

Ordinance No. 549

*Repealed
by Ord.
#2168*

Food Handling Ordinance



AN ORDINANCE DEFINING RESTAURANTS, DRINKING PLACES, ITINERANT RESTAURANTS, GROCERIES, FOOD MARKETS, MEAT MARKETS, EMPLOYEES, UTENSILS, HEALTH OFFICER, AND PERSONS, REQUIRING PERMITS FOR THE OPERATION OF SUCH ESTABLISHMENTS, PROHIBITING THE SALE OF UNWHOLE SOME FOOD OR DRINK, REGULATING THE INSPECTION OF SUCH ESTABLISHMENTS UNDER PRESCRIBED RULES AND REGULATIONS, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS: The following definitions shall apply in the interpretation and the enforcement of this ordinance — or these rules and regulations.

A. Restaurant — The Term "restaurant" shall mean any place where food and drink is served to or provided for the public with or without charge; such as hotels, restaurants, cafes, cafeterias, boarding houses, street vendors or stalls; private, public, parochial, or Sunday schools; churches and public institutions; and railway stations and recreational and labor camps.

B. Drinking Places — The term "drinking place" shall mean any place where drink is served to or provided for the public with or without charge, such as bars, taverns, and soda fountains.

C. Itinerant Restaurants and Drinking Places — The term "itinerant restaurant" or itinerant drinking place " shall mean one operating for a temporary period in connection with a fair, carnival, circus exhibition, or other similar gathering.

D. Grocery, Food Market, and Meat Market — The term "groc-

ery," "food market," or "meat market" shall mean any place, wholesale or retail, where food or meats, in bulk or package form, are provided for the public for preparation and service elsewhere. For the purpose of these regulations the term "restaurant" may — shall apply to groceries, food markets, and meat markets. This section shall not be interpreted to include slaughter houses.

E. Employee — The term "employee" shall mean any person working in any of the establishments defined in Section 1, (A), (B), (C), and (D), who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils or who is employed at any time in a room in which food or drink is prepared or served.

F. Utensils — "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving.

G. Health Officer — The term "health officer" shall mean the county health officer as defined in section 6091 of Remington's Revised Statutes of Washington, or his authorized representatives.

H. Person — The word "person" shall mean person, firm, corporation, partnership, or association.

Section 2. PERMITS: It shall be unlawful for any person to operate a restaurant, an itinerant restaurant, or drinking place in the County of King who does not possess an unrevoked permit issued by the health officer and in whose place of operation or business such permit is not at all times posted or displayed in a conspicuous place designated by the health officer. Permits shall be valid for twelve months after date of issue. Only persons who comply with the requirements of this ordi-

nance — and these rules and regulations shall be entitled to receive and retain such a permit; these permits shall be non-transferable.

Such a permit may be suspended by the health officer or revoked after an opportunity for a hearing by the health officer upon the violation by the holder of any of the terms of this ordinance — or these rules and regulations.

Section 3. INSPECTION OF RESTAURANTS AND DRINKING PLACES: At least once every 6 months the health officer shall inspect every restaurant and every drinking place located within his jurisdiction.

One copy of the inspection report shall be posted by the health officer upon an inside wall of the restaurant or drinking place, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

Sanitation requirements for Restaurants and Drinking Places — All restaurants and drinking places shall comply with all of the following items of sanitation.

ITEM 1. Floors: The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as easily to be cleaned, shall be smooth, well drained, and shall be kept clean and in good repair. Floors shall be of concrete, terazzo, tile, wood covered with linoleum, or tight wood free from cracks. If floor drains are used, they shall be provided with proper traps.

ITEM 2. Walls and Ceilings: Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be painted, preferably in light color, or

caulskinned or otherwise finished at frequent enough intervals to maintain the surface in a clean condition.

The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray. Evidence of splash or spray above the impervious surfacing shall be deemed a violation of this item and shall be sufficient cause to require additional impervious surfacing.

ITEM 3. Doors and Windows: When flies are prevalent, all openings into the outer air shall be effectively screened, with not less than 16-mesh screen, and doors shall be self-closing; or fans of sufficient power to prevent the entrance of flies shall be in use at all otherwise ineffectively screened openings.

