanks shall be protected by baffles, curtains, or other
6 effective means to minimize the entry of wash water into the rinse water.
7 Conveyors in dishwashing machines shall be accurately timed to assure proper
8 exposure times in wash and rinse cycles in accordance with the applicable
9 manufacturer's specifications attached to the machines.

10 e. Drain boards of adequate size for the proper handling of soiled
11 utensils prior to washing and of cleaned utensils following sanitization
12 shall be provided, and shall be so located and constructed as not to
13 interfere with the proper use of the dishwashing facilities. This does not
14 preclude the use of easily movable dish tables for the storage of soiled
15 utensils or the use of easily movable dish tables for the storage of clean
16 utensils following sanitization.

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

24 g. Machines (single-tank, stationary-rack, door-type machines and
25 spray-type glass washers) using chemicals for sanitization may be used;
26 Provided, that,

- 27 (1) The temperature of the wash water shall not be less than one
28 hundred twenty degrees Fahrenheit (120° F.) (forty-nine degrees
29 Celsius (49°C.));
- 30 (2) The wash water shall be kept clean;
- 31 (3) Chemicals added for sanitization purposes shall be automatically
32 dispensed;
- 33 (4) Utensils and equipment shall be exposed to the final chemical

1 sanitizing rinse in accordance with the applicable manufacturer's
2 specifications for time and concentration;

3 (5) The chemical sanitizing rinse water temperature shall be not less
4 than seventy-five degrees Fahrenheit (75° F.) (twenty-four degrees
5 Celsius 24°C.) nor less than the temperature specified by the
6 machine's manufacturer, whichever is higher;

7 (6) Chemical sanitizers used shall meet the requirements of
8 21 CFR 178.1010; and

9 (7) A test kit or other device that accurately measures the parts per
10 million concentration of the solution shall be available and used.

11 h. Machines using hot water for sanitizing may be used; Provided, that
12 wash water and pumped rinse water shall be kept clean and shall be
13 maintained at not less than the following applicable temperatures:

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

15 Wash temperature.....150° F. (66°C.)

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

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

18 Wash temperature.....165° F. (74°C.)

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

20 (3) Single-tank, conveyor machine:

21 Wash temperature.....160° F. (71°C.)

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

23 (4) Multitank, conveyor machine:

24 Wash temperature.....150° F. (66°C.)

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

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

27 (5) Single-tank, pot, pan, and utensil washer (either stationary or
28 moving-rack):

29 Wash temperature.....140° F. (56°C.)

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

31 i. All dishwashing machines shall be thoroughly cleaned at least once
32 a day or more often when necessary to maintain them in a satisfactory
33 operating condition.

1 Section 10.11.415. (F.S.S.M. § 5-105) Equipment and Utensil Cleaning -
2 Drying. After sanitization, all equipment and utensils shall be air dried.

3 PART 42 - EQUIPMENT AND UTENSIL HANDLING

4 Section 10.11.421. (F.S.S.M. § 5-201) Equipment and Utensil Handling -
5 General. Cleaned and sanitized equipment and utensils shall be handled in a
6 way that protects them from contamination. Spoons, knives, and forks shall
7 be touched only by their handles. Cups, glasses, bowls, plates and similar
8 items shall be handled without contact with inside surfaces or surfaces that
9 contact the user's mouth.

10 Section 10.11.422. (F.S.S.M. § 5-202) Equipment and Utensil Handling -
11 Storage.

12 a. Cleaned and sanitized utensils and equipment shall be stored at
13 least six (6) inches above the floor in a clean, dry location in a way that
14 protects them from contamination by splash, dust, and other means. The
15 food-contact surfaces of fixed equipment shall also be protected from
16 contamination. Utensils shall not be placed under exposed sewer lines or
17 water lines, except for automatic fire protection sprinkler heads that may
18 be required by law.

19 b. Glasses and cups shall be stored inverted. Other stored utensils
20 shall be covered or inverted, wherever practical. Facilities for the
21 storage of knives, forks, and spoons shall be designed and used to present
22 the handle to the employee or consumer. Unless tableware is prewrapped,
23 holders for knives, forks, and spoons at self-service locations shall
24 protect these articles from contamination and present the handle of the
25 utensil to the user.

26 Section 10.11.423. (F.S.S.M. § 5-203) Equipment and Utensil Handling -
27 Single-Service Article Storage.

28 a. Single-service articles shall be stored at least six (6) inches
29 above the floor in closed cartons or containers that protect them from
30 contamination and shall not be placed under exposed sewer lines or water
31 lines, except for automatic fire protection sprinkler heads that may be
32 required by law.

33 b. Single-service articles shall be handled and dispensed in a manner

1 that prevents contamination of surfaces that may come in contact with food
2 or with the mouth of the user.

3 c. Single-service knives, forks, or spoons packaged in bulk shall be
4 inserted into holders or shall be wrapped by a member of of the food-
5 service establishment personnel who has washed his/her hands immediately
6 prior to sorting or wrapping the utensils. Unless single-service knives,
7 forks, and spoons are prewrapped or prepackaged, holders shall be provided
8 to protect these items from contamination and present the handle of the
9 utensil to the user.

10 Section 10.11.424. (F.S.S.M. § 5-204) Equipment and Utensil Handling -
11 Prohibited Storage Area. The storage of food equipment, utensils or
12 single-service articles in toilet rooms or vestibules is prohibited.

13 PART 51 - WATER SUPPLY

14 Section 10.11.511. (F.S.S.M. § 6-101) Water Supply - General. Enough
15 potable water for the needs of the food-service establishment shall be
16 provided from a source constructed and operated according to the provisions
17 of Ch. 248-54 WAC.

18 Section 10.11.512. (F.S.S.M. § 6-102) Water Supply - Transportation.
19 All water not piped into the establishment directly from the source shall be
20 transported, handled, stored, and dispensed in a sanitary manner. Drinking
21 water, if not dispensed through the water-supply system of the food-service
22 establishment, may be stored in a separate nonpressurized tank, reservoir,
23 or other container.

24 Section 10.11.513. (F.S.S.M. § 6-103) Water Supply - Bottled Water.
25 Bottled and packaged potable water shall be obtained from a source that
26 complies with all applicable laws and shall be handled and stored in a way
27 that protects it from contamination. Bottled and packaged potable water shall
28 be dispensed from the original container.

29 Section 10.11.514. (F.S.S.M. § 6-104) Water Supply - Water Under
30 Pressure. Water under pressure at the required temperatures shall be provided
31 to all fixtures and equipment that use water.

32 Section 10.11.515. (F.S.S.M. § 6-105) Water Supply - Steam. Steam used
33 in contact with food or food-contact surfaces shall be free from any materials

1 or additives other than those specified in 21 CFR 173.310.

2 PART 52 - SEWAGE

3 Section 10.11.521. (F.S.S.M. § 6-201) Sewage. All sewage, including
4 liquid waste, shall be disposed of by a public sewerage system or by a
5 sewage disposal system constructed and operated according to law.

6 PART 53 - PLUMBING

7 Section 10.11.531. (F.S.S.M. § 6-301) Plumbing - General. Plumbing
8 shall be sized, installed, and maintained according to the provisions of the
9 Seattle Plumbing Code (Ordinance 106721, as amended - Seattle Municipal Code
10 Title 22, Subtitle V). There shall be no cross-connection between the
11 potable water supply and any non-potable or questionable water supply nor
12 any source of pollution through which the potable water supply might become
13 contaminated.

14 Section 10.11.532. (F.S.S.M. § 6-302) Plumbing - Nonpotable water
15 system. A nonpotable water system is permitted only for purposes such as
16 air-conditioning and fire protection and only if the system is installed
17 according to law and the nonpotable water does not contact, directly or
18 indirectly, food, potable water, equipment that contacts food, or utensils.
19 The piping of any nonpotable water system shall be durably identified so
20 that it is readily distinguishable from piping that carries potable water.

21 Section 10.11.533. (F.S.S.M. § 6-303) Plumbing - Backflow. The
22 potable water system shall be installed to preclude the possibility of
23 backflow. Devices shall be installed to protect against backflow and back
24 siphonage at all fixtures and equipment where an air gap at least twice the
25 diameter of the water supply inlet is not provided between the water supply
26 inlet and the fixture's flood level rim. A hose shall not be attached to a
27 faucet unless a backflow prevention device is installed.

28 Section 10.11.534. (F.S.S.M. § 6-304) Plumbing - Grease Traps. If used,
29 grease traps shall be located to be easily accessible for cleaning.

30 Section 10.11.535. (F.S.S.M. § 6-305) Plumbing - Garbage Grinders. If
31 used, garbage grinders shall be installed and maintained according to the law.

32 Section 10.11.536. (F.S.S.M. § 6-306) Plumbing - Drains. Except for
33 properly trapped open sinks, there shall be no direct connection between the

1 sewerage system and any drains originating from equipment in which food,
2 portable equipment, or utensils are placed.

3 PART 54 - TOILET FACILITIES

4 Section 10.11.541. (F.S.S.M. § 6-401) Toilet Facilities - Installation.
5 Each food-service establishment shall be provided with adequate, conveniently
6 located toilet facilities for its personnel. Food-service establishments
7 serving food or liquor for consumption on the premises shall provide toilet
8 and handwashing facilities for use of their patrons consistent with the
9 requirements of Appendix C of the Seattle Plumbing Code (Ordinance 106721, as
10 amended - Seattle Municipal Code Title 22, Subtitle V). Drive-in type
11 establishments that do not have inside seating shall provide a minimum of one
12 (1) toilet and handwashing facility for each sex, including at least one (1)
13 urinal and one (1) water closet for male patrons.

14 Section 10.11.542. (F.S.S.M. § 6-402) Toilet Facilities - Design.
15 Toilet fixtures shall be of sanitary design and easily cleanable.

16 Section 10.11.543. (F.S.S.M. § 6-403) Toilet Facilities - Rooms. Toilet
17 rooms shall be completely enclosed and shall have tight-fitting, self-closing,
18 solid doors, which shall be closed except during ingress, egress, cleaning,
19 and maintenance. Louvered doors are permitted if the toilet room is provided
20 with mechanical ventilation exhausted to the outdoors at a minimum rate of one
21 (1) cubic foot of air per minute per square foot of floor area.

22 Section 10.11.544. (F.S.S.M. § 6-404) Toilet Facilities - Fixtures.
23 Toilet fixtures shall be kept clean and in good repair. A supply of toilet
24 tissue shall be provided at each toilet at all times. Easily cleanable
25 receptacles shall be provided for waste materials. Toilet rooms used by women
26 shall have at least one covered waste receptacle.

27 PART 55 - LAVATORY FACILITIES

28 Section 10.11.551. (F.S.S.M. § 6-501) Lavatory Facilities -
29 Installation. Each food-service establishment, except for mobile or temporary
30 food-service establishments where the food offered for sale is prepared and
31 packaged in individual portions at a fixed food-service establishment
32 operating under valid permit, shall be provided with adequate conveniently
33 located hand-washing facilities which shall be accessible to its personnel at

1 all times. A lavatory also shall be located in or immediately adjacent to
2 each toilet room or vestibule.

3 Section 10.11.552. (F.S.S.M. § 6-502) Lavatory Facilities - Water
4 Temperature and Faucets. Each lavatory shall be provided with hot and cold
5 water tempered by means of a mixing valve or combination faucet. Water
6 temperature at the fixture shall not exceed one hundred twenty degrees
7 Fahrenheit (120°F.) (forty-eight degrees Celsius (48°C.)). Any self-closing,
8 slow-closing, or metering faucet used shall be designed to provide a flow of
9 water for at least fifteen (15) seconds without the need to reactivate the
10 faucet. Steam-mixing valves are prohibited.

11 Section 10.11.553. (F.S.S.M. § 6-503) Lavatory Facilities - Supplies. A
12 supply of hand-cleansing soap or detergent shall be available at each
13 lavatory. A supply of sanitary towels or a hand-drying device providing
14 heated air shall be conveniently located near each lavatory. Common towels
15 are prohibited. If disposable towels are used, easily cleanable waste
16 receptacles shall be conveniently located near the handwashing facilities.

17 Section 10.11.554. (F.S.S.M. § 6-504) Lavatory Facilities - Maintenance.
18 Lavatories, soap dispensers, hand-drying devices and all related fixtures
19 shall be kept clean and in good repair.

20 Section 10.11.555. Lavatory Facilities - Prohibited Use. Handwashing
21 facilities shall not be used for food preparation, equipment or utensil
22 washing, or general cleanup.

23 PART 56 - GARBAGE AND REFUSE

24 Section 10.11.561. (F.S.S.M. § 6-601) Garbage and Refuse - Containers.

25 a. Garbage and refuse shall be kept in durable, easily cleanable,
26 insect-proof and rodent-proof containers that do not leak and do not absorb
27 liquids. Plastic bags and wet-strength paper bags may be used to line these
28 containers. Cardboard or other packaging materials not containing garbage or
29 food wastes need not be stored in covered containers.

30 b. Containers used in food-preparation and utensil-washing areas shall
31 be kept covered when not in actual use.

32 c. Containers stored outside the establishment, compactors, and
33 compactor systems shall be easily cleanable, shall be provided with

1 tight-fitting lids, doors or covers, and shall be kept covered when not in
2 actual use. In containers designed with drains, drain plugs shall be kept in
3 place at all times, except during cleaning.

4 d. Each food-service establishment shall be furnished with a sufficient
5 number of containers to hold all the garbage and refuse that accumulates in
6 and around such establishment.

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

14 Section 10.11.562. (F.S.S.M. § 6-602) Garbage and Refuse - Storage.

15 a. Garbage or refuse storage rooms, if used, shall be constructed of
16 easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall
17 be insect-proof and rodent-proof and shall be large enough to store the
18 accumulated garbage and refuse in containers.

19 b. Outside storage areas or enclosures shall be large enough to store
20 the accumulated garbage and refuse in containers and shall be kept clean.
21 Garbage and refuse containers, dumpsters, and compactor systems located
22 outside shall be stored on or above a smooth surface of nonabsorbent material
23 such as concrete or machine-laid asphalt that is kept clean and maintained in
24 good repair.

25 Section 10.11.563. (F.S.S.M. § 6-603) Garbage and Refuse - Disposal.

26 a. Garbage and refuse shall be disposed of often enough to prevent the
27 development of any offensive odor or the attraction of insects or rodents.

28 b. Where garbage or refuse is burned on the premises, it shall be done
29 by controlled incineration that prevents the escape of particulate matter in
30 accordance with regulations of the Puget Sound Air Pollution Control Agency.
31 Areas around incineration facilities shall be clean and orderly.

32 PART 57 - INSECT, SPIDER, AND RODENT CONTROL

33 Section 10.11.571. (F.S.S.M. § 6-701) Insect, Spider, and Rodent Control -

1 General. Effective measures intended to minimize the presence of rodents,
2 spiders, flies, cockroaches, and other insects on the premises shall be
3 utilized. The premises shall be kept in such condition as to prevent the
4 harboring or feeding of insects, spiders, or rodents.

5 Section 10.11.572. (F.S.S.M. § 6-702) Insect, Spider, and Rodent Control -
6 Openings. Openings to the outside of a food-service establishment shall be
7 effectively protected against the entrance of rodents. Outside openings shall
8 be protected against the entrance of insects and spiders by tight-fitting,
9 self-closing doors, closed windows, screening, controlled air currents, or
10 other means. Screen doors shall be self-closing, and screens for windows,
11 skylights, transoms, intake and exhaust air ducts, and other openings to the
12 outside shall be tight-fitting and free of breaks. Screening material shall
13 not be less than sixteen (16) mesh to the inch.

14 (PARTS 58-60 RESERVED)

15 PART 61 - FLOORS

16 Section 10.11.611. (F.S.S.M. § 7-101) Floors - Construction. Floors and
17 floor coverings of all food preparation, food storage, and utensil-
18 washing areas, and the floors of all walk-in refrigerating units, dressing
19 rooms, locker rooms, toilet rooms, and vestibules shall be constructed of
20 smooth durable material such as sealed concrete, terrazzo, ceramic tile,
21 durable grades of linoleum or plastic, or tight wood impregnated with plastic,
22 and such floor covering materials shall be maintained in good repair at all
23 times. Nothing in this section shall prohibit the use of antislip floor
24 covering in areas where necessary for safety reasons.

25 Section 10.11.612. (F.S.S.M. § 7-102) Floors - Carpeting. Carpeting, if
26 used as a floor covering, shall be of closely woven construction, properly
27 installed, easily cleanable, and maintained in good repair. Carpeting is
28 prohibited in food preparation, equipment-washing and utensil-washing areas
29 where it is likely to be exposed to large amounts of grease and water, in food
30 storage areas, and toilet room areas where urinals or toilet fixtures are
31 located.

32 Section 10.11.613. (F.S.S.M. § 7-103) Floors - Prohibited Coverings.
33 The use of sawdust, wood shavings, peanut hulls, or similar material as a

1 floor covering is prohibited.

2 Section 10.11.614. (F.S.S.M. § 7-104) Floors - Drains. Properly
3 installed, trapped floor drains shall be provided in floors that are
4 water-flushed for cleaning or that receive discharges of water or other liquid
5 waste from equipment, or in areas where pressure spray methods for cleaning
6 equipment are used. Any floor having a floor drain shall be constructed only
7 of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be
8 graded to drain.

9 Section 10.11.615. (F.S.S.M. § 7-105) Floors - Mats and Duckboards.
10 Mats and duckboards shall be of nonabsorbent, grease resistant materials and
11 of such size, design, and construction as to facilitate their being easily
12 cleaned. Duckboards shall not be used as storage racks.

13 Section 10.11.616. (F.S.S.M. § 7-106) Floors - Junctures. In all new or
14 extensively remodeled establishments utilizing concrete, terrazzo, ceramic
15 tile or similar flooring materials, and where water-flush cleaning methods are
16 used, the junctures between walls and floors shall be coved and sealed. Such
17 coving to extend a minimum of six (6) inches above the floor level. In all
18 other cases, the juncture between walls and floors shall not present an open
19 seam of more than one-thirty secondth ($1/32$) of an inch.

20 Section 10.11.617. (F.S.S.M. § 7-107) Floors - Utility Line
21 Installation. Exposed utility service lines and pipes shall be installed in a
22 way that does not obstruct or prevent cleaning of the floor. In all new or
23 extensively remodeled establishments, installation of exposed horizontal
24 utility lines and pipes on the floor is prohibited.

25 PART 62 - WALLS AND CEILINGS

26 Section 10.11.621 (F.S.S.M. § 7-201) Walls and Ceilings - Maintenance.
27 Walls and ceilings, including doors, windows, skylights and similar closures
28 shall be maintained in good repair.

29 Section 10.11.622 (F.S.S.M. § 7-202) Walls and Ceilings - Construction.
30 The walls, including nonsupporting partitions, wall coverings and ceilings of
31 walk-in refrigerating units, food preparation areas, equipment-washing and
32 utensil-washing areas, toilet room and vestibules shall be smooth,
33 nonabsorbent, and easily cleanable. Concrete or pumice blocks used for

1 interior wall construction in these locations shall be finished and sealed to
2 provide an easily cleanable surface.

3 Section 10.11.623. (F.S.S.M. § 7-203) Walls and Ceilings - Exposed
4 Construction. Studs, joists, and rafters shall not be exposed in walk-in
5 refrigerating units, food preparation areas, equipment-washing and
6 utensil-washing areas, toilet rooms, or vestibules. If exposed in other
7 rooms or areas, they shall be finished to provide an easily cleanable
8 surface.

9 Section 10.11.624. (F.S.S.M. § 7-204) Walls and Ceilings - Utility Line
10 Installation. Exposed utility service lines and pipes shall be installed in
11 a way that does not obstruct or prevent cleaning of the walls and ceilings.
12 Utility service lines and pipes shall not be exposed on walls or ceilings in
13 walk-in refrigerating units, food preparation areas, equipment-washing and
14 utensil-washing areas, toilet rooms or vestibules.

15 Section 10.11.625. (F.S.S.M. § 7-205) Walls and Ceilings - Attachments.
16 Light fixtures, vent covers, wall-mounted fans, decorative materials, and
17 similar equipment attached to walls and ceilings shall be easily cleanable
18 and shall be maintained in good repair. Plants and hanging baskets shall not
19 be allowed in the food preparation or storage area.

20 Section 10.11.626. (F.S.S.M. § 7-206) Walls and Ceilings - Covering
21 Material Installation. Wall and ceiling covering materials shall be attached
22 and sealed so as to be easily cleanable.

23 PART 63 - PREMISES CLEANING

24 Section 10.11.631. (F.S.S.M. § 7-301) Cleaning and Operations -
25 General. Cleaning of floors and walls, except emergency cleaning of floors,
26 shall be done during periods when the least amount of food is exposed, such
27 as after closing or between meals. Floors, mats, duckboards, walls,
28 ceilings, and attached equipment and decorative materials shall be kept
29 clean. Only dustless methods of cleaning floors and walls shall be used,
30 such as vacuum cleaning, wet cleaning, or the use of dust-arresting sweeping
31 compounds with brooms.

32 Section 10.11.632. (F.S.S. 7-302) Cleaning Operations - Utility
33 Sinks. Utility sinks adequate for mopping and other similar cleaning

1 operations shall be provided in all food-service establishments except
2 produce stands. The use of lavatories, utensil-washing or equipment washing,
3 or food preparation sinks for this purpose is prohibited.

4 Section 10.11.633. (F.S.S.M. § 7-805) Cleaning Operations - Cleaning
5 Equipment Storage. Maintenance and cleaning tools such as brooms, mops,
6 vacuum cleaners, and similar equipment shall be maintained and stored in a
7 way that does not contaminate food, utensils, equipment, or linens and such
8 tools shall be stored in an orderly manner.

9 PART 64 - LIGHTING

10 Section 10.11.641. (F.S.S.M. § 7-401) Lighting - General.

11 a. Permanently fixed artificial light sources shall be installed to
12 provide at least twenty (20) foot candles of light on all food preparation
13 surfaces and at equipment or utensil-washing work levels.

14 b. Permanently fixed artificial light sources shall be installed to
15 provide, at a distance of thirty (30) inches from the floor:

- 16 (1) At least twenty (20) foot candles of light in utensil and
17 equipment storage areas and in lavatory and toilet areas; and
18 (2) At least ten (10) foot candles of light in dining areas during
19 cleaning operations, and in all other areas including walk-in
20 refrigerating units and dry food storage areas.

21 Section 10.11.642. (F.S.S.M. § 7-402) Lighting - Protective Shielding.

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

26 b. Infrared or other heat lamps shall be protected against breakage by a
27 shield surrounding and extending beyond the bulb, leaving only the face of the
28 bulb exposed.

29 PART 65 - VENTILATION

30 Section 10.11.651. (F.S.S.M. § 7-501) Ventilation - General. All rooms
31 shall have sufficient ventilation to keep them free of excessive heat, steam,
32 condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems
33 shall be installed and operated according to the Seattle Mechanical Code

1 (Ordinance 106166 - Seattle Municipal Code Title 22, Subtitle IV), as now or
2 hereafter amended or succeeded.

3 Section 10.11.652. (F.S.S.M. § 7-502) Ventilation - Special.

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

6 b. In all food-service establishments constructed, or in which the food
7 preparation area is extensively remodeled, after the effective date of this
8 ordinance, all rooms from which obnoxious odors, vapors or fumes originate
9 shall be mechanically vented to the outside.

10 PART 66 - DRESSING ROOMS AND AREAS

11 Section 10.11.661. (F.S.S.M. § 7-601) Dressing Rooms and Areas -
12 General. If food-service establishment personnel routinely change clothes
13 within the establishment, rooms or areas shall be designated and used for that
14 purpose and shall not be used for food preparation, storage, or service, or
15 for utensil washing or storage.

16 Section 10.11.662. (F.S.S.M. § 7-602) Dressing Rooms and Areas -
17 Lockers. Enough lockers or other suitable facilities shall be provided and
18 used for the orderly storage of the clothing and other belongings of
19 food-service establishment personnel. Lockers or other suitable facilities
20 may be located only in the designated dressing rooms or in food storage rooms
21 or areas containing only completely packaged food or packaged single-service
22 articles.

23 PART 67 - POISONOUS MATERIALS

24 Section 10.11.671. (F.S.S.M. § 7-701) Poisonous Material - Permitted.
25 There shall be present in food-service establishments only those poisonous
26 materials necessary for maintaining the establishments, cleaning and
27 sanitizing equipment and utensils, and controlling insects and rodents.

28 Section 10.11.672. (F.S.S.M. § 7-702) Poisonous Material - Container
29 Labeling. Containers of poisonous material shall be prominently and
30 distinctly labeled according to law for easy identification of contents.

31 Section 10.11.673. (F.S.S.M. § 7-703) Poisonous Material - Storage. All
32 poisonous material shall be stored in cabinets or in a similar physically
33 separate place used for no other purpose. To preclude contamination,

1 poisonous material shall not be stored above or adjacent to food, food
2 equipment, utensils or single-service articles, except that this requirement
3 does not prohibit the convenient availability of detergents or sanitizers at
4 utensil or dishwashing stations.

5 Section 10.11.674. (F.S.S.M. § 7-704) Poisonous Material - Use.

6 a. Bactericides, cleaning compounds, or other compounds intended for use
7 on food-contact surfaces shall not be used in a way that leaves a toxic
8 residue on such surfaces or that constitutes a hazard to people.

9 b. Poisonous material shall not be used in a way that contaminates food,
10 equipment, or utensils, or in a way that constitutes a hazard to people, or in
11 a way other than in full compliance with the manufacturer's labeling.

12 PART 68 - PERSONAL HEALTH AIDS

13 Section 10.11.681. (F.S.S.M. § 7-705 and 706) Personal Medications and
14 First Aid Supplies. Personal medications shall not be stored in food storage,
15 preparation or service areas. First-aid supplies shall be stored in a way
16 that prevents them from contaminating food and food-contact surfaces.

17 PART 69 - GENERAL PREMISES

18 Section 10.11.691. (F.S.S.M. § 7-801) Premises - General.

19 a. Food-service establishments and all parts of the premises used in
20 connection with their operations shall be kept free of litter.

21 b. The walking and driving surfaces of all exterior areas of
22 food-service establishments shall be surfaced with concrete or asphalt, or
23 with gravel or similar material effectively treated to facilitate maintenance
24 and minimize dust. These surfaces shall be graded to prevent pooling of water
25 and other liquids and shall be kept free of litter.

26 c. The traffic of unnecessary persons through the food-preparation and
27 utensil-washing areas is prohibited.

28 Section 10.11.692. (F.S.S.M. § 7-802) Premises - Living Areas. No
29 operation of a food-service establishment shall be conducted in any room used
30 as living or sleeping quarters. Food service operations shall be separated
31 from any living or sleeping quarters by complete partitioning and solid,
32 self-closing doors.

1 Section 10.11.693. (F.S.S.M. § 7-803) Premises - Laundry Facilities.

2 a. Linens, cloths, uniforms and aprons used in connection with food
3 preparation or service and cleaned on the premises of a food-service
4 establishment shall be cleaned in equipment used only for the cleaning of such
5 items. Drying shall be done by an electric or gas dryer.

6 b. Laundry facilities and operations shall be separated from any
7 food-service operation; Provided that laundry operations may be conducted in
8 storage rooms containing only packaged foods or packaged single-service
9 articles.

10 Section 10.11.694. (F.S.S.M. § 7-804) Premises - Linens and Clothes
11 Storage.

12 a. Clean clothes and linens shall be stored in a clean place and
13 protected from contamination until used.

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

16 Section 10.11.695. (F.S.S.M. § 7-806) Premises - Animals. Live animals,
17 including birds and turtles, shall be excluded from within the food-service
18 operational premises; Provided that this exclusion does not apply to edible
19 fish, crustacea, shellfish, or to fish in aquariums; and Provided, further,
20 that patrol dogs accompanying security or police officers, or guide dogs
21 accompanying blind or deaf persons, shall be permitted in dining areas.

22 (PART 70 RESERVED)

23 PART 71 - MOBILE FOOD SERVICE

24 Section 10.11.711. (F.S.S.M. § 8-101) Mobile Food Service - General.
25 Mobile food-service units shall comply with the requirements of this
26 Ordinance, except as otherwise provided in this section and in Section
27 10.11.712. hereof. The health officer may impose additional requirements to
28 protect against health hazards related to the conduct of the food-service
29 establishment as a mobile operation, may prohibit the sale of some or all
30 potentially hazardous food, and when, in his/her opinion, a health hazard is
31 not likely to result, may waive or modify requirements of this Ordinance
32 relating to physical facilities.

33 Section 10.11.712. (F.S.S.M. § 8-102) Restricted - Mobile Food Vehicles

1 Exemption from Requirements. Mobile food-service units serving only food
2 prepared, packaged in individual servings, transported and stored under
3 conditions meeting the requirements of this Ordinance, or beverages that are
4 not potentially hazardous and are dispensed from covered urns or other
5 protected equipment, need not comply with requirements of this Ordinance
6 pertaining to the cleaning and sanitization of equipment and utensils if the
7 required equipment for cleaning and sanitization exists at the commissary, and
8 the equipment and utensils of such mobile food units are cleaned and sanitized
9 regularly, nor with requirements of this Ordinance pertaining to the necessity
10 of water and sewage systems. Notwithstanding any other provision hereof,
11 frankfurters may be prepared and served from these units.

12 Section 10.11.713. (F.S.S.M. § 8-103) Mobile Food Service - Single-
13 Service Articles. Mobile food-service units or pushcarts shall provide only
14 single-service articles for use by the consumer.

15 Section 10.11.714. (F.S.S.M. § 8-104) Mobile Food Service - Water
16 System. A mobile food unit requiring a water system shall have a potable
17 water system under pressure and of sufficient capacity to furnish enough hot
18 and cold water for food preparation, utensil cleaning and sanitizing, and
19 handwashing, in accordance with the requirements of this Ordinance. The water
20 inlet shall be located so that it will not be contaminated by waste discharge,
21 road dust, oil, or grease; and it shall be kept capped unless being filled.
22 The water inlet shall be provided with a transition connection of a size or
23 type that will prevent its use for any other service. All water distribution
24 pipes or tubing shall be constructed and installed in accordance with the
25 requirements of this Ordinance.

26 Section 10.11.715. (F.S.S.M. § 8-105) Mobile Food Service - Waste
27 Retention. All liquid waste resulting from the operation of a mobile
28 food-service unit shall be stored in a permanently installed retention tank
29 having a capacity at least fifteen percent (15%) larger than that of the water
30 supply tank. Liquid waste shall not be discharged from the retention tank
31 when the mobile food-service unit is in motion. All connections on the
32 vehicle for servicing mobile food-service unit waste disposal facilities shall
33 be of a different size or type than those used for supplying potable water to

1 the mobile food-service unit. The waste connection shall be located lower
2 than the water inlet connection to preclude contamination of the potable water
3 system.

4 Section 10.11.716. (F.S.S.M. § 8-201) Mobile Food Service - Base of
5 Operations. Mobile food-service units shall operate from a commissary or
6 other fixed food-service establishment.

7 Section 10.11.717. (F.S.S.M. § 8-301) Mobile Food Service - Servicing
8 Area.

9 a. A mobile food-service unit servicing area shall be provided and shall
10 include at least overhead protection for any supplying, cleaning, or servicing
11 operation. Within this servicing area, there shall be a location provided for
12 the flushing and drainage of liquid wastes separate from the location provided
13 for water servicing and for loading and unloading of food and related supplies.
14 Such separate servicing area is not required where only packaged food is placed
15 on the mobile food-service unit or where mobile food units do not contain waste
16 retention tanks.

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

20 c. The construction of the walls and ceilings of the servicing area is
21 exempt from the provisions of Sections 10.11.621 through -.626 of this
22 Ordinance.

23 Section 10.11.718. (F.S.S.M. § 8-302) Mobile Food Service - Servicing
24 Operations.

25 a. Potable water servicing equipment shall be installed according to law
26 and shall be stored and handled in a way that protects the water and equipment
27 from contamination.

28 b. The mobile food-service unit liquid waste retention tank, where used,
29 shall be thoroughly flushed and drained during the servicing operation. All
30 liquid waste shall be discharged to a sanitary sewerage disposal system in
31 accordance with Section 10.11.521. of this Ordinance.

(PARTS 72-80 RESERVED)

PART 81 - TEMPORARY FOOD-SERVICE ESTABLISHMENTS

1
2
3 Section 10.11.811. (F.S.S.M. § 9-101) Temporary Food-Service
4 Establishments - General. A temporary food-service establishment shall comply
5 with the requirements of this Ordinance, except as otherwise provided in this
6 part. The health officer may impose additional requirements to protect
7 against health hazards related to the conduct of the temporary food-service
8 establishment, may prohibit the sale of some or all potentially hazardous
9 foods, and may waive or modify requirements of this Ordinance when, in his/her
10 opinion, a health hazard is not likely to result from such waiver or
11 modification.

12 Section 10.11.812. (F.S.S.M. § 9-102) Temporary Food-Service
13 Establishments - Restricted Operations. Only those potentially hazardous
14 foods requiring limited preparation, such as hamburgers and frankfurters that
15 only require seasoning and cooking, shall be prepared or served. The
16 preparation or service of other potentially hazardous foods, including
17 pastries filled with cream or synthetic cream, custards, and similar products,
18 and salads or sandwiches containing meat, poultry, eggs or aquatic foods is
19 prohibited. This prohibition does not apply to any potentially hazardous food
20 that has been prepared and packaged under conditions meeting the requirements
21 of this Ordinance, is obtained in individual servings, is stored at a
22 temperature of forty-five degrees Fahrenheit (45° F.) (seven degrees Celsius
23 7°C.) or below or at a temperature of one hundred forty degrees Fahrenheit
24 (140° F.) (fifty-six degrees Celsius 56°C.) or above in facilities meeting
25 the requirements of this Ordinance, and is served directly in the unopened
26 container in which it was packaged.

27 Section 10.11.813. (F.S.S.M. § 9-103) Temporary Food-Service
28 Establishments - Ice. Ice that is consumed or that contacts food shall be
29 made under conditions meeting the requirements of this Ordinance. The ice
30 shall be obtained only in chipped, crushed, or cubed form and in single-use
31 safe plastic or wet-strength paper bags filled and sealed at the point of
32 manufacture. The ice shall be held in these bags until it is dispensed in a
33 way that protects it from contamination.

1 Section 10.11.814. (F.S.S.M. § 9-104) Temporary Food-Service
2 Establishments - Equipment.

3 a. Equipment shall be located and installed in a way that prevents food
4 contamination and that also facilitates cleaning the establishment.

5 b. Food-contact surfaces of equipment shall be protected from
6 contamination. Effective shields for such equipment shall be provided, as
7 necessary, to prevent contamination.