ITEM 4. Lighting: All rooms in which food or drink is stored, or prepared, or in which utensils are washed, shall be provided with artificial light sources equivalent to at least 20-foot candles at a distance of 330 inches from the floor or working surfaces, as measured by a suitable light meter, and such artificial light sources shall be in use except when equivalent natural light is present. This requirement does not apply to dining rooms.

ITEM 5. Ventilation: All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be sufficiently well ventilated to prevent the accumulation of disagreeable odors and condensation upon interior surfaces. This requirement shall not apply to cold storage rooms.

ITEM 6. Toilet Facilities: Every restaurant and drinking place shall be provided with adequate and conveniently located toilet facilities for employees, conforming with any local ordinances which are in effect. Toilet rooms shall be kept in a clean condition, in good repair, the walls free from defacement, well lighted, and well ventilated to the outside air. Signs shall be posted in each toilet room used by employees, directing employees to wash their hands before returning to work. Where water under pressure is available, only flushing, water-retaining closets may be used.

In any new construction, toilet rooms must be separated from the establishment proper by a vestibule vented to the outside air. The

doors of both vestibules and toilet rooms must be made self-closing. Booths open at the top shall not qualify as adequate toilet rooms.

In case privies or earth closets are permitted and used, they shall be separate from the establishment and shall be of a sanitary type constructed and operated in conformity with the Rules and Regulations of the State Board of Health.

ITEM 7. Water Supply: The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed, and shall be adequate, and of a safe, sanitary quality.

(a) When a public water supply is not available, and it is necessary to resort to a well, spring, or other source of water supply, no person shall maintain such well, spring, or other source of water supply used for drinking or culinary purposes, and to which the public has or may have access, and which is polluted, or which is so situated or constructed that it may become polluted in any manner that may render such water supply injurious to health.

(b) The health officer may make such investigations as deemed necessary, and if upon investigation the water supply is found to be, or may become, a menace to health, the supply shall be abandoned in a manner that will prevent its further use for drinking purposes, or such alterations or changes shall be made as deemed necessary to produce a safe drinking water in accordance with the recommendations of and with in a time limit set by the health officer.

ITEM 8. Lavatory Facilities: Adequate and convenient hand-washing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is prohibited. Dishwashing vats shall not be accepted as washing facilities for personnel. No employee shall resume work after using the toilet room without first washing his hands.

ITEM 9. Construction of Utensils and Equipment. All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant or drinking place, shall be so constructed as easily to be clean and in good repair. All surfaces or

multi-use utensils and equipment with which food or drink comes in contact, shall be free of breaks, corrosion, open seams, cracks, and chipped places.

ITEM 10. Cleaning of Equipment and Cleaning and Bactericidal Treatment of Utensils: All equipment, including display cases or windows, counters, shelves, tables, meat blocks, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean.

All multi-use eating and drinking utensils shall be cleaned after each usage, and all multi-use utensils used in the preparation or serving of food and drink, shall be thoroughly cleaned immediately following the day's operation, in such a manner as to be clean to the sight and touch.

The cleaning may be accomplished by pre-rinsing, followed by washing in warm water, 110 degrees Fahrenheit to 1200 degrees Fahrenheit, containing an adequate amount of an effective soap or other effective detergent to remove grease and solids.

After cleaning, all such utensils shall be effectively subjected to one of the following bactericidal processes:

METHOD I. Immersion for at least two minutes in clean, hot water, at a temperature of at least 170 degrees Fahrenheit, or for one-half minute in boiling water. Unless actually boiling water is used, an approved thermometer shall be available convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance. Where this method is employed, there shall be provided a hot-water heater, capable of maintaining a water temperature of at least 170 degrees Fahrenheit in the vat at all times during business hours. The heating device may be integral with the immersion vat.

METHOD II. Immersion for at least two minutes in a chlorine rinse, containing at least 50 parts per million of available chlorine, if chloramines are used. The rinse should be made up to double strength, and shall not be used after the strength has been reduced to below the specified concentration in parts per million. When this method is employed, a three-compartment vat shall be required; the first compartment to

be used for washing, the second, for plain rinsing, and the third, for chlorine immersion; provided that, for existing installations, the second or rinsing compartment may be omitted, if a satisfactory rinsing or spraying device is substituted.

METHOD III. Dishwashing Machines. When dishwashing machines are employed, utensils should be pre-rinsed before being placed in the dishwashing machine. The health officer shall specify the wash water temperature. The period of exposure to rinse water shall be 2 minutes and the temperature of rinse water shall be maintained at 170 degrees F., or 15 seconds' exposure to live steam.