8 Section 10.11.815. (F.S.S.M. § 9-105) Temporary Food-Service
9 Establishments - Single-service Articles. All temporary food-service
10 establishments without effective facilities for cleaning and sanitizing
11 tableware shall provide only single-service articles for use by the consumer.

12 Section 10.11.816. (F.S.S.M. § 9-106) Temporary Food-Service
13 Establishments - Water. Enough potable water shall be available in the
14 establishment for food preparation, for cleaning and sanitizing utensils and
15 equipment, and for handwashing. A heating facility capable of producing
16 enough hot water for these purposes shall be provided on the premises.

17 Section 10.11.817. (F.S.S.M. § 9-107) Temporary Food-Service
18 Establishments - Wet Storage. Storage of packaged food in contact with water
19 or undrained ice is prohibited. Wrapped sandwiches shall not be stored in
20 direct contact with ice.

21 Section 10.11.818. (F.S.S.M. § 9-108) Temporary Food-Service
22 Establishments - Handwashing. A convenient handwashing facility shall be
23 available for handwashing by food-service establishment personnel. This
24 facility shall consist of at least warm running water, soap, and individual
25 paper towels.

26 Section 10.11.819. (F.S.S.M. § 9-110) Temporary Food-Service
27 Establishments - Floors. Floors shall be constructed of concrete, asphalt,
28 tight wood, or other similar cleanable material kept in good repair. Dirt or
29 gravel, when graded to drain, may be used as subflooring when covered with
30 clean, removable platforms or duckboards, or covered with wood chips, shavings
31 or other suitable materials effectively treated to control dust.

32 Section 10.11.820. (F.S.S.M. § 9-111) Temporary Food-Service
33 Establishments - Walls and Ceilings of Food Preparation Areas.

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

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

12 (PARTS 82-89 RESERVED)

13 PART 90 - WAIVER

14 Section 10.11.901. Waiver. When the health officer finds, following
15 receipt of a permittee's written petition, including such evidence as the
16 health officer may require, that in the health officer's opinion, a health
17 hazard is unlikely to result, he/she may waive or modify the requirements of
18 this Ordinance relating to physical facilities, including requirements set
19 forth in parts 51 through 66 of this Ordinance.

20 PART 91 - PERMITS

21 Section 10.11.911. (F.S.S.M. § 10-101 and 102) Permits - Application for,
22 Issuance, Display, and Effective Periods.

23 a. It shall be unlawful for any person to operate a food-service
24 establishment, including the conduct of a food demonstration, without a valid
25 permit therefor issued to such person by the health officer. Permits shall
26 not be transferable and shall be valid only for the person and place for which
27 it has been issued. Each such permit shall be posted conspicuously in the
28 food-service establishment for which it has been issued.

29 b. Any person desiring to operate a food-service establishment, shall
30 submit a written application to the Department, on a form to be provided by
31 the health officer, for a permit for such operation. Such application shall
32 include the applicant's full name, post office address, and the signature of
33 an authorized representative of the applicant; shall disclose whether such

1 applicant is an individual, firm, or corporation, and, if a partnership, the
2 names and addresses of the partners; the location and type of the proposed
3 food-service establishment; and shall be accompanied by the permit fee amount
4 described in Section 10.11.912. hereof. If the application is for a seasonal
5 or temporary food-service establishment, it shall also include the inclusive
6 dates of the proposed operation.

7 c. When inspection reveals that the applicable requirements of this
8 Ordinance and directives of the health officer have been met and the
9 applicable permit fee has been paid, a permit shall be issued to the applicant
10 by the health officer.

11 d. Temporary and seasonal food-service establishment permits shall be
12 issued for the periods of time specified by the applicant therefor, except
13 that in no case shall a temporary food-service establishment permit be valid
14 for more than fourteen (14) consecutive days, and a seasonal food-service
15 establishment permit be valid for more than six (6) consecutive months.

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

19 f. All permits issued pursuant to this Ordinance shall expire on the
20 March 31st next following the date of issuance. Notwithstanding any other
21 provision hereof to the contrary, all temporary and seasonal permits issued
22 pursuant to this Ordinance shall expire on the date set forth on the face of
23 such permit.

24 g. Where, from such evidence as he/she may require, the health officer
25 finds that the name of an establishment has changed after a permit has been
26 issued for the same, but there has been no change in ownership, location, or
27 type of operation, he/she may issue a permit to the permittee in the new
28 establishment name upon payment of Two Dollars (\$2.00).

29 Section 10.11.912. Permits - Fees.

30 a. The permit fees for the food-service establishments subject to the
31 fee requirements of this Ordinance shall be the annual fees set forth below
32 and, with respect to temporary food-service establishments, the periodic fee
33 set forth below:

CLASS CODE	TYPE OF FOOD-SERVICE ESTABLISHMENT	FEE
1.	a. Restaurants	
1	(1) Seating Capacity 1-10	\$ 30.00
2	(2) Seating Capacity 11-25	\$ 40.00
3	(3) Seating Capacity 26-55	\$ 70.00
4	(4) Seating Capacity 56-90	\$125.00
5	(5) Seating Capacity 91-130	\$165.00
6	(6) Seating Capacity 131-175	\$200.00
7	(7) Seating Capacity 176-225	\$240.00
8	(8) Seating Capacity 226-275	\$280.00
9	(9) Seating Capacity Over 275	\$320.00
10	1. b. Caterers	
11	(1) If part of another food-service establishment	\$ 45.00
12	(2) If not part of another food-service establishment	\$150.00
13	1. c. Food-Processing Establishments	\$140.00
14	1. d. Snack Bars	
15	(1) No food preparation	\$ 95.00
16	(2) Food preparation	\$140.00
17	1. e. Mobile Food-Service Units	
18	(1) Mobile Food Cart - Each Location	\$ 40.00
19	(2) Mobile Caterer - First Vehicle	\$140.00
20	Each Additional Vehicle	\$ 45.00
21	(3) Restricted Mobile Food Vehicle - Each Location	\$ 90.00
22	(4) Unrestricted Mobile Food Vehicle - Each Location	\$160.00
23	1. f. Temporary Food Service Establishment	\$ 45.00
24	1. g. Food Demonstrator	\$140.00
25	1. h. Taverns (no food preparation)	\$ 95.00
26	2. a. Grocery Stores	
27	(1) 1 to 3 checkout devices	\$ 40.00
28	(2) 4 to 8 checkout devices	\$ 80.00
29	(3) Over 8 checkout devices	\$120.00
30	2. b. Limited Grocery Stores	\$ 45.00
31	2. c. Produce Stand	\$ 90.00
32	3. Retail Bakery	\$140.00

Provided, that if the application pertains to a seasonal food-service establishment or a food-service establishment that is to be operated only after October 1, in any year, the applicable permit fee shall be one-half the annual fee specified above; Provided further, that in the event the applicable annual permit fee is not paid prior to the tenth (10th) day after the date due, or the applicable seasonal permit fee is not paid prior to the fifth (5th) day after the date due, the food-service establishment operator subject to such fee shall be deemed to be delinquent, and subject to the surcharge provided for in Section 10.11.912. c.

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

4 c. Every food-service establishment operator who is delinquent in the
5 payment of any applicable permit fee shall be subject to a surcharge equal to
6 one-quarter (1/4) of the amount of the applicable permit fee, to pay for the
7 additional Departmental administrative procedures occasioned by such
8 delinquency.

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

11 (1) Only the number of seats used for serving customers shall be
12 counted; seating used solely for customer waiting shall not be
13 counted.

14 (2) Any restaurant comprised of more than one type of operation,
15 such as a coffee shop and cocktail lounge, may, at the option of
16 the permittee, have its seating capacity computed as if the
17 restaurant were only a single operation.

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

22 e. Fees for inspection service requested by the food-service
23 establishment management to be performed outside regular departmental working
24 hours will be charged for at a rate equal to the cost of performing the
25 service.

26 f. The Health Officer is also authorized to charge such fees as he/she
27 may deem necessary for the furnishing of special services or materials
28 requested by the public that are not ordinarily provided under permit or
29 pursuant to statute. Such services and materials to be furnished may include
30 but are not limited to the following:

31 (1) Reproduction of records and documents.

32 (2) Special food-service establishment examination.

33 (3) Examination, testing, or inspection of particular products,

1 materials, construction, equipment or appliances to determine their
2 compliance with the provision of this Ordinance or their
3 acceptability for use.

4 The Health Officer or his/her authorized representative shall have full
5 authority to specify the terms and conditions upon which such services and
6 materials shall be made available, consistent with any applicable statutes and
7 ordinances; Provided, that any fees imposed pursuant to this authorization
8 shall be reasonably equivalent to the City cost for furnishing said services
9 and materials.

10 g. Whenever payment of any fee imposed by this Ordinance is made by a
11 check that is not honored by the drawee bank, any permit issued pursuant to
12 payment by that check is void from the date of permit issuance. The permit
13 may be reissued upon payment by certified check, money order, or cash of the
14 original amount, plus an administrative charge of Ten Dollars (\$10.00).

15 Section 10.11.913. Permits - Permit and Permit Fee Exemptions.

16 a. Every person who operates a public, private, or parochial school
17 lunchroom shall obtain a permit therefor from the health officer but shall be
18 exempt from the fee provisions of this Ordinance.

19 b. Every religious, charitable, community service or educational
20 organization or institution operating a food-service establishment shall
21 obtain a permit therefor from the health officer, but shall be exempt from the
22 fee provisions of this Ordinance unless such food-service establishment, more
23 than five (5) times per year, provides food to nonmembers of such organization
24 or institution for a charge.

25 c. The health officer shall not require a permit fee from any blind
26 person for the operation of a vending facility under the supervision of the
27 Washington State Commission for the Blind. The term "vending facility" as
28 used in this subsection means any vending stand, facility, cafeteria, or snack
29 bar at which food, tobacco or sundries are offered for sale. The term "blind
30 person" as used in this subsection shall have the meaning set forth in
31 RCW 74.17.010.

32 d. Food-service establishments that sell or offer for sale only coffee,
33 tea, nonpotentially hazardous nonalcoholic beverages, popcorn and prepackaged

1 candy, chewing gum, nut meats, potato chips, and pretzels shall be exempt from
2 the provisions of this Ordinance. The health officer, by rule, may authorize
3 the sale of other nonpotentially hazardous foods to be likewise exempt from
4 the provisions of this Ordinance.

5 e. The sale of wrapped prepackaged ice cream, ice cream bars, or frozen
6 confections shall not require a permit where such products are prepared,
7 manufactured, wrapped or packaged, and frozen in a facility operating under
8 permit from the Department, the Washington State Department of Agriculture -
9 the United States Department of Health and Human Services - Public Health
10 Service - Food and Drug Administration, or another official agency acceptable
11 to the health officer, and where such products remain packaged and frozen in
12 an unaltered state until being sold.

13 Section 10.11.914. (F.S.S.M. § 10-103) Permits - Suspension.

14 a. The health officer may, without warning, notice, or hearing suspend
15 any permit to operate a food-service establishment if the permittee does not
16 comply with the requirements of this Ordinance, or the lawful directives of
17 the health officer, or if the operation of the establishment is not in
18 compliance with the requirements of this Ordinance, or if violations of this
19 Ordinance have not been corrected within the time specified in an inspection
20 report; Provided, that the health officer shall suspend the permit of a
21 food-service establishment whenever he finds that the operation of such
22 food-service establishment constitutes a substantial hazard to public health
23 or whenever the rating score of such food-service establishment is found upon
24 inspection to be less than 70 points on the form established pursuant to
25 § 10.11.923. Suspension is effective upon service of the notice required by
26 Subsection 10.11.914 b. of this Ordinance. When a permit is suspended, food
27 service operations shall immediately cease.

28 b. Whenever a permit is suspended, the permittee shall be notified, in
29 writing, that upon service of the notice on the permittee or the person in
30 charge, the permit is immediately suspended and that an opportunity for a
31 hearing on the validity of the suspension will be provided if a written
32 request for hearing is filed with the health officer by the permittee within
33 ten (10) days after the suspension. The filing of a written request for

1 hearing shall not stay the effectiveness of the suspension.

2 Section 10.11.915. (F.S.S.M. § 10-104) Permits - Revocation.

3 a. The health officer, after providing the permittee an opportunity for
4 a hearing, may revoke a permit for serious or repeated violations of any of
5 the requirements of this Ordinance or for interference with the health officer
6 in the performance of duty.

7 b. Prior to any such revocation, the health officer shall notify, in
8 writing, the permittee of the specific reason(s) for which the permit is to be
9 revoked and that the permit shall be revoked at the end of the tenth (10th)
10 day following service of such notice unless a written request for hearing is
11 filed with the health officer by the permittee within ten (10) days after the
12 date of service, in which case the revocation shall be stayed until the
13 issuance of a final decision following the hearing.

14 Section 10.11.916. Permits - Reinstatement After Suspension. Any person
15 whose permit has been suspended may, at any time, submit to the Department a
16 written application for an inspection for the purpose of reinstatement of a
17 suspended permit, which application shall include a statement signed by the
18 applicant that, in his opinion, the conditions causing suspension of the
19 permit have been corrected. Within ten (10) days following the Department's
20 receipt of such an application, the health officer shall inspect the premises
21 to be used as a food-service establishment. In the event the applicant and
22 such premises are in compliance with the requirements of this Ordinance, and
23 when timely, the applicable permit fee has been paid, the permit shall be
24 reinstated.

25 Section 10.11.917. (F.S.S.M. § 10-107) Permits - Application after
26 Revocation. Whenever a permit has been revoked, the previous permittee may
27 make written application for a new permit.

28 PART 92 - INSPECTIONS

29 Section 10.11.921. (F.S.S.M. § 10-201) Inspections - Frequency. An
30 inspection of a food-service establishment may be performed by the health
31 officer as often as such officer deems necessary. The health officer shall
32 inspect every food-service establishment prior to issuing a permit therefor
33 whenever the operation thereof is delinquent in the payment of any applicable

1 permit fee.

2 Section 10.11.922. (F.S.S.M. § 10-202) Inspections - Access. Every
3 person operating a food-service establishment shall permit the health officer,
4 after proper identification, to enter the food-service establishment during
5 its normal business hours for the purpose of making inspections to determine
6 compliance with this Ordinance; and shall permit the health officer to examine
7 the records of the establishment to obtain information pertaining to food and
8 supplies purchased, received, or used.

9 Section 10.11.923. (F.S.S.M. § 10-203) Inspections - Report.

10 a. Whenever an inspection of a food-service establishment is made, the
11 findings shall be recorded on the inspection report form prepared by the
12 health officer.

13 b. The inspection report form shall summarize the requirements of this
14 Ordinance and shall set forth a weighted point value for each requirement as
15 specified on FDA form FD 2420, of the U.S. Department of Health and Human
16 Services, Food and Drug Administration. Inspectional remarks shall be written
17 to reference, by part number, the section of this Ordinance violated, and
18 shall state the date of the inspection, the correction to be made, and the
19 period of time allowed for the correction of the violations found. The
20 inspection report shall also state that failure to comply with any specified
21 time limits for corrections may result in a Department directive to cease
22 food-service operations and that an opportunity for hearing on the inspection
23 findings will be provided if a written request for a hearing is filed with the
24 health officer within ten (10) days following the date of the inspection
25 report. The rating score of the establishment shall be the total of the
26 weighted point values for all violations, subtracted from 100.

27 c. A copy of the completed inspection report form shall be furnished to
28 the person in charge of the establishment at the conclusion of the inspection.
29 The completed inspection report form is a public document that shall be made
30 available for public disclosure to any person who requests it according to
31 law.

32 Section 10.11.924. (F.S.S.M. § 10-204) Inspections - Time Allowed for
33 Correction of Violations. Correction of the violations identified in any

1 inspection report shall be accomplished within the period specified therein
2 and in accordance with the following provisions:

3 a. All 1- or 2-point items shall be corrected as soon as possible, but
4 in any event, by the time of the next routine inspection; Provided, that when
5 a rating score of the establishment is between 70 and 85, all 1- and 2-point
6 weighted items shall be corrected within thirty (30) days.

7 b. All violations of 4- or 5-point weighted items shall be corrected as
8 soon as possible, but in any event, within ten (10) days following inspection.
9 A followup inspection may be conducted to confirm correction.

10 c. In the case of temporary food-service establishments, all violations
11 shall be corrected within a time specified by the health officer, which shall
12 not exceed twenty-four (24) hours.

13 PART 93 - EXAMINATION AND CONDEMNATION OF FOOD

14 Section 10.11.931. Examination and Condemnation of Food. Food may be
15 examined or sampled by the health officer as often as necessary for
16 enforcement of this Ordinance. The health officer, upon written notice to the
17 permittee or person in charge specifying with particularity the reasons
18 therefor, may place a hold order on any food which he/she believes is in
19 violation of any provision of this Ordinance. The health officer shall tag,
20 label, or otherwise identify any food subject to the hold order. No food
21 subject to a hold order shall be used, served, or removed from the
22 establishment except pursuant to direction of the health officer. The health
23 officer shall permit storage of the food under conditions specified in the
24 hold order, unless storage is not possible without risk to the public health,
25 in which case immediate destruction shall be ordered and accomplished. The
26 written notice of a hold order shall state that an opportunity for a hearing
27 on the validity of the hold order will be provided if a written request for
28 hearing is filed with the health officer within ten (10) days, and that if no
29 hearing is requested, the food shall be destroyed.

30 PART 94 - REVIEW OF FOOD-SERVICE ESTABLISHMENT PLANS

31 Section 10.11.941. (F.S.S.M. § 10-401) Review of Food-Service
32 Establishment Plans; Review Fee. Whenever a food-service establishment is to
33 be constructed or extensively remodeled and whenever an existing structure is

1 to be converted to use as a food service establishment, plans and
2 specifications for such construction, remodeling, or conversion shall be
3 submitted to the health officer for review and approval before any such
4 construction, remodeling or conversion is begun, together with the sum of
5 Fifty Dollars (\$50.00), which shall be the fee for such review. The plans and
6 specifications shall indicate the proposed layout, arrangement, mechanical
7 plans, and construction materials of work areas, and the type and model of
8 proposed fixed equipment and facilities. The health officer shall approve the
9 plans and specifications if they meet the requirements of this Ordinance and
10 the plans review fee has been paid; otherwise, he/she shall not. In the event
11 the health officer disapproves submitted plans and specifications, he/she
12 shall indicate the particular aspects thereof that are not in compliance with
13 the requirements of this Ordinance, and shall invite the resubmission of such
14 plans and specifications following their revision. When plans and
15 specifications that have been examined are altered and resubmitted, an
16 additional fee for the re-examination of such plans shall be assessed at the
17 rate of Forty Dollars (\$40.00) per hour. Where a duplicate set of approved
18 plans are submitted for examination and approval at any time after a permit
19 has been issued on the original approved plans, a fee shall be charged at the
20 rate of Forty Dollars (\$40.00) per hour for such examination and approval.
21 Where a complete redesign of a building is submitted after one design has been
22 examined, a new review fee shall be charged in addition to the review fee for
23 the first design. The examination of any further redesign shall be similarly
24 charged. No food service establishment shall be constructed, extensively
25 remodeled, or converted except in accordance with plans and specifications
26 approved by the health officer.

27 Section 10.11.942. (F.S.S.M. § 10-402) Pre-operational Inspection.

28 Whenever plans and specifications are required by Section 10.11.941. of this
29 Ordinance to be submitted to the health officer, the health officer may
30 inspect the food-service establishment prior to the start of operations, to
31 determine compliance with the approved plans and specifications and with the
32 requirements of this Ordinance.

33

1 hearing requestor's position(s) with respect to the matters to be heard, and
2 the administrative relief sought. Forms for such requests to be made shall be
3 provided by the health officer, but the use of such forms shall not be a
4 prerequisite for any such hearing.

5 Section 10.11.963. Administrative Proceedings - Hearings. In all cases
6 in which a hearing is requested or otherwise required in accordance with the
7 provisions of this Ordinance, the health officer shall set a date of hearing
8 either before the health officer or a Hearing Examiner in the Office of
9 Hearing Examiner, which date, unless otherwise provided herein, shall not be
10 later than fifteen (15) days after the Department's receipt of a request for a
11 hearing. Notice of the date, and a summary of the issues involved shall be
12 sent by certified mail to the permittee and to any complainant other than the
13 health officer. Such hearing shall be open to the public and shall be
14 conducted and a record kept thereof in accordance with Administrative Code of
15 The City of Seattle (Ordinance 102228, as amended). After any hearing with
16 respect to the placing of a hold order on any food or the ordering of its
17 destruction, the health officer or the Hearing Examiner may vacate the hold
18 order or may direct the permittee or person in charge to denature or destroy
19 such food or to bring it into compliance with the provisions of this
20 Ordinance.

21 PART 97 - PENALTIES

22 Section 10.11.971. (F.S.S.M. § 10-601) Penalties. Anyone convicted for
23 violating or failing to comply with any of the provisions of this Ordinance
24 shall be punished by a fine of not to exceed Three Hundred Dollars (\$300.00),
25 or by imprisonment in jail for a term not to exceed ninety (90) days, or by
26 both such fine and imprisonment; and each day that anyone shall continue to so
27 violate or fail to comply shall be considered a separate offense.

28 PART 98 - APPENDICES

29 Section 10.11.981. Adoption and Incorporation of Appendices. Appendices
30 C and D of the 1976 Food Service Sanitation Manual published by the U.S.
31 Department of Health, Education and Welfare, Public Health Service, Food and
32 Drug Administration, are hereby adopted and by this reference made part of
33 this Ordinance.

1 PART 99 - GENERAL PROVISIONS

2 Section 10.11.991. Enforcement. The Code shall be enforced and adminis-
3 tered by the Director. The Director is authorized pursuant to the Administra-
4 tive Code of the City to make rules and regulations not inconsistent with the
5 provisions of this Code for the purpose of enforcing and carrying out its
6 provisions.

7 Section 10.11.992. Construction. The provisions of this Ordinance do
8 not apply to or govern the construction of and punishment of any offense
9 committed prior to the effective date of this Ordinance or to the construction
10 and application of any defense to a prosecution for such an offense. Such an
11 offense must be construed and punished according to the provisions of law
12 existing at the time of the commission thereof in the same manner as if this
13 Ordinance had not been enacted.

14 Section 10.11.993. Severability. The provisions of this Ordinance are
15 declared to be separate and severable. The invalidity of any clause,
16 sentence, paragraph, subdivision, section, or portion of this Ordinance, or
17 the invalidity of the application thereof to any person or circumstance shall
18 not affect the validity of the remainder of this Ordinance, or the invalidity
19 of the application thereof to any person or circumstance shall not affect the
20 validity of the remainder of this Ordinance, or the validity of its
21 application to other persons or circumstances.

22 Section 2. Chapter 10.10 of the Seattle Municipal Code, as well as
23 Ordinance 92987 entitled:

24 "AN ORDINANCE relating to and regulating the storage, sale and serving of
25 foods in food-service establishments and similar facilities, requiring
26 permits, defining offenses, prescribing penalties and repealing Ordinance
74360 and other ordinances insofar as in conflict herewith,"

27 and Ordinance 99992 entitled:

28 "AN ORDINANCE amending Section 6 of Ordinance 92987 to permit leashed
29 guard dogs accompanying licensed merchant patrolman on routes in certain
areas of food-service establishments;"

30 and Ordinance 104034 entitled:

31 "AN ORDINANCE relating to and regulating the storage, sale and serving of
32 foods in food-service establishments and similar facilities, requiring
permits, establishing fees, and amending Section 8 of Ordinance 92987;"

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and Ordinance 105464 entitled:

"AN ORDINANCE amending Section 8 of Ordinance 92987 relating to and regulating the storage, sale and serving of foods in food-service establishments and similar facilities;"

and Ordinance 107837 entitled:

"AN ORDINANCE relating to the Health Department; modifying Ordinance 92987 by amending Section 8 thereof and by adding new sections 8-A and 8-B thereto, to reclassify food-service establishments and provide for the collection of permit fees therefrom;"

and Ordinance 108421 entitled:

"AN ORDINANCE relating to the Seattle-King County Public Health Department; repealing Sections 1, 8, 8-A and 8-B of Ordinance 92987, as last amended by Ordinance 107837, and adding new sections to change permit fees for certain food-service establishments, to add certain definitions, and substantially re-enact repealed sections;"

and all other sections of the Seattle Municipal Code or parts thereof and ordinances or parts of ordinances in conflict with Section 2 hereof, are repealed.

Section 3. Any act consistent with the authority and prior to the effective date of this Ordinance is ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 26th day of May, 1981, and signed by me in open session in authentication of its passage this 26th day of May, 1981.

[Signature]
President of the City Council.

Approved by me this 3rd day of June, 1981.

[Signature]
Mayor.

Filed by me this 4th day of June, 1981.

Attest: *[Signature]*
City Comptroller and City Clerk.

(SEAL)

Published.....

By *[Signature]*
Deputy Clerk.

APPENDIX C

Federal Food, Drug, and Cosmetic Act

Section 201 (s) and (t)

(s) The term "food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; except that such term does not include:

- (1) a pesticide chemical in or on a raw agricultural commodity; or
- (2) a pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity; or
- (3) a color additive; or
- (4) any substance used in accordance with a sanction or approval granted prior to September 6, 1958, pursuant to this Act, the Poultry Products Inspection Act (21 U.S.C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended (21 U.S.C. 71 and the following); or
- (5) A new animal drug.

(t)(1)

The term "color additive" means a material which—

- (A) is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and
- (B) when added or applied to a food, drug, or cosmetic, or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto; except that such term does not include any material which the Secretary, by regulation, determines is used (or intended to be used) solely for a purpose or purposes other than coloring.

- (2) The term "color" includes black, white, and intermediate grays.
- (3) Nothing in subparagraph (1) of this paragraph shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological processes of produce of the soil, and thereby affecting its color, whether before or after harvest.

Section 11-100

APPENDIX D

Section 11-101 Boiler water additives.

Boiler water additives may be safely used in the preparation of steam that will contact food, under the following conditions:

(a) The amount of additive is not in excess of that required for its functional purpose, and the amount of steam in contact with food does not exceed that required to produce the intended effect in or on the food.

(b) The compounds are prepared from substances identified in paragraphs (c) and (d) of this section, and are subject to the limitations, if any, prescribed:

(c) List of substances:

	Limitations
Acrylamide-sodium acrylate resin	Contains not more than 0.05 percent by weight of acrylamide monomer.
Ammonium alginate	
Cobalt sulfate (as catalyst)	
Lignosulfonic acid	
Monobutyl ethers of poly-ethylene-polypropylene glycol produced by random condensation of 1:1 mixture by weight of ethylene oxide and propylene oxide with butanol.	Minimum mol. wt. 1,500.
Polyethylene glycol	The additive is an addition polymer of ethylene oxide and water with a mean molecular weight of 200 to 9,500, containing no more than 0.2 percent total by weight of ethylene and diethylene glycols.
Polyoxypropylene glycol	Do.
Potassium carbonate	
Potassium tripolyphosphate	
Sodium acetate	
Sodium alginate	
Sodium aluminate	
Sodium carbonate	
Sodium carboxymethylcellulose	Contains not less than 95 percent sodium carboxymethylcellulose on a dry-weight basis, with maximum substitution of 0.9 carboxymethyl groups per anhydroglucose unit, and with a minimum viscosity of 15 centipoises for 2 percent by weight aqueous solution at 25° C; such determinations to be made by methods described in <i>Food Chemicals Codex</i> (2d Ed.) ¹¹ monograph for sodium carboxymethylcellulose.
Sodium glucoheptonate	Less than 1 part per million cyanide in the sodium glucoheptonate.
Sodium hexametaphosphate	
Sodium humate	
Sodium hydroxide	
Sodium lignosulfonate	
Sodium metasilicate	
Sodium metabisulfite	
Sodium nitrate	
Sodium phosphate (mono-di-tri-)	
Sodium polyacrylate	
Sodium polymethacrylate	
Sodium silicate	
Sodium sulfate	
Sodium sulfite (neutral or alkaline)	
Sodium tripolyphosphate	
Tannin (including quebracho extract)	
Tetrasodium EDTA	
Tetrasodium pyrophosphate	

(d) Substances used alone or in combination with substances in paragraph (c) of this section:

Cyclotrihexylamine	Not to exceed 10 parts per million in steam, and excluding use of such steam in contact with milk and milk products.
Diethylaminoethanol	Not to exceed 15 parts per million in steam, and excluding use of such steam in contact with milk and milk products.
Hydrazine	Zero in steam.
Morpholine	Not to exceed 10 parts per million in steam and excluding use of such steam in contact with milk and milk products.
Octadecylamine	Not to exceed 3 parts per million in steam and excluding use of such steam in contact with milk and milk products.
Triiodium nitritotriacetate	Not to exceed 5 parts per million in boiler feedwater; not to be used where steam will be in contact with milk and milk products.

(e) To assure safe use of the additive, in addition to the other information required by the act, the label or labeling shall bear:

(1) The common or chemical name or names of the additive or additives.

(2) Adequate directions for use to assure compliance with all the provisions of this section.

Section 11-102 Sanitizing solutions.

Sanitizing solutions may be safely used on food-processing equipment and utensils, and on the other food-contact articles as specified in this section, within the following prescribed conditions:

(a) Such sanitizing solutions are used, followed by adequate draining, before contact with food.

(b) The solutions consist of one of the following, to which may be added components generally recognized as safe and components which are permitted by prior sanction or approval.

(1) An aqueous solution containing potassium, sodium, or calcium hypochlorite, with or without the bromides of potassium, sodium, or calcium.

(2) An aqueous solution containing dichloroisocyanuric acid, trichloroisocyanuric acid, or the sodium or potassium salts of these acids, with or without the bromides of potassium, sodium, or calcium.

(3) An aqueous solution containing potassium iodide, sodium *p*-toluenesulfonchloramide, and sodium lauryl sulfate.

(4) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a cloudpoint of 90°C -100°C in 0.5 percent aqueous solution and an average molecular weight of 3,300, and ethylene glycol monobutyl ether. Additionally, the aqueous solution may contain diethylene glycol monoethyl ether as an optional ingredient.

(5) An aqueous solution containing elemental iodine, hydriodic acid, *alpha*-(*p*-nonylphenyl)-*omega*-hydroxy-poly(oxy-ethylene) (complying with the identity prescribed in SECTION 178.3400(c) and having a maximum average molecular weight of 748) and/or polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900). Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

(6) An aqueous solution containing elemental iodine, sodium iodide, sodium dioctylsulfosuccinate, and polyoxy-ethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 1,900).

(7) An aqueous solution containing dodecylbenzenesulfonic acid, polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,800). In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk.

(8) An aqueous solution containing elemental iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a minimum average molecular weight of 2,400 and *alpha*-lauryl-*omega*-hydroxypoly (oxyethylene) with an average 8 to 9 moles of ethylene oxide and an average molecular weight of 400. In addition to use on food-processing equipment and utensils, this solution may be used on beverage containers, including milk containers or equipment. Rinse water treated with this solution can be recirculated as a preliminary rinse. It is not to be used as final rinse.

(9) An aqueous solution containing *n*-alkyl (C_{12} - C_{18}) benzyl-dimethylammonium chloride compounds having average molecular weights of 351-380 and consisting principally of alkyl groups with 12-16 carbon atoms with or without not over 1 percent each of groups with 8 and 10 carbon atoms. Additionally, the aqueous solution may contain isopropyl alcohol as an optional ingredient.

(10) An aqueous solution containing trichloromelamine and either sodium lauryl sulfate or dodecylbenzenesulfonic acid. In addition to use on food-processing equipment and utensils and other food-contact articles, this solution may be used on beverage containers except milk containers or equipment.

(11) An aqueous solution containing equal amounts of *n*-alkyl (C_{12} - C_{18}) benzyl dimethyl ammonium chloride and *n*-alkyl (C_{12} - C_{18}) dimethyl ethylbenzyl ammonium chloride (having an average molecular weight of 384). In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(12) An aqueous solution containing the sodium salt of sulfonated oleic acid, polyoxyethylene-polyoxypropylene block polymers (having an average molecular weight of 2,000 and 27 to 31 moles of polyoxypropylene). In addition to use on food-processing equipment and utensils, this solution may be used on glass bottles and other glass containers intended for holding milk. All equipment, utensils, glass bottles, and other glass containers treated with this sanitizing solution shall have a drainage period of 15 minutes prior to use in contact with food.

(13) An aqueous solution containing elemental iodine and alkyl (C_{12} - C_{18}) monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloudpoint of 70°C-77°C in 1 percent aqueous solution and an average molecular weight of 807.

(14) An aqueous solution containing iodine, butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol, having a cloudpoint of 90°C-100°C in 0.5 percent aqueous solution and an average molecular weight of 3,300, and polyoxyethylene-polyoxypropylene block polymers (having a minimum average molecular weight of 2,000).

(15) An aqueous solution containing lithium hypochlorite.

(16) An aqueous solution containing equal amounts of *n*-alkyl (C_{12} - C_{18}) benzyl dimethyl ammonium chloride and *n*-alkyl (C_{12} - C_{18}) dimethyl ethylbenzyl ammonium chloride (having average molecular weight of 377 to 384), with the optional adjuvant substances tetrasodium ethylenediaminetetraacetate and/or *alpha*-(*p*-nonylphenol)-*omega*-hydroxypoly(oxyethylene) having an average poly(oxyethylene) content of 11 moles. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(17) An aqueous solution containing di-*n*-alkyl (C_8 - C_{10}) dimethyl ammonium chlorides and isopropyl alcohol, having average molecular weights of 332-361. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(18) An aqueous solution containing *n*-alkyl (C_{12} - C_{18}) benzyl-dimethyl-ammonium chloride, sodium metaborate, *alpha*-terpineol and *alpha*-(*p*-(1,1,3,3-tetramethyl-butyl)phenyl)-*omega*-hydroxy-poly(oxyethylene) produced with 1 mole of the phenol and 4 to 14 moles ethylene oxide.

(19) An aqueous solution containing sodium dichloroisocyanurate and tetrasodium ethylenediaminetetraacetate. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(c) The solutions identified in paragraph (b) will not exceed the following concentrations:

(1) Solutions identified in paragraph (b)(1) will provide not more than 200 parts per million of available halogen determined as available chlorine.

(2) Solutions identified in paragraph (b)(2) will provide not more than 100 parts per million of available halogen determined as available chlorine.

(3) Solutions identified in paragraph (b)(3) of this section will provide not more than 25 parts per million of titratable iodine. The solutions will contain the components, potassium iodide, sodium *p*-toluene-sulfonchloramide, and sodium lauryl sulfate at a level not in excess of the minimum required to produce their intended functional effect.