METHOD IV. Some other equally effective means; provided that such method or methods as are employed shall be approved by, and shall result in a degree of sanitation satisfactory to, the State Director of Health and provided that continuous effectiveness of such methods can be readily established.

By any method, the final test for cleanliness and satisfactory bactericidal treatment shall be freedom from bacteria, chemical reagent, and any other foreign matter.

If drying cloths are used, they shall be clean and shall be used for no other purpose.

Silver and silver-plated table ware should not be treated with chlorine unless immediately rinsed in clean water following immersion in the chlorine solution, as silver chlorides are formed which blacken the silver; therefore, Method 1 or Method 3 may well be employed on such table ware.

Single-service containers shall be used only once.

ITEM 11. Storage and Handling of Utensils and Equipment: After bactericidal treatment, no utensil shall be stored except in a clean, dry place, protected from flies, dust, or other contamination and no utensils shall be handled except in such a manner as to prevent contamination so far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein, in a clean, dry place until used, and shall be handled in a sanitary manner. Spoons, spatulas, dippers, etc., used for dispensing frozen desserts, shall, when not in use, be kept in clean, preferably running water. Drinking straws

must be individually enclosed and served in an original wrapper.

ITEM 12. Disposal of Wastes: All wastes shall be properly disposed of in such a manner as not to constitute a nuisance or a public health menace, and in accordance with Book V, Part 1, Section 10 of the Rules and Regulations of the State Board of Health.

There shall be provided and maintained in a suitable location a sufficient number of garbage containers of water-tight construction, made of non-absorbent material, provided with handles and close-fitting covers, and all garbage shall be kept therein, pending its removal and disposal. Garbage containers shall be washed at intervals frequent enough so as to prevent nuisance. Filled garbage containers shall not be allowed to remain in any room where food is prepared or eaten.

ITEM 13. Refrigeration: All readily perishable food or drink, including cream pies and puddings, shall be kept at or below 50 degrees F. except when being prepared or served, and an indicating thermometer shall be provided. Waste water from refrigeration equipment shall be properly disposed of and there shall be no direct connection to a sewer.

ITEM 14. Wholesomeness of Food and Drink: All food and drink shall be wholesome and free from spoilage, and comply with all existing state laws, rules and regulations.

ITEM 15. Storage and display of Food and Drink: All food and drink shall be so stored and displayed as to be protected from dust, flies, vermin, rodents, unnecessary handling, droplet infection, overhead leakage, sewage backflow, and other contamination. Evidence of the presence of rodents, roaches, ants, or other vermin shall be considered as a violation of this item. Dustless methods of floor cleaning shall be employed, and all except emergency floor cleaning shall be done during those periods when the least amount of food and drink is exposed, such as after closing or between meals. No live animal or fowl shall be kept or allowed in any room in which food or drink is prepared, stored or served. All means necessary for the elimination of flies, other insects, vermin and rodents shall be used. Granulated sugar must be dispensed from closed pouring type containers; lump sugar must be dispensed in individually wrapped units.

ITEMS 16. Cleanliness of Employees: Employees shall wear clean outer garments, keep hands clean while engaged in handling food, drink, utensils, or equipment. Cleanliness shall be effected in a manner adequately to prevent contamination of food, drink, utensils, and equipment with dirt, filth and unserved food particles.

ITEM 17. Miscellaneous: The premises of all restaurants and drinking places shall be kept clean and free of litter or rubbish. Adequate lockers or dressing rooms should be provided for employes' clothing and shall be kept clean. Soiled linen, coats and aprons shall be kept in containers provided for this purpose.

None of the operations connected with a restaurant or drinking place shall be conducted in any room used as living or sleeping quarters.

Section 4. ITINERANT RESTAURANTS AND DRINKING PLACES: Itinerant restaurants and drinking places shall be constructed and operated in a manner approved by the health officer.

The health officer shall approve an itinerant restaurant or drinking place only if it complies with the following sanitation requirements:

Garbage and refuse shall be kept in tightly covered, water-tight containers until removed and shall be disposed of in a place and manner approved by the health officer. Dishwater and other liquid wastes shall be so disposed of as not to create a nuisance.