(4) Solutions identified in paragraphs (b)(4), (5), (6), (8), (13), and (14) of this section will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

(5) Solutions identified in paragraph (b)(7) of this section will provide not more than 400 parts per million of dodecylbenzenesulfonic acid and not more than 80 parts per million of polyoxy-ethylene-polyoxy-propylene block polymers (having a minimum average molecular weight of 2,800).

(6) Solutions identified in paragraph (b)(9) of this section shall provide when ready to use no more than 200 parts per million of the active quaternary compound.

(7) Solutions identified in paragraph (b)(10) of this section shall provide not more than sufficient trichloromelamine to produce 200 parts per million of available chlorine and either sodium lauryl sulfate at a level not in excess of the minimum required to produce its intended functional effect or not more than 400 parts per million of dodecylbenzenesulfonic acid.

(8) Solutions identified in paragraph (b)(11) of this section shall provide, when ready to use, no more than 200 parts per million of active quaternary compound.

(9) The solution identified in paragraph (b)(12) of this section shall provide not more than 200 parts per million of sulfonated oleic acid, sodium salt.

(10) Solutions identified in paragraph (b)(15) of this section will provide not more than 200 parts per million of available chlorine and not more than 30 ppm lithium.

shall provide not more than 200 parts per million of active quaternary compound.

(12) Solutions identified in paragraph (b)(17) of this section shall provide, when ready to use, a level of 150 parts per million of the active quaternary compound.

(13) Solution identified in paragraph (b)(18) of this section shall provide not more than 200 parts per million of active quaternary compound and not more than 66 parts per million of *alpha*-(*p*-(1,1,3,3-tetramethylbutyl)phenyl)-*omega*-hydroxypoly(oxyethylene).

(14) Solutions identified in paragraph (b)(19) of this section shall provide, when ready to use, a level of 100 parts per million of available chlorine.

(d) Sanitizing agents for use in accordance with this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.



Seattle-King County / **DEPARTMENT OF PUBLIC HEALTH**
400 Yesler Way Seattle, Washington 98104 (206) 625-2161

REC'D OMB APR 14 1981

April 13, 1981

802370

JESSE W. TAPP, M.D., M.P.H.
Director of Public Health

The Honorable Paul Kraabel, President
Seattle City Council

Dear Mr. Kraabel:

The Department of Public Health recommends the adoption of the enclosed draft legislation to adopt a new food code for the City of Seattle.

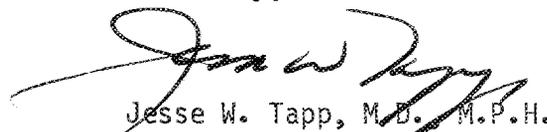
The proposed ordinance updates the current food code to reflect such new technical advances as microwave ovens and non-dairy products. The major change from the old code to the new is the adoption of a new inspection form. Currently restaurants receive demerits for violations of the code. Under the new system establishments would receive merit points for doing things properly. In addition, many of the individual items on the current inspection sheet have been consolidated.

There are two permit fee changes that will have a limited financial impact on the department. Firstly, the fee for temporary food service is proposed to be reduced from \$95.00 to \$45.00. Analysis of the cost of servicing these permits showed that \$45.00 is adequate. The major reason for the reduction in cost is the increased number of temporary establishments at any given street fair or similar event, thereby reducing the cost per establishment because of economies of scale. Secondly, there is proposed a plan review fee of \$50.00 plus \$40.00 per hour if any re-examination of plans is required. Approximately 200 food establishment plans are examined each year in the City which means an income of approximately \$10,000 from this source. These fees were adopted by the King County Board of Health, effective April 1, 1981.

There are minor changes in fees which will have almost no impact, including a fee for inspections after hours based on the actual cost of doing the inspections; a \$10.00 administrative fee for processing checks not honored by the bank; and a \$2.00 fee for issuing a new permit to an establishment which changes its name only.

If you have questions, please contact John Nordin, Chief of Environmental Health, at 625-2125.

Sincerely,



Jesse W. Tapp, M.D., M.P.H.

JWT:sgg
Enc.

cc: John Church
Al Welch

DISTRICT SERVICE CENTERS:

CENTRAL
Public Safety Building
Seattle 98104
625-2571

NORTH
10501 Meridian Ave. N.
Seattle 98133
363-4765

EAST
2424 - 156th Ave. N.E.
Bellevue 98007
885-1278

SOUTHEAST
3001 N.E. 4th St.
Renton 98055
228-2620

SOUTHWEST
10821 8th Ave. S.W.
Seattle 98146
244-6400

SOP 100-014 Request for Legislative Action

Section 1. Seattle Food Code. The purpose of the proposed legislation is to update the existing Seattle Food Code through repeal of the existing code and adoption of a new code.

Section 2. Objectives of the proposal are:

- a) to update the Food Code to reflect new technical advances in the food service industry such as microwave ovens and reconstituted dairy substitutes,
- b) to update the Food Code to comply with the current State Food Code.
- c) to modernize the food establishment inspection report to emphasize the positive aspects of a food establishment's code compliance, while at the same time providing for enforcement action and public health protection when code violations are found,
- d) to provide additional details and definitions to aid food establishment operators to comply with the code and to aid inspection procedures,
- e) to provide cost reimbursement for plan review services,
- f) to reduce temporary food establishment permit fees in line with current inspection costs.

Section 3. There is no fiscal impact to the City of Seattle nor the General Fund due to this proposed legislation. Revenues and expenditures were anticipated and included in the 1981 Health Department Budget.

New plan review fees (Part 94 of the code) of \$50.00 for construction, remodeling, or conversion of food service establishments, and \$40.00/hour for re-examination of resubmitted plans are based upon the actual average costs of providing such services. Previously, there were no fees for these services and they were supported through general tax funds.

Temporary food service establishment fees are reduced from \$95.00 to \$45.00 based upon the actual costs of providing services. The increased number of such establishments at street fair events has resulted in lower average inspection costs per establishment.

Fees are the same in the proposed Seattle Food Code as those adopted by the King County Board of Health and in effect April 1, 1981.

Sections 4-7. N/A

ANALYSIS PROPOSED FOOD CODE

The proposed food code is modeled after the 1976 model code written by the U.S. Department of Health and Human Services Food and Drug Administration. The Federal model code was written by officials of FDA in conjunction with the restaurant industry, specifically the National Restaurant Association.

The 1976 code is an update of the former FDA code which was published in 1962. There are no major technological changes in this code. There are a few minor ones; however, including provision for microwave ovens and non-dairy products. The new code also recognizes 130°F. (the '62 code requires 140°F.) as an acceptable temperature for rare roast beef. It also provides that rare beef may be served at other temperatures when ordered by the immediate consumer. The local code has some minor amendments that bring it into compliance with the state code. It has been completely reviewed by the Seattle attorney's office. The local restaurant association has reviewed the code and has indicated support of it in its present version. A similar code was adopted by the King County Board of Health and became effective April 1, 1981.

The major difference in the proposed code versus the existing code is in the inspection report. This new report is part of the 1976 model code. Currently a food-service establishment receives demerits. More than 40 demerits results in the suspension of that establishment's permit. The new code takes a more positive approach. A restaurant receives points rather than losing points. There are a maximum of 100 possible merit points. Many of the items have been consolidated that were in the old inspection sheet, so there are fewer items which may be considered violations. The overall affect; however, is not one of concern from a public health aspect. The most hazardous violations still are given heavier weighting. The local code proposes more definitive criteria for suspension than the federal code. The federal code says that an establishment permit may be suspended when an establishment does not comply with the Ordinance. We are proposing locally that suspension occur when the score falls below 70.

Local sanitarians have reconstructed recent suspensions using the revised inspection sheet. If the proposed code and inspection form had been used it is estimated that about one-half of the establishments would have had their permit suspended in contrast to those that were suspended using the existing inspection sheet. However, again we want to emphasize that the public health will not, in our opinion, be jeopardized with this new form. In both codes, the existing and the proposed, an establishment may at any time have its permit suspended when a serious public health threat, such as a sewage break or a lack of refrigeration, occurs in the establishment. The advantage of the proposed system is a more positive approach to inspections than the current demerit system which implies a negative approach.

The fee system has no changes for annual permits at this time. Based on recent cost analysis we are proposing a reduction in the fee for a temporary establishment from \$95.00 to \$45.00. We are proposing a \$50.00 plan review fee for new and remodeled establishments. In addition, at the request of the restaurant industry, we have made provision for after-hours inspection by sanitarians to be paid by the requesting establishment at the actual cost of that inspection. This provision was specifically requested by the Restaurant Association. We have added a provision that services not otherwise covered by permit fees, such as special product review, may be charged for at the prevailing rate and the cost to the department of that service. A \$10.00 penalty has been included for persons paying any fee with a dishonored check and finally, we have included a provision that an establishment which changes in name only and does not change ownership, location, or type of establishment may have a new permit issued for a fee of \$2.00. Presently permits are non-transferrable and the person must buy a new permit for a name change.

In short, the proposed code is an update of the existing code. It covers technological advances in the food industry. It includes details which before were in the compliance section and not an actual part of the code. These details make things much more clear for the food operator and also for the sanitarian.



Seattle-King County / **DEPARTMENT OF PUBLIC HEALTH**
400 Yesler Way Seattle, Washington 98104 (206) 625-2161

REC'D OMB APR 14 1981 April 13, 1981

802370

JESSE W. TAPP, M.D., M.P.H.
Director of Public Health

John Saven, Director
Office of Management and Budget

Attention: Lucy Gaskill

Dear Mr. Saven:

Enclosed is draft legislation to adopt a new Food Code for the City of Seattle and a draft cover letter to City Council President Paul Kraabel.

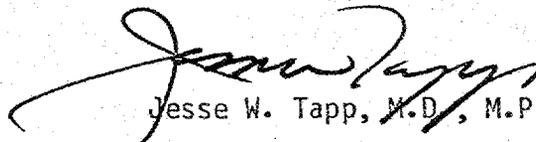
The proposed ordinance updates the current food code to reflect such new technical advances as microwave ovens and non-dairy products. The major change from the old code to the new is the adoption of a new inspection form. Currently restaurants receive demerits for violations of the code. Under the new system establishments would receive merit points for doing things properly. In addition, many of the individual items on the current inspection sheet have been consolidated.

There are two permit fee changes that will have a limited financial impact on the department. Firstly, the fee for temporary food service is proposed to be reduced from \$95.00 to \$45.00. Analysis of the cost of servicing these permits showed that \$45.00 is adequate. The major reason for the reduction in cost is the increased number of temporary establishments at any given street fair or similar event, thereby reducing the cost per establishment because of economies of scale. Secondly, there is proposed a plan review fee of \$50.00 plus \$40.00 per hour if any re-examination of plans is required. Approximately 200 food establishment plans are examined each year in the City which means an income of approximately \$10,000 from this source. These fees were adopted by the King County Board of Health, effective April 1, 1981.

There are minor changes in fees which will have almost no impact, including a fee for inspections after hours based on the actual cost of doing the inspections; a \$10.00 administrative fee for processing checks not honored by the bank; and a \$2.00 fee for issuing a new permit to an establishment which changes its name only.

If you have questions, please contact John Nordin, Chief of Environmental Health, at 625-2125.

Sincerely,


Jesse W. Tapp, M.D., M.P.H.

JWT:sgg
Enc.

cc: John Church
Al Welch

DISTRICT SERVICE CENTERS:

CENTRAL
Public Safety Building
Seattle 98104
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NORTH
10501 Meridian Ave. N.
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2424 - 156th Ave. N.E.
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SOUTHEAST
3001 N.E. 4th St.
Renton 98055
228-2620

SOUTHWEST
10821 8th Ave. S.W.
Seattle 98146
244-6400

Your City, Seattle

Executive Department-Office of Management and Budget

John Saven, Director
Charles Royer, Mayor



APR 24 1981

COPY OF WITHIN RECEIVED

The Honorable Douglas Jewett
City Attorney
City of Seattle

2757
Davidson
APR 27 1981
Douglas N. Jewett
CITY ATTORNEY

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Public Health

SUBJECT: An ordinance relating to Public Health: adding a new food code to Seattle Municipal Code; establishing fees; repealing previous code and ordinances associated with it.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

- (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- () Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By

Germania W. Covington for

John Saven
Budget Director

JS/lg/pc

Enclosure

cc: Public Health

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 109910

was published on

June 9, 1981

B. Blaw
Subscribed and sworn to before me on

June 9, 1981

Barbara A. Simon
Notary Public for the State of Washington,
residing in Seattle.

ORDINANCE 19911

AN ORDINANCE relating to the Public Health Department; adding to the Seattle Municipal Code a new chapter that regulates the storage, sale and serving of foods in, and the construction, maintenance, and operation of, food-service establishments; requires permits; establishes fees; defines offenses; and prescribes penalties; and repealing Seattle Municipal Code Chapter 10.10 and Ordinances 92987, 95992, 104034, 105464, 107837 and 108421.

Section 1. There is added to Title 10 of the Seattle Municipal Code a new Chapter 10.11, as follows:

PART 1 - TITLE

Section 10.11.001. Citation. This Ordinance may be cited and referred to, and shall be known as the "Seattle Food Code".

PART 2 - PURPOSE AND POLICY DECLARED

Section 10.11.002. Purpose and Policy Declared. This Ordinance is enacted as an exercise of the police power of the City to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

It is the specific intent of this Ordinance to place the obligation of complying with its requirements upon the owner or operator of each food-service establishment within its scope, and no provision of this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this Ordinance shall be discretionary and not mandatory.

Nothing contained in this Ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, its officers, employees or agents, for any injury or damage resulting from the failure of the owner or operator of a food-service establishment to comply with the provisions of this Ordinance, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Ordinance on the part of the City by its officers, employees or agents.

PART 3 - DEFINITIONS

Section 10.11.010. Definitions "A" through "D". As used in this Ordinance, unless the context clearly requires another meaning,

a. "ADULTERATED" means the condition of a food (1) if it bears or contains poisonous or deleterious substance in a quantity that may render it injurious to health; (2) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (3) if it consists in whole or in part of any decomposed substance, or if it is otherwise unfit for human consumption; (4) if it has been processed, prepared, packed or held under an unsanitary condition, or in which it may have been rendered injurious to health; (5) if it is in whole or in part the product of a diseased animal, or an animal that has died otherwise than by slaughter; or (6) if its container is composed in whole or in part of any poisonous or deleterious substance that may render the contents injurious to health.

b. "APPROVED" means acceptable to the health officer based on his/her determination as to conformance with appropriate health standards and good public health practice.

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

d. "CLOSED" means fitted together snugly leaving no openings large enough to permit entrance of insects, spiders, and rodents.

e. "COMMERCIAL CANNERY" means an approved commercial establishment where food for human consumption is packaged in hermetically sealed containers.

f. "COMMISSARY" means a food-service establishment or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored for use in a mobile or temporary food establishment.

g. "CORROSION-RESISTANT MATERIALS" means those materials that maintain their original surface characteristics under prolonged influence of the items with which it comes in contact, the normal use of cleaning compounds and

bactericidal solutions, and the general conditions-of-use environment.

h. "DEPARTMENT" means the Public Health Department of The City of Seattle.

Section 10.11.020. Definitions "E" through "F". As used in this Ordinance, unless the context clearly requires a different meaning,

a. "EASILY CLEANABLE" means readily accessible, of such material and finish, and so fabricated that residue may be effectively removed by normal cleaning methods.

b. "EQUIPMENT" means all stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam-tables, and similar items, other than utensils, used in the operation of a food-service establishment.

c. "EXTENSIVELY REMODELED" means having undergone a change in condition from that existing prior to the commencement of the remodeling work, that results in one or more of the following circumstances: (1) the square footage of the food-preparation area or the area where food is served to the public is increased by more than twenty percent (20%); (2) food-service capacity is increased by more than twenty percent (20%) by the installation of equipment or fixtures; or (3) the food-service establishment provides, for the first time, seating or drive-in parking spaces for its patrons.

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

e. "FOOD-CONTACT SURFACE" means every surface of equipment and utensils with which food normally comes in contact, and every surface from which food may drain, drip, or splash back onto a surface normally in contact with food.

f. "FOOD DEMONSTRATION" means the serving, without charge, of any sample or small portion of food, drink, or food product, for the purpose of publicizing, advertising, or promoting the sale of food, food products, or food preparation equipment.

g. "FOOD DEMONSTRATOR" means any person who engages in the business or practice of conducting food demonstrations.

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

i. "FOOD-PROCESSING ESTABLISHMENT" means any commercial establishment other than a restaurant, snack bar, mobile restaurant, retail bakery, or caterer, in which food is processed or otherwise prepared or packaged or where any potentially hazardous food is placed, packaged, or repackaged into another container for consumption or for resale.

j. "FOOD-SERVICE ESTABLISHMENT" means any restaurant; snack bar; tavern; bar; night club; produce stand; industrial feeding establishment; grocery store; limited grocery store; mobile food service unit; 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; Provided, that any establishment subject to licensure under Ordinance 34465, as amended (relating to meat), or licensure or the issuance of a certificate of registration under Ordinance 80028, as amended (relating to poultry, rabbits, fish and shellfish), or the issuance of a permit under Ordinance 63773 (relating to shellfish), or any successor ordinance relating to any such matters, shall not thereby avoid being considered to be a food-service establishment.

Section 10.11.030. Definitions "G" through "L". As used in this Ordinance, unless the context clearly requires a different meaning,

a. "GROCERY STORE" means any food-service establishment other than an establishment defined in subsections 10.11.010 c., 10.11.020 g. and i.; 10.11.030 f.; 10.11.040 b. and i.; 10.11.050 b., c., and i.; and 10.11.060 b. and c. of this Ordinance, that sells or offers for sale any food requiring temperature control.

b. "HEALTH OFFICER" means the Director of Public Health of The City of Seattle and any of his/her designated representatives.

c. "HERMETICALLY SEALED CONTAINER" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

d. "KITCHENWARE" means all multi-use utensils other than tableware used in the storage, preparation, transportation, or serving of food.

e. "LAW" includes Federal, State, and local statutes, ordinances, and rules and regulations.

f. "LIMITED GROCERY STORE" means any food-service establishment not defined in subsections 10.11.010 c.; 10.11.020 g. and i.; 10.11.030 a.; 10.11.040 b. and i.; 10.11.050 b., c., and i.; and 10.11.060 b. and c. of this Ordinance, that sells or offers for sale or generally makes available to the consumer only food not requiring temperature control.

Section 10.11.040. Definitions "M" through "Q". As used in this Ordinance, unless the context clearly requires a different meaning,

a. "MISBRANDED" means the presence of any written, printed, or graphic matter upon or accompanying food or a container of food, that is false or misleading or that violates any applicable Federal, State or City labeling requirement.

b. "MOBILE FOOD-SERVICE UNIT" means an approved movable vehicle that is operated from either a fixed location or on an established daily route, is supplied from, and cleaned and maintained at, a commissary or other approved fixed food establishment; and from which food is prepared, served, or provided for the public with or without charge. Such units shall be classified according to the following categories:

- (1) "Mobile Food Cart" -- A vehicle limited to serving non-potentially hazardous foods or frankfurters.
- (2) "Restricted Mobile Food Vehicle" -- A vehicle limited to serving only prepackaged potentially hazardous food prepared at an approved food-service establishment.
- (3) "Unrestricted Mobile Food Vehicle" -- A vehicle preparing or serving potentially hazardous food that is not prepackaged.
- (4) "Mobile Caterer" -- A person engaged in the business of transporting in motor vehicles, food and beverages to business and industrial establishments pursuant to prearranged schedules, and dispensing from said vehicles said items, at retail, for convenience of the personnel of such establishments.

c. "PACKAGED" means bottled, canned, cartoned, or securely wrapped.

d. "PERISHABLE FOOD" means any food of such type or in such condition as may spoil.

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

f. "PERSON IN CHARGE" means the individual present in a food-service establishment who is the supervisor of the food-service establishment at the time of inspection. If no individual is the supervisor, then any person working therein may be deemed to be the person in charge.

g. "POISONOUS MATERIAL" means and includes insecticides and rodenticides, detergents, sanitizers, and related cleaning or drying agents; caustics, acids, polishes, and other toxic chemicals.

h. "POTENTIALLY HAZARDOUS FOOD" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor free shell eggs or foods which have a pH level of 4.6 or below or a water activity (a) value of 0.85 or less.

i. "PRODUCE STAND" means a roadside stand or similar structure that operates as a food-service establishment at a fixed location and sells for sale only fresh whole fruits and/or vegetables, pursuant to special rules promulgated by the health officer pursuant to this ordinance.

Section 10.11.050. Definitions "R" through "S". As used in this Ordinance, unless the context clearly requires a different meaning,

a. "RECONSTITUTED" means dehydrated food products recombined with water or other liquids.

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

served or set up as a buffet by restaurant personnel.

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

d. "SAFE MATERIALS" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in Section 201(s) or (t) of the Federal Food, Drug, and

Cosmetic Act, they are "safe" only if they are used in conformity with regulations established pursuant to Section 408 or Section 706 of that Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Section 201(s) or (t) of that Act and are used in conformity with all applicable regulations of the United States of America, Department of Health and Human Services, Food and Drug Administration.

e. "SAFE TEMPERATURE", as applied to potentially hazardous food, means temperatures of forty-five degrees Fahrenheit (45°F.) (seven degrees Celsius (7°C.)) or below, and one hundred forty degrees Fahrenheit (140°F.) (fifty-seven degrees Celsius (57°C.)) or above.

f. "SANITIZE" means to treat by a process providing accumulative heat or a concentration of chemicals for a period of time sufficient to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

g. "SEALED" means free of cracks or other openings that permit the entry or passage of moisture.

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

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

Section 10.11.060. Definitions "T" through "Z". As used in this Ordinance, unless the context requires a different meaning,

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

b. "TAVERN" means any food-service establishment issued a Type B, C, E or F license by the Washington State Liquor Control Board, or having an application for such type of license pending before such Board, and that offers for consumption or sale no food other than prepackaged food not requiring food preparation or handling.

c. "TEMPORARY FOOD-SERVICE ESTABLISHMENT" means a food-service establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration, such as a fair, carnival, circus, or public exhibition.

d. "UTENSIL" means any implement used in the storage, preparation, transportation, or service of food.

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

(PARTS 4-10 RESERVED)

PART 11 - FOOD SUPPLIES

Section 10.11.111. (F.S.S.M. § 2-101) Food Supplies - General. All food in food-service establishments shall be from sources not disapproved by the health officer, and shall be wholesome and not misbranded. The use of food in hermetically sealed containers not filled and sealed in a commercial cannery is prohibited.

Section 10.11.112. (F.S.S.M. § 2-102) Food Supplies - Special Requirements.

a. Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the Grade A quality standards established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.

b. Shucked shellfish, whether fresh or frozen, shall be packed and stored in non-returnable packages identified with the name and address of the original shucker-packer, or repacker, and the official governmental

certification number issued according to law. Each container of unshucked shellfish shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and an official governmental certification number issued by the shellfish control agency. Shellfish, whether shucked or unshucked, shall be kept in the container in which they were received until they are used.

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

PART 12 - FOOD PROTECTION

Section 10.11.121. (F.S.S.M. § 2-201) Food Protection - General. Food shall be protected at all times from potential contamination from, among other things, dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, drainage, and overhead leakage or overhead drippage from condensation. Potentially hazardous food shall be kept at a safe temperature at all times, except as otherwise provided in this Ordinance.

Section 10.11.122. (F.S.S.M. § 2-202) Food Protection - Emergency Occurrences. In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at a safe temperature, the person in charge shall immediately contact the health officer. Upon receiving notice of this occurrence, the health officer shall take whatever action that he/she deems necessary to protect the public health.

PART 13 - FOOD STORAGE

Section 10.11.131. (F.S.S.M. § 2-301) Food Storage - General.

a. Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean, covered container except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll containers. Solid cuts of meat shall be protected by being covered in storage, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no food product is stored beneath the meat.

b. Containers of food shall be stored a minimum of six (6) inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area, except that containers may be stored on easily movable dollies, racks, or pallets.

c. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines except for automatic fire protection sprinkler heads required by law. The storage of food in toilet rooms or vestibules is prohibited.

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

e. Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

f. Bulk food such as cooking oil, syrup, salt, sugar or flour not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name.

Section 10.11.132. (F.S.S.M. § 2-302) Food Storage - Refrigerated.

a. Enough conveniently located refrigeration facilities or effectively insulated facilities shall be provided to ensure the storage of potentially hazardous food at a safe temperature. Each mechanically refrigerated facility storing potentially hazardous food shall be provided with an easily readable, numerically scaled indicating or recording thermometer, accurate to plus or minus three degrees Fahrenheit ($\pm 3^{\circ}\text{F}$), located to measure the air temperature in the warmest part of the facility.

b. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to forty-five degrees Fahrenheit (45°F) (seven degrees Celsius (7°C)) or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing such methods as:

- (1) Quick chilling with running cold water bath or an ice bath cooled with agitation;
- (2) Storage of foods in small containers in freezer units coupled with agitation;

- (3) Shallow pans - food depth of four (4) inches or less; or
- (4) Other approved methods.

In all cases potentially hazardous foods shall be cooled to seventy degrees Fahrenheit (70°F) (twenty-one degrees Celsius (21°C)) or below within two (2) hours and to forty-five degrees Fahrenheit (45°F) (seven degrees Celsius (7°C)) or below within four (4) hours after removal from a hot-holding device or the end of the cooking process.

c. Frozen food shall be kept frozen and should be stored at a temperature of zero degrees Fahrenheit (0°F) (minus eighteen degrees Celsius (-18°C)) or below.

d. Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers or utensils, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head. Ice used for cooling stored food and food containers shall not be used for human consumption.

Section 10.11.133. (F.S.S.M. § 2-303) Food Storage - Heated.

a. Enough conveniently located hot food storage facilities shall be provided to assure the storage of potentially hazardous food at a safe temperature. Each hot food facility storing potentially hazardous food shall be provided with an easily readable, numerically scaled indicating or recording thermometer, accurate to plus or minus three degrees Fahrenheit ($\pm 3^{\circ}\text{F}$), located to measure the air temperature in the coolest part of the facility. Where it is impractical to install thermometers on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product thermometer must be available and used to check internal food temperature.

b. The internal temperature of potentially hazardous foods requiring hot storage shall be one hundred forty degrees Fahrenheit (140°F) (fifty-six degrees Celsius (56°C)) or above, except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of one hundred forty degrees Fahrenheit (140°F) (fifty-six degrees Celsius (56°C)) or above, unless maintained in accordance with Subsection 10.11.132 b. of this Ordinance.

PART 14 - FOOD PREPARATION

Section 10.11.141. (F.S.S.M. § 2-401) Food Preparation - General.

a. Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination.

b. Preparation of potentially hazardous salads (such as potato or macaroni types) shall be completed using prechilled ingredients to assure minimum temperature rise during preparation.

Section 10.11.142. (F.S.S.M. § 2-402) Food Preparation - Raw Fruits and Raw Vegetables. Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served.

Section 10.11.143. (F.S.S.M. § 2-403) Food Preparation - Cooking Potentially Hazardous Foods. Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least one hundred forty degrees Fahrenheit (140°F) (fifty-six degrees Celsius (56°C)), except that:

a. Poultry, poultry stuffings, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least one hundred sixty-five degrees Fahrenheit (165°F) (seventy-four degrees (74°C)) with no interruption of the cooking process.

b. Pork and any food containing pork shall be cooked to heat all parts of the food to at least one hundred fifty degrees Fahrenheit (150°F) (sixty-six degrees Celsius (66°C)).

c. Unless otherwise ordered by the immediate consumer, rare roast beef shall be cooked to an internal temperature of at least one hundred thirty degrees Fahrenheit (130°F) (fifty-four degrees Celsius (54°C)), and rare beef steak shall be cooked to a temperature of one hundred thirty degrees Fahrenheit (130°F) (fifty-four degrees Celsius (54°C)).

Section 10.11.144. (F.S.S.M. § 2-404) Food Preparation - Dry Milk and Dry Milk Products. Reconstituted dry milk and dry milk products may be used only for cooking and baking purposes.

Section 10.11.145. (F.S.S.M. § 2-405) Food Preparation - Liquid, Frozen, Dry Eggs and Egg Products. Liquid, frozen, dry eggs and egg products shall be used only for cooking and baking purposes.

Section 10.11.146. (F.S.S.M. § 2-406) Food Preparation - Reheating. Potentially hazardous foods that have been cooked and then refrigerated,

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shall be reheated rapidly to one hundred sixty-five degrees Fahrenheit (185° F.) (seventy-four degrees Celsius (74°C.)) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Section 10.11.147. (F.S.S.M. § 2-407) Food Preparation - Nondairy Products. Nondairy creaming, whitening, or whipping agents may be reconstituted on the premises only when they will be stored in sanitized, covered containers not exceeding one gallon in capacity and cooled to forty-five degrees Fahrenheit (45° F.) (seven degrees Celsius (7°C.)) or below within four (4) hours after preparation.

Section 10.11.148. (F.S.S.M. § 2-408) Food Preparation - Use of Product Thermometers. Indicating thermometers as described in Section 10.11.325 of this Ordinance, shall be used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

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Section 10.11.149. (F.S.S.M. § 2-409) Food Preparation - Thawing Potentially Hazardous Foods. Potentially hazardous foods shall be thawed:

- a. In refrigerated units at a temperature not to exceed forty-five degrees Fahrenheit (45° F.) (seven degrees Celsius (7°C.)); or
- b. Under potable running water of a temperature of seventy degrees Fahrenheit (70° F.) (twenty-one degrees Celsius (21°C.)) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow; or
- c. In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
- d. As part of a conventional cooking process, such as, but not limited to, boiling, baking, broiling and frying.

PART 15 - FOOD DISPLAY AND SERVICE

Section 10.11.150. (F.S.S.M. § 2-501) Food Display and Service - Potentially Hazardous Food. Potentially hazardous food shall be kept at an internal safe temperature during display and service.

Section 10.11.151. (F.S.S.M. § 2-502) Food Display and Service - Milk and Cream Dispensing.

a. Milk and milk products for drinking purposes shall be provided to the consumer from an unopened, commercially filled package not exceeding one (1) pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half (1/2) pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half (1/2) gallon capacity.

b. Cream or half and half shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

Section 10.11.152. (F.S.S.M. § 2-503) Food Display and Service - Nondairy Product Dispensing. Nondairy creaming or whitening agents shall be provided in an individual service container, protected pour-type pitcher, or drawn from a refrigerated dispenser designed for such service.

Section 10.11.153. (F.S.S.M. § 2-504) Food Display and Service - Condiment Dispensing.

a. Condiments, seasonings and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with Section 10.11.157. of this Ordinance.

b. Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use shall be provided in individual packages or in pour-type dispensers.

Section 10.11.154. (F.S.S.M. § 2-505) Food Display and Service - Ice Dispensing. Ice for consumer use shall be dispensed only by personnel with scoops, tongs, or other ice-dispensing utensils or through automatic self-service, ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination. Ice storage bins shall be drained through an air gap.

Section 10.11.155. (F.S.S.M. § 2-506) Food Display and Service - Dispensing Utensils. To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by personnel or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be:

- a. Stored in the food with the dispensing utensil handle extended out of the food; or
- b. Stored clean and dry; or
- c. Stored in running water; or
- d. Stored either in a running water dipper well, or clean and dry in the case of dispensing utensils and malt collars used in preparing frozen desserts.

Section 10.11.156. (F.S.S.M. § 2-507) Food Display and Service - Re-service. Once served to a consumer, portions of leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.

Section 10.11.157. (F.S.S.M. § 2-508) Food Display and Service - Display Equipment. Food on display shall be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar protector devices, display cases or by other effective means. Enough hot or cold food facilities shall be available to maintain potentially hazardous food at a safe temperature while on display.

Section 10.11.158. (F.S.S.M. § 2-509) Food Display and Service - Re-use of Tableware. Re-use of soiled tableware by self-service consumers returning to the service area for additional food is prohibited. Beverage cups and glasses are exempt from this requirement.

PART 16 - FOOD TRANSPORTATION

Section 10.11.161. (F.S.S.M. § 2-601) Food Transportation - General. During transportation, food and utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of this Ordinance relating to food protection and food storage.

(PARTS 17-20 RESERVED)

PART 21 - PERSONNEL

Section 10.11.211. (F.S.S.M. § 3-101) Personnel - General Health. No person who is infected with a disease in a communicable form that can be transmitted by foods; who is a carrier of organisms that cause such a disease; or who is afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food-service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to another person.

Section 10.11.212. Personnel - Food and Beverage Service Workers Permits. Every person whose duties, for more than thirty (30) days, include the handling of unwrapped or unpackaged food shall obtain and file with his/her employer, or where self-employed shall obtain a valid Food and Beverage Worker's Permit issued under Ch. 69.06 RCW. No person shall employ for more than thirty (30) days any person whose duties include the handling of unwrapped or unpackaged food and who has not filed such permit with his/her employer.

Section 10.11.213. (F.S.S.M. § 3-201) Personnel - Personal Cleanliness. Food-service establishment personnel whose duties include food handling shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, handling raw meat or poultry, or using the toilet. Such personnel shall keep their fingernails clean and trimmed.

Section 10.11.214. (F.S.S.M. § 3-301) Personnel - Clothing. a. Food-service establishment personnel whose duties include food handling shall put on clean outer clothing at the commencement of their work.

b. Food-service establishment personnel whose duties include food handling shall use effective hair restraints to prevent the contamination of food or food contact-surfaces while they are on duty.

Section 10.11.215. (F.S.S.M. § 3-401) Personnel - Practices.

a. Food-service establishment personnel shall consume food only in designated dining areas; no area shall be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.

b. Food-service establishment personnel shall not use tobacco in any form while engaged in food preparation or service, nor while in areas used for equipment or utensil washing or for food preparation. Such personnel shall use tobacco only in designated areas; no area shall be so designated if the use of tobacco there may result in contamination of food, equipment, utensils, or other items needing protection.

c. Food-service establishment personnel shall handle soiled tableware in a way that minimizes contamination of their hands.

d. Food-service establishment personnel shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food-service establishment.

PARTS 22-30 RESERVED

PART 31 - PERMISSIBLE EQUIPMENT AND MATERIALS

Section 10.11.311. (F.S.S.M. § 4-102) Equipment and Materials - Solder. If solder is used, it shall be composed of safe materials and be corrosion resistant.

Section 10.11.312. (F.S.S.M. § 4-103) Equipment and Materials - Wood. Hard maple or equivalently nonabsorbent material that meets the general requirements set forth in Section 10.11.321. a. and b. of this Ordinance may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chop sticks, stirrers, or ice cream spoons. The use of wood as a food-contact surface under other circumstances is prohibited.

Section 10.11.313. (F.S.S.M. § 4-104) Equipment and Materials - Rubber and Plastic. Safe plastic, rubber, or rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition; that are of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods; and that meet the requirements set forth in Section 10.11.321. a. and b. of this Ordinance, are permitted for repeated use.