No person suffering from any disease transmissible by contact or through food or drink or who is a carrier of the germs of such a disease shall be employed in any capacity. Adequate refrigeration for keeping all readily perishable food or drink at 50 degrees F. or below shall be provided. Adequate and satisfactory toilet and handwashing facilities shall be readily accessible to employees. No person engaged in the handling or serving of food or drink shall return to his work, after using the toilet, without thoroughly washing his hands.

Upon failure of any person maintaining or operating an itinerant restaurant, or drinking place, after warning, to comply with any of these requirements it shall be the duty of the health officer summarily to forbid the further sale or serving of food or drink therein.

Within one week after the receipt of a satisfactory application accompanied by a statement signed by the applicant to the effect that the violated item or items of the specifications have been conformed with, the health officer shall make a reinspection, and thereafter as many additional re-inspections as he may deem necessary to assure himself that the applicant is again complying with the requirements, and, in case the findings indicate compliance, shall reinstate the permit.

Section 7. NOTIFICATION OF DISEASE: Notice shall be sent to the health officer immediately by the restaurant manager or by the employee concerned if he or any employee contacts an infectious, contagious, or communicable disease, or has a fever, skin eruption, a cough lasting more than 3 weeks, or any other suspicious symptom. It shall be the duty of any such employee to notify the restaurant manager immediately when any of said conditions obtain, and if neither the manager nor the employee concerned notifies the health officer immediately when any of said conditions obtain, they shall be held jointly and severally to have violated this section. A placard containing this section shall be posted in all toilet rooms.

Section 8. PROCEDURE WHEN INFECTION SUSPECTED: When suspicion arises as to the possibility of transmission of infection from any restaurant employee, the health officer is authorized to require any or all of the following measures: (1) The immediate exclusion of the employee from all restaurants; (2) the immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the health officer; (3) adequate medical examination of the employee and of his associates with such laboratory examinations

as may be required or indicated.

Section 9. FOOD EMPLOYEE'S HEALTH RECORD OR PERMIT: All employees shall have a health examination annually, or oftener, if required by the health officer. The health officer may at his discretion, also require the employee to take a written and — or oral examination in the public health aspects of food handling and may also, in addition to, or in lieu of such written and — or oral examination, require the employee to attend a food handler's training course approved by the health officer. It shall be unlawful for any person to be employed in any food establishment as defined in Section 1, (A), (B), (C), and (D), unless he shall first furnish and place on file with the person in charge of such establishment either a valid food employee's (food handler's) health record, permit, card, or certificate from the health officer. The examination shall include such laboratory, X-ray and other procedures as the health office shall deem necessary, and the person examined shall willingly provide such samples or specimens of body fluids, excreta, sputum, throat cultures, and the like, as shall be required in order to perform the examination properly. The health record, permit, card, or certificate shall be kept at all times on file in the office of the employer of such person, and shall be open for inspection at all reasonable hours by the health officer. Such health record, permit, card, or certificate shall be returned to the employee when leaving the service of the employer.

Section 10. ENFORCEMENT: It shall be the duty of the county health officer to enforce the provisions of this ordinance — or these rules and regulations, and in the performance of this duty the health officer or his duly authorized agent is hereby author-

ized to enter, at any reasonable hour, any premises as may be necessary in the enforcement of this ordinance — or these rules and regulations.

Section 11. PENALTIES: Any person, firm or corporation who violates, or refuses or fails to comply with, any of the provisions of this ordinance — or these rules and regulations shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$100.00.

Section 12. ENFORCEMENT OF: The enforcement of this ordinance is hereby delegated by the City of Kirkland to King County.

Section 13. EFFECTIVE DATE: This ordinance shall be in full force and effect five (5) days from and after its passage, approval, and legal publication as provided by law.

Section 14. UNCONSTITUTIONALITY CLAUSE: If any section, sub-section, sentence, clause, or phrase of this ordinance — or these rules and regulations is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance — or these rules and regulations.

Section 15. REPEAL: Any ordinance — or rules and regulations or parts of ordinances — or rules and regulations in conflict with this ordinance — or these rules and regulations are hereby repealed.

Introduced, December 15, 1947.

Passed this 19th day of January, 1948.

Approved this 19th day of January, 1948.

HARRY M. EVERETT,
Mayor.

C. F. TRENT,
City Clerk.

Approved as to form:

L. N. OSTRANDER,
City Attorney.

(Published January 29, 1948)