Section 10.11.314. (F.S.S.M. § 4-105) Equipment and Materials - Mollusk and Crustacea Shells. Mollusk and crustacea shells may be used only once as a food serving container.

Section 10.11.315. (F.S.S.M. § 4-106) Equipment and Materials - Single Service. Re-use of single service articles is prohibited.

PART 32 - EQUIPMENT AND MATERIALS DESIGN AND FABRICATION

Section 10.11.321. (F.S.S.M. § 4-101 & 201) Design and Fabrication - General.

a. All equipment and utensils, including plastic-ware and single-service articles, shall be durable under conditions of normal use; resistant to denting, buckling, pitting, chipping, and crazing; and shall not impart odors, color or taste, nor contribute to the contamination of food.

b. Food-contact surfaces shall be non-absorbent; easily cleanable; smooth; corrosion resistant; free of breaks, open seams, cracks, chips, pits, and similar imperfections, and difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is heated, such as in grills, griddle tops, and skillets. Threaded surfaces shall be designed to facilitate cleaning; ordinary "Y" type threads are prohibited in food-contact surfaces except in equipment such as ice makers or hot oil cooking equipment and hot oil filtering systems, in which such threads shall be minimized.

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

d. Tubing conveying beverages or beverage ingredients to dispensing heads shall be fabricated only from safe materials, shall be grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and shall be kept clean. Drainage or drainage tubes from dispensing units shall not pass through any ice machine or any ice storage bin.

e. Sinks and drain boards shall be self-draining.

Section 10.11.322. (F.S.S.M. § 4-202) Design and Fabrication - Food-contact Surface Accessibility. Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

- a. Without being disassembled; or
- b. By disassembling without the use of tools; or
- c. By easy disassembling with the use of only simple tools such as a mallet, a screwdriver, or an open-end wrench kept available near the equipment.

Section 10.11.323. (F.S.S.M. § 4-203) Design and Fabrication - In-Place Cleaning. Equipment intended for in-place cleaning shall be so designed and fabricated that:

- a. Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and
- b. Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- c. The system is self-draining or capable of being completely evacuated.

Section 10.11.324. (F.S.S.M. § 4-204) Design and Fabrication - Pressure Spray Cleaning. Fixed equipment designed and fabricated to be cleaned and sanitized by pressure spray methods shall have sealed electrical wiring, switches, and connections.

Section 10.11.325. (F.S.S.M. § 4-205) Design and Fabrication - Thermometers. Indicating thermometers required for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit ($\pm 2^{\circ}$ F.).

Section 10.11.326. (F.S.S.M. § 4-206) Design and Fabrication - Non-food-contact Surfaces. Surfaces of equipment not intended for contact

with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

Section 10.11.327. (F.S.S.M. § 4-207) Design and Fabrication - Ventilation Hoods. Ventilation hoods and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement if not designed to be cleaned in place.

Section 10.11.328. (F.S.S.M. § 4-208) Design and Fabrication - Existing Equipment. Equipment that was installed in a food-service establishment prior to the effective date of this Ordinance, and that does not fully meet all of the design and fabrication requirements of this Part shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of this Ordinance shall meet the requirements of this Ordinance.

PART 33 - EQUIPMENT INSTALLATION AND LOCATION

Section 10.11.331. (F.S.S.M. § 4-301) Equipment Installation and Location - General. Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines or water lines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads that may be required by law.

Section 10.11.332. (F.S.S.M. § 4-302) Equipment Installation and Location - Table Mounted Equipment. Equipment placed on a table or counter shall be sealed to the same or elevated on legs to provide at least a four (4) inch clearance between the table or counter and equipment, and shall be installed to facilitate the cleaning of the equipment and adjacent areas; Provided, that this requirement shall not apply to equipment that is small and light enough to be moved easily by one (1) person; and has no utility connection, or has a utility connection that can be disconnected in less than one (1) minute, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

Section 10.11.333. (F.S.S.M. § 4-303) Equipment Installation and Location - Floor-mounted Equipment.

1. Floor-mounted equipment, unless readily movable, shall be:
 - (1) Sealed to the floor; or
 - (2) Installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for floor clearance or sealing; or
 - (3) Elevated on legs to provide at least a six (6) inch clearance

between the floor and equipment, except that vertically mounted floor mixers may be elevated to provide at least a four (4) inch clearance between the floor and equipment if no part of the floor under the mixer is more than six (6) inches from cleaning access.

b. Equipment is "readily movable" for the purposes of Section 10.11.333 a. of this Ordinance if:

- (1) It is mounted on wheels or casters; and
- (2) It has no utility connection or has a utility connection that can be disconnected in less than one (1) minute, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.

c. Unless sufficient space is provided for easy cleaning between, behind, and above each unit of fixed equipment, the space between it and every adjoining equipment unit and adjacent wall or ceiling shall be not more than one-thirty-second (1/32) of an inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent wall or ceiling.

Section 10.11.334. (F.S.S.M. § 4-304) Equipment Installation and Location - Aisles and Working Spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit food-service establishment personnel to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies shall be positioned to provide accessibility to working areas.

(PARTS 34-40 RESERVED)

PART 41 - EQUIPMENT AND UTENSIL CLEANING

Section 10.11.411. (F.S.S.M. § 5-101) Equipment and Utensil Cleaning - Frequency.

a. Tableware shall be washed, rinsed, and sanitized after each use.

b. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

c. Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day on a schedule approved by the health officer, that takes into consideration, among other things, food temperature, type of food, and amount of food particle accumulation.

d. The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

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

Section 10.11.412. (F.S.S.M. § 5-102) Equipment and Utensil Cleaning - Wiping Cloths.

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

b. Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Section 10.11.413 of this Ordinance and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

c. Moist cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining table tops and shelves shall be clean and rinsed in one of the sanitizing solutions permitted in Section 10.11.413. of this Ordinance and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

Section 10.11.413. (F.S.S.M. § 5-103) Equipment and Utensil Cleaning - Manual Cleaning and Sanitizing.

a. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three (3) compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the

sink shall be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.

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

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

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

- (1) Sinks shall be cleaned prior to use.
- (2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.
- (3) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
- (4) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in Section 10.11.413 e. (1) - (4) of this Ordinance.

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

- (1) Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least one hundred seventy degrees Fahrenheit (170° F.) (seventy-seven degrees Celsius (77°C.)); or
- (2) Immersion for at least one (1) minute in a clean solution containing at least fifty (50) parts per million available chlorine as a hypochlorite and at a temperature of at least seventy-five degrees Fahrenheit (75° F.) (twenty-four degrees Celsius (24°C.)); or
- (3) Immersion for at least one (1) minute in a clean solution having a temperature of at least seventy-five degrees Fahrenheit (75° F.) (twenty-four degrees Celsius (24°C.)), containing at least twelve and one-half (12.5) parts per million of available iodine, and having a pH not higher than five (5.0).
- (4) Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least fifty (50) parts per million of available chlorine as a hypochlorite at a temperature of at least seventy-five degrees Fahrenheit (75° F.) (twenty-four degrees Celsius (24°C.)) for one (1) minute; or
- (5) Treatment with steam free from materials or additives other than those specified in 21 CFR 178.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
- (6) Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under Section 10.11.413 e. (4) of this Ordinance, in the case of equipment too large to sanitize by immersion.

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

- (1) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least one hundred seventy degrees Fahrenheit (170° F.) (seventy-seven degrees Celsius (77°C.)); and
- (2) A numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (±3° F.), convenient to the sink for frequent checks of water temperature; and
- (3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

g. When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 CFR 178.1010. A test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

Section 10.11.414. (F.S.S.M. § 5-104) Equipment and Utensil Cleaning - Mechanical Cleaning and Sanitizing.

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

b. The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than fifteen (15) nor more than twenty-five (25) pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A one-quarter (1/4) inch IPS valve shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

c. Machine or water line mounted numerically scaled indicating thermometers, accurate to plus or minus three degrees Fahrenheit (+3° F.), shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

d. Rinse water tanks shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with the applicable manufacturer's specifications attached to the machines.

e. Drain boards of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization shall be provided, and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

(ORDINANCE 198810 - Continued on Page B4)

(ORDINANCE 198810 - Continued from Page B4)
PART 69 - GENERAL PREMISES

Section 10.11.691. (F.S.S.M. § 7-801) Premises - General.

- a. Food-service establishments and all parts of the premises used in connection with their operations shall be kept free of litter.
- b. The walking and driving surfaces of all exterior areas of food-service establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to prevent pooling of water and other liquids and shall be kept free of litter.
- c. The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited.

Section 10.11.692. (F.S.S.M. § 7-802) Premises - Living Areas. No operation of a food-service establishment shall be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Section 10.11.693. (F.S.S.M. § 7-803) Premises - Laundry Facilities.

- a. Linens, cloths, uniforms and aprons used in connection with food preparation or service and cleaned on the premises of a food-service establishment shall be cleaned in equipment used only for the cleaning of such items. Drying shall be done by an electric or gas dryer.
- b. Laundry facilities and operations shall be separated from any food-service operation; Provided that laundry operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Section 10.11.694. (F.S.S.M. § 7-804) Premises - Linens and Clothes Storage.

- a. Clean clothes and linens shall be stored in a clean place and protected from contamination until used.
- b. Soiled clothes and linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

Section 10.11.695. (F.S.S.M. § 7-806) Premises - Animals. Live animals, including birds and turtles, shall be excluded from within the food-service operational premises; Provided that this exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums; and Provided, further, that patrol dogs accompanying security or police officers, or guide dogs

accompanying blind or deaf persons, shall be permitted in dining areas.

(PART 70 RESERVED)

PART 71 - MOBILE FOOD SERVICE

Section 10.11.711. (F.S.S.M. § 8-101) Mobile Food Service - General. Mobile food-service units shall comply with the requirements of this Ordinance, except as otherwise provided in this section and in Section 10.11.712. hereof. The health officer may impose additional requirements to protect against health hazards related to the conduct of the food-service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and when, in his/her opinion, a health hazard is not likely to result, may waive or modify requirements of this Ordinance relating to physical facilities.

Section 10.11.712. (F.S.S.M. § 8-102) Restricted - Mobile Food Vehicles Exemption from Requirements. Mobile food-service units serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this Ordinance, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this Ordinance pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary, and the equipment and utensils of such mobile food units are cleaned and sanitized regularly, nor with requirements of this Ordinance pertaining to the necessity of water and sewage systems. Notwithstanding any other provision hereof, frankfurters may be prepared and served from these units.

Section 10.11.713. (F.S.S.M. § 8-103) Mobile Food Service - Single-Service Articles. Mobile food-service units or pushcarts shall provide only single-service articles for use by the consumer.

Section 10.11.714. (F.S.S.M. § 8-104) Mobile Food Service - Water System. A mobile food unit requiring a water system shall have a potable water system under pressure and of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of this Ordinance. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease; and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this Ordinance.

Section 10.11.715. (F.S.S.M. § 8-105) Mobile Food Service - Waste Retention. All liquid waste resulting from the operation of a mobile food-service unit shall be stored in a permanently installed retention tank having a capacity at least fifteen percent (15%) larger than that of the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food-service unit is in motion. All connections on the vehicle for servicing mobile food-service unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food-service unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

Section 10.11.716. (F.S.S.M. § 8-201) Mobile Food Service - Base of Operations. Mobile food-service units shall operate from a commissary or other fixed food-service establishment.

Section 10.11.717. (F.S.S.M. § 8-301) Mobile Food Service - Servicing Area.

a. A mobile food-service unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for loading and unloading of food and related supplies. Such separate servicing area is not required where only packaged food is placed on the mobile food-service unit or where mobile food units do not contain waste retention tanks.

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

c. The construction of the walls and ceilings of the servicing area is exempt from the provisions of Sections 10.11.621 through 10.11.625 of this Ordinance.

Section 10.11.718. (F.S.S.M. § 8-302) Mobile Food Service - Servicing Operations.

a. Potable water servicing equipment shall be installed according to law

and shall be stored and handled in a way that protects the water and equipment from contamination.

b. The mobile food-service unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with Section 10.11.521. of this Ordinance.

(PARTS 72-80 RESERVED)

PART 81 - TEMPORARY FOOD-SERVICE ESTABLISHMENTS

Section 10.11.811. (F.S.S.M. § 9-101) Temporary Food-Service Establishments - General. A temporary food-service establishment shall comply with the requirements of this Ordinance, except as otherwise provided in this part. The health officer may impose additional requirements to protect against health hazards related to the conduct of the temporary food-service establishment, may prohibit the sale of some or all potentially hazardous foods, and may waive or modify requirements of this Ordinance when, in his/her opinion, a health hazard is not likely to result from such waiver or modification.

Section 10.11.812. (F.S.S.M. § 9-102) Temporary Food-Service Establishments - Restricted Operations. Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs or aquatic foods is prohibited. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this Ordinance, is obtained in individual servings, is stored at a temperature of forty-five degrees Fahrenheit (45° F.) (seven degrees Celsius 7°C.) or below or at a temperature of one hundred forty degrees Fahrenheit (140° F.) (fifty-six degrees Celsius 56°C.) or above in facilities meeting the requirements of this Ordinance, and is served directly in the unopened container in which it was packaged.

Section 10.11.813. (F.S.S.M. § 9-103) Temporary Food-Service Establishments - Ice. Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Ordinance. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

Section 10.11.814. (F.S.S.M. § 9-104) Temporary Food-Service Establishments - Equipment.

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

b. Food-contact surfaces of equipment shall be protected from contamination. Effective shields for such equipment shall be provided, as necessary, to prevent contamination.

Section 10.11.815. (F.S.S.M. § 9-105) Temporary Food-Service Establishments - Single-service Articles. All temporary food-service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

Section 10.11.816. (F.S.S.M. § 9-106) Temporary Food-Service Establishments - Water. Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

Section 10.11.817. (F.S.S.M. § 9-107) Temporary Food-Service Establishments - Wet Storage. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

Section 10.11.818. (F.S.S.M. § 9-108) Temporary Food-Service Establishments - Handwashing. A convenient handwashing facility shall be available for handwashing by food-service establishment personnel. This facility shall consist of at least warm running water, soap, and individual paper towels.

Section 10.11.819. (F.S.S.M. § 9-110) Temporary Food-Service Establishments - Floors. Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings or other suitable materials effectively treated to control dust.

Section 10.11.820. (F.S.S.M. § 9-111) Temporary Food-Service Establishments - Walls and Ceilings of Food Preparation Areas.

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

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

(PARTS 82-89 RESERVED)

PART 90 - WAIVER

Section 10.11.901. Waiver. When the health officer finds, following receipt of a permittee's written petition, including such evidence as the health officer may require, that in the health officer's opinion, a health hazard is unlikely to result, he/she may waive or modify the requirements of this Ordinance relating to physical facilities, including requirements set forth in parts 51 through 66 of this Ordinance.

PART 91 - PERMITS

Section 10.11.911. (F.S.S.M. § 10-101 and 102) Permits - Application for, Issuance, Display, and Effective Periods.

a. It shall be unlawful for any person to operate a food-service establishment, including the conduct of a food demonstration, without a valid permit therefor issued to such person by the health officer. Permits shall not be transferable and shall be valid only for the person and place for which it has been issued. Each such permit shall be posted conspicuously in the food-service establishment for which it has been issued.

b. Any person desiring to operate a food-service establishment, shall submit a written application to the Department, on a form to be provided by the health officer, for a permit for such operation. Such application shall include the applicant's full name, post office address, and the signature of an authorized representative of the applicant; shall disclose 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 shall be accompanied by the permit fee amount described in Section 10.11.912. hereof. If the application is for a seasonal or temporary food-service establishment, it shall also include the inclusive dates of the proposed operation.

c. When inspection reveals that the applicable requirements of this Ordinance and directives of the health officer have been met and the applicable permit fee has been paid, a permit shall be issued to the applicant by the health officer.

d. Temporary and seasonal food-service establishment permits shall be issued for the periods of time specified by the applicant therefor, except that in no case shall a temporary food-service establishment permit be valid for more than fourteen (14) consecutive days, and a seasonal food-service establishment permit be valid for more than six (6) consecutive months.

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

f. All permits issued pursuant to this Ordinance shall expire on the March 31st next following the date of issuance. Notwithstanding any other provision hereof to the contrary, all temporary and seasonal permits issued pursuant to this Ordinance shall expire on the date set forth on the face of such permit.

g. Where, from such evidence as he/she may require, the health officer finds that the name of an establishment has changed after a permit has been issued for the same, but there has been no change in ownership, location, or type of operation, he/she may issue a permit to the permittee in the new establishment name upon payment of Two Dollars (\$2.00).

Section 10.11.912. Permits - Fees.

a. The permit fees for the food-service establishments subject to the fee requirements of this Ordinance shall be the annual fees set forth below and, with respect to temporary food-service establishments, the periodic fee set forth below:

CLASS CODE	TYPE OF FOOD-SERVICE ESTABLISHMENT	FEES
1. a.	Restaurants	
	(1) Seating Capacity 1-10	\$ 30.00
	(2) Seating Capacity 11-25	\$ 40.00
	(3) Seating Capacity 26-55	\$ 70.00
	(4) Seating Capacity 56-90	\$125.00
	(5) Seating Capacity 91-130	\$165.00
	(6) Seating Capacity 131-175	\$200.00
	(7) Seating Capacity 176-225	\$240.00
	(8) Seating Capacity 226-275	\$280.00
	(9) Seating Capacity Over 275	\$320.00
1. b.	Caterers	
	(1) If part of another food-service establishment	\$ 45.00
	(2) If not part of another food-service establishment	\$150.00
1. c.	Food-Processing Establishments	\$140.00
1. d.	Snack Bars	
	(1) No food preparation	\$ 95.00
	(2) Food preparation	\$140.00
1. e.	Mobile Food-Service Units	
	(1) Mobile Food Cart - Each Location	\$ 40.00
	(2) Mobile Caterer - First Vehicle	\$140.00
	Each Additional Vehicle	\$ 45.00
	(3) Restricted Mobile Food Vehicle - Each Location	\$ 90.00
	(4) Unrestricted Mobile Food Vehicle - Each Location	\$160.00
1. f.	Temporary Food Service Establishment	\$ 45.00
1. g.	Food Demonstrator	\$140.00
1. h.	Taverns (no food preparation)	\$ 95.00
2. a.	Grocery Stores	
	(1) 1 to 3 checkout devices	\$ 40.00
	(2) 4 to 8 checkout devices	\$ 80.00
	(3) Over 8 checkout devices	\$120.00
2. b.	Limited Grocery Stores	\$ 45.00
2. c.	Produce Stand	\$ 90.00
3.	Retail Bakery	\$140.00

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Provided, that if the application pertains to a seasonal food-service establishment or a food-service establishment that is to be operated only after October 1, in any year, the applicable permit fee shall be one-half the annual fee specified above; Provided further, that in the event the applicable annual permit fee is not paid prior to the tenth (10th) day after the date due, or the applicable seasonal permit fee is not paid prior to the fifth (5th) day after the date due, the food-service establishment operator subject to such fee shall be deemed to be delinquent, and subject to the surcharge provided for in Section 10.11.912. c.

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

c. Every food-service establishment operator who is delinquent in the payment of any applicable permit fee shall be subject to a surcharge equal to one-quarter (1/4) of the amount of the applicable permit fee, to pay for the additional Departmental administrative procedures occasioned by such delinquency.

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

- (1) Only the number of seats used for serving customers shall be counted; seating used solely for customer waiting shall not be counted.
- (2) Any restaurant comprised of more than one type of operation, such as a coffee shop and cocktail lounge, may, at the option of the permittee, have its seating capacity computed as if the restaurant were only a single operation.
- (3) Seating count for "take-out" and "drive-in" type food-service establishments shall either include the total number of inside and outside seats or two seats for each defined parking stall provided by the food-service establishment, whichever is greater.

e. Fees for inspection service requested by the food-service establishment management to be performed outside regular departmental working hours will be charged for at a rate equal to the cost of performing the service.

f. The Health Officer is also authorized to charge such fees as he/she may deem necessary for the furnishing of special services or materials requested by the public that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:

- (1) Reproduction of records and documents.
- (2) Special food-service establishment examination.
- (3) Examination, testing, or inspection of particular products, materials, construction, equipment or appliances to determine their compliance with the provision of this Ordinance or their acceptability for use.

The Health Officer or his/her authorized representative shall have full authority to specify the terms and conditions upon which such services and

materials shall be made available, consistent with any applicable statutes and ordinances; Provided, that any fees imposed pursuant to this authorization shall be reasonably equivalent to the City cost for furnishing said services and materials.

g. Whenever payment of any fee imposed by this Ordinance is made by a check that is not honored by the drawee bank, any permit issued pursuant to payment by that check is void from the date of permit issuance. The permit may be reissued upon payment by certified check, money order, or cash of the original amount, plus an administrative charge of Ten Dollars (\$10.00).

Section 10.11.913. Permits - Permit and Permit Fee Exemptions.

a. Every person who operates a public, private, or parochial school lunchroom shall obtain a permit therefor from the health officer but shall be exempt from the fee provisions of this Ordinance.

b. Every religious, charitable, community service or educational organization or institution operating a food-service establishment shall obtain a permit therefor from the health officer, but shall be exempt from the fee provisions of this Ordinance unless such food-service establishment, more than five (5) times per year, provides food to nonmembers of such organization or institution for a charge.

c. The health officer shall not require a permit fee from any blind person for the operation of a vending facility under the supervision of the Washington State Commission for the Blind. The term "vending facility" as used in this subsection means any vending stand, facility, cafeteria, or snack bar at which food, tobacco or sundries are offered for sale. The term "blind person" as used in this subsection shall have the meaning set forth in RCW 74.17.010.

d. Food-service establishments that sell or offer for sale only coffee, tea, nonpotentially hazardous nonalcoholic beverages, popcorn and prepackaged candy, chewing gum, nut meats, potato chips, and pretzels shall be exempt from the provisions of this Ordinance. The health officer, by rule, may authorize the sale of other nonpotentially hazardous foods to be likewise exempt from the provisions of this Ordinance.

e. The sale of wrapped prepackaged ice cream, ice cream bars, or frozen confections shall not require a permit where such products are prepared, manufactured, wrapped or packaged, and frozen in a facility operating under permit from the Department, the Washington State Department of Agriculture - the United States Department of Health and Human Services - Public Health Service - Food and Drug Administration, or another official agency acceptable to the health officer, and where such products remain packaged and frozen in an unaltered state until being sold.

Section 10.11.914. (F.S.S.M. § 10-103) Permits - Suspension.

a. The health officer may, without warning, notice, or hearing suspend any permit to operate a food-service establishment if the permittee does not comply with the requirements of this Ordinance, or the lawful directives of the health officer, or if the operation of the establishment is not in compliance with the requirements of this Ordinance, or if violations of this Ordinance have not been corrected within the time specified in an inspection report; Provided, that the health officer shall suspend the permit of a food-service establishment whenever he finds that the operation of such food-service establishment constitutes a substantial hazard to public health or whenever the rating score of such food-service establishment is found upon inspection to be less than 70 points on the form established pursuant to § 10.11.923. Suspension is effective upon service of the notice required by Subsection 10.11.914 b. of this Ordinance. When a permit is suspended, food service operations shall immediately cease.

b. Whenever a permit is suspended, the permittee shall be notified, in writing, that upon service of the notice on the permittee or the person in charge, the permit is immediately suspended and that an opportunity for a hearing on the validity of the suspension will be provided if a written request for hearing is filed with the health officer by the permittee within ten (10) days after the suspension. The filing of a written request for hearing shall not stay the effectiveness of the suspension.

Section 10.11.915. (F.S.S.M. § 10-104) Permits - Revocation.

a. The health officer, after providing the permittee an opportunity for a hearing, may revoke a permit for serious or repeated violations of any of the requirements of this Ordinance or for interference with the health officer in the performance of duty.

b. Prior to any such revocation, the health officer shall notify, in writing, the permittee of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the tenth (10th)

day following service of such notice unless a written request for hearing is filed with the health officer by the permittee within ten (10) days after the date of service, in which case the revocation shall be stayed until the issuance of a final decision following the hearing.

Section 10.11.916. Permits - Reinstatement After Suspension. Any person whose permit has been suspended may, at any time, submit to the Department a written application for an inspection for the purpose of reinstatement of a suspended permit, which application shall include a statement signed by the applicant that, in his opinion, the conditions causing suspension of the permit have been corrected. Within ten (10) days following the Department's receipt of such an application, the health officer shall inspect the premises to be used as a food-service establishment. In the event the applicant and such premises are in compliance with the requirements of this Ordinance, and when timely, the applicable permit fee has been paid, the permit shall be reinstated.

Section 10.11.917. (F.S.S.M. § 10-107) Permits - Application after Revocation. Whenever a permit has been revoked, the previous permittee may make written application for a new permit.

PART 92 - INSPECTIONS

Section 10.11.921. (F.S.S.M. § 10-201) Inspections - Frequency. An inspection of a food-service establishment may be performed by the health officer as often as such officer deems necessary. The health officer shall inspect every food-service establishment prior to issuing a permit therefor whenever the operation thereof is delinquent in the payment of any applicable permit fee.

Section 10.11.922. (F.S.S.M. § 10-202) Inspections - Access. Every person operating a food-service establishment shall permit the health officer, after proper identification, to enter the food-service establishment during its normal business hours for the purpose of making inspections to determine compliance with this Ordinance, and shall permit the health officer to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.

Section 10.11.923. (F.S.S.M. § 10-203) Inspections - Report.

a. Whenever an inspection of a food-service establishment is made, the findings shall be recorded on the inspection report form prepared by the health officer.

b. The inspection report form shall summarize the requirements of this Ordinance and shall set forth a weighted point value for each requirement as specified on FDA form FD 2420, of the U.S. Department of Health and Human Services, Food and Drug Administration. Inspectional remarks shall be written to reference, by part number, the section of this Ordinance violated, and shall state the date of the inspection, the correction to be made, and the period of time allowed for the correction of the violations found. The inspection report shall also state that failure to comply with any specified time limits for corrections may result in a Department directive to cease

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food-service operations and that an opportunity for hearing on the inspection findings will be provided if a written request for a hearing is filed with the health officer within ten (10) days following the date of the inspection report. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100.

c. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

Section 10.11.924. (F.S.S.M. § 10-204) Inspections - Time Allowed for Correction of Violations. Correction of the violations identified in any inspection report shall be accomplished within the period specified therein and in accordance with the following provisions:

a. All 1- or 2-point items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection; Provided, that when a rating score of the establishment is between 70 and 85, all 1- and 2-point weighted items shall be corrected within thirty (30) days.

b. All violations of 4- or 5-point weighted items shall be corrected as soon as possible, but in any event, within ten (10) days following inspection. A followup inspection may be conducted to confirm correction.

c. In the case of temporary food-service establishments, all violations shall be corrected within a time specified by the health officer, which shall not exceed twenty-four (24) hours.

PART 93 - EXAMINATION AND CONDEMNATION OF FOOD

Section 10.11.931. Examination and Condemnation of Food. Food may be examined or sampled by the health officer as often as necessary for enforcement of this Ordinance. The health officer, upon written notice to the permittee or person in charge specifying with particularity the reasons therefor, may place a hold order on any food which he/she believes is in violation of any provision of this Ordinance. The health officer shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or removed from the establishment except pursuant to direction of the health officer. The health officer shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The written notice of a hold order shall state that an opportunity for a hearing on the validity of the hold order will be provided if a written request for hearing is filed with the health officer within ten (10) days, and that if no hearing is requested, the food shall be destroyed.

PART 94 - REVIEW OF FOOD-SERVICE ESTABLISHMENT PLANS

Section 10.11.941. (F.S.S.M. § 10-401) Review of Food-Service Establishment Plans; Review Fee. Whenever a food-service establishment is to be constructed or extensively remodeled and whenever an existing structure is to be converted to use as a food service establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the health officer for review and approval before any such construction, remodeling or conversion is begun, together with the sum of Fifty Dollars (\$50.00), which shall be the fee for such review. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The health officer shall approve the plans and specifications if they meet the requirements of this Ordinance and the plans review fee has been paid; otherwise, he/she shall not. In the event the health officer disapproves submitted plans and specifications, he/she shall indicate the particular aspects thereof that are not in compliance with the requirements of this Ordinance, and shall invite the resubmission of such plans and specifications following their revision. When plans and specifications that have been examined are altered and resubmitted, an additional fee for the re-examination of such plans shall be assessed at the rate of Forty Dollars (\$40.00) per hour. Where a duplicate set of approved plans are submitted for examination and approval at any time after a permit has been issued on the original approved plans, a fee shall be charged at the rate of Forty Dollars (\$40.00) per hour for such examination and approval. Where a complete redesign of a building is submitted after one design has been examined, a new review fee shall be charged in addition to the review fee for the first design. The examination of any further redesign shall be similarly charged. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the health officer.

Section 10.11.942. (F.S.S.M. § 10-402) Pre-operational Inspection. Whenever plans and specifications are required by Section 10.11.941. of this Ordinance to be submitted to the health officer, the health officer may inspect the food-service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Ordinance.

PART 95 - AUTHORITY OF HEALTH OFFICER SUSPECTING INFECTION

Section 10.11.951. (F.S.S.M. § 10-501) Procedure When Infection is Suspected. When the health officer has reasonable cause to suspect possible disease transmission of any food-service establishment personnel, or by an outbreak of food-borne illness, the health officer may secure a morbidity history of the suspected personnel and may make any other investigation as indicated. The health officer may also require any or all of the following measures to be undertaken:

- The immediate exclusion of the infected personnel from employment in food-service establishments;
- The immediate closing of the food-service establishment concerned until, in the option of the health officer, no further danger of disease outbreak exists;
- Restriction of the infected personnel's services to some area of the establishment where there would be no danger of transmitting disease;
- Medical and laboratory examination of the personnel and of their body discharges;

e. Assistance in locating persons exposed to the disease.

PART 96 - ADMINISTRATIVE PROCEEDINGS

Section 10.11.961. (F.S.S.M. § 10-105) Administrative Proceedings - Service of Notices. A notice provided for in this Ordinance is properly served when it is delivered in person to the permittee or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permittee. A copy of the notice shall be filed in the records of the health officer.

Section 10.11.962. Administrative Proceedings - Request for Hearing. Any request for a hearing under this Ordinance shall be in writing and shall specify the name of the permittee; the business or operating name and address or location of the food-service establishment; the Departmental action concerning which the hearing is sought (for instance, a permit suspension,

permit revocation, inspection finding(s), the placing of a hold order on any food or the ordering of its destruction); the date of such Departmental action; a short statement of the reasons why a hearing should be held; the hearing requestor's position(s) with respect to the matters to be heard; and the administrative relief sought. Forms for such requests to be made shall be provided by the health officer, but the use of such forms shall not be a prerequisite for any such hearing.

Section 10.11.963. Administrative Proceedings - Hearings. In all cases in which a hearing is requested or otherwise required in accordance with the provisions of this Ordinance, the health officer shall set a date of hearing either before the health officer or a Hearing Examiner in the Office of Hearing Examiner, which date, unless otherwise provided herein, shall not be later than fifteen (15) days after the Department's receipt of a request for a hearing. Notice of the date, and a summary of the issues involved shall be sent by certified mail to the permittee and to any complainant other than the health officer. Such hearing shall be open to the public and shall be conducted and a record kept thereof in accordance with Administrative Code of The City of Seattle (Ordinance 102220, as amended). After any hearing with respect to the placing of a hold order on any food or the ordering of its destruction, the health officer or the Hearing Examiner may vacate the hold order or may direct the permittee or person in charge to denature or destroy such food or to bring it into compliance with the provisions of this Ordinance.

PART 97 - PENALTIES

Section 10.11.971. (F.S.S.M. § 10-601) Penalties. Anyone convicted for violating or failing to comply with any of the provisions of this Ordinance shall be punished by a fine of not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in jail for a term not to exceed ninety (90) 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.

PART 98 - APPENDICES

Section 10.11.981. Adoption and Incorporation of Appendices. Appendices C and D of the 1976 Food Service Sanitation Manual published by the U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, are hereby adopted and by this reference made part of this Ordinance.

PART 99 - GENERAL PROVISIONS

Section 10.11.991. Enforcement. The Code shall be enforced and administered by the Director. The Director is authorized pursuant to the Administrative Code of the City to make rules and regulations not inconsistent with the provisions of this Code for the purpose of enforcing and carrying out its provisions.

Section 10.11.992. Construction. The provisions of this Ordinance do not apply to or govern the construction of and punishment of any offense committed prior to the effective date of this Ordinance or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this Ordinance had not been enacted.

Section 10.11.993. Severability. The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this Ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

Section 2. Chapter 10.10 of the Seattle Municipal Code, as well as Ordinance 92987 entitled:

"AN ORDINANCE relating to and regulating the storage, sale and serving of foods in food-service establishments and similar facilities, requiring permits, defining offenses, prescribing penalties and repealing Ordinance 74360 and other ordinances insofar as in conflict herewith,"

and Ordinance 99992 entitled:

"AN ORDINANCE amending Section 6 of Ordinance 92987 to permit leashed guard dogs accompanying licensed merchant patrolman on routes in certain areas of food-service establishments;"

and Ordinance 104034 entitled:

"AN ORDINANCE relating to and regulating the storage, sale and serving of foods in food-service establishments and similar facilities, requiring permits, establishing fees, and amending Section 8 of Ordinance 92987;"

and Ordinance 105464 entitled:

"AN ORDINANCE amending Section 8 of Ordinance 92987 relating to and regulating the storage, sale and serving of foods in food-service establishments and similar facilities;"

and Ordinance 107837 entitled:

"AN ORDINANCE relating to the Health Department, modifying Ordinance 92987 by amending Section 8 thereof and by adding new sections B-A and B-B thereto, to reclassify food-service establishments and provide for the collection of permit fees therefrom;"

and Ordinance 108421 entitled:

"AN ORDINANCE relating to the Seattle-King County Public Health Department, repealing Sections 1, 3, B-A and B-B of Ordinance 92987, as last amended by Ordinance 107837, and adding new sections to change permit fees for certain food-service establishments, to add certain definitions, and substantially re-enact repealed sections;"

and all other sections of the Seattle Municipal Code or parts thereof and ordinances or parts of ordinances in conflict with Section 2 hereof, are repealed.

Section 3. Any act consistent with the authority and prior to the effective date of this Ordinance is ratified and confirmed.

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 26th day of May, 1981, and signed by me in open session in authentication of its passage this 26th day of May, 1981.

[Signature]
President of the City Council.

Approved by me this 30th day of June, 1981.

[Signature]
Mayor.
[Signature]
City Controller and City Clerk.

(SEAL)

By: *[Signature]*
Deputy Clerk.