

FULTON COUNTY CODE OF ORDINANCES AND CODE OF RESOLUTIONS

CHAPTER 34 - HEALTH AND SANITATION

ARTICLE V - FOOD SERVICE

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ARTICLE V. FOOD SERVICE*

*Cross reference(s)—Alcoholic beverages, ch. 6; businesses, ch. 18.

State law reference(s)—Food, drugs and cosmetics, O.C.G.A. 26-1-1 et seq.

Sec. 34-151. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrative hearing means a hearing that will be held prior to the suspension or revocation of a permit for a food service establishment.

Approved means acceptable to the department based on a determination of conformity with this article, principles, practices, and generally recognized standards that protect public health.

Base of operation means a food service establishment, or any other place in which food, containers or supplies are kept, handled, prepared, packaged or stored for subsequent transport, sale or service elsewhere.

Certified Food Safety Manager means the permit holder, owner or manager of a food service establishment who has successfully completed an approved nationally recognized food safety training program accredited by the Conference for Food Protection and has passed a professionally validated examination.

CFR means the Code of Federal Regulations.

Comminuted means reduced in size by methods including chopping, flaking, grinding, mincing, etc. A comminuted product may include fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish; gyros, ground beef, and sausage; or a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

Confirmed foodborne disease outbreak means an outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates a specific food as the source of the illness.

Consumer means a person who takes possession of food for consumption, is not functioning in the capacity of an operator in the food service establishment or food processing plant, and does not offer the food for resale.

Contaminated means to make unfit for use by the introduction of unwholesome or undesirable elements.

Corrosion resistant materials means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, normal use of cleaning compounds and bactericidal solutions, and other use conditions.

Sec. 34-151. Definitions. (cont.)

Critical control point means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

Critical item means a provision of this article that if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or an environmental health hazard.

Critical limit means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

Cross connection means any configuration whereby a potable water supply is connected with any water system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains (or may contain) contaminated water, sewage or other unsafe waste or liquid which may be capable of contaminating the potable water supply.

Department means the Fulton County Department of Health and Wellness or its authorized representative(s).

Director means the Director of the Fulton County Department of Health and Wellness or his or her designee.

Dry storage area means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and for the storage of dry goods such as single-service items.

Easily cleanable surface means those surfaces that are readily accessible, made of materials and finish and fabricated so that residue may be effectively removed by normal cleaning methods.

Employee means the permit holder, and individual having supervisory or management duties and/or any other person working in a food service establishment.

Equipment means portable or fixed items used in the operation of food service establishments and includes: stoves, ranges, hoods, slicers, ovens, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, mixers, steam tables, and similar items other than utensils.

Extended food service means a stationary trailer, kiosk or similar unit operating as an extension of and located on the same premises of a base of operation or permitted food service establishment.

Fish means fresh or saltwater fin fish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.

Food means any raw, cooked, or processed edible substance including, ice, beverage, or ingredient(s) used or intended for use or for sale, in whole or in part, for human consumption.

Sec. 34-151. Definitions. (cont.)

Food contact surface means any surface of equipment and utensils with which food normally comes in contact, and any surface from which food may drain, drip, or splash back.

Food processing establishment means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or base of operation.

Food sales establishment means retail and wholesale grocery stores, retail seafood stores, and places of business; food processing plants, except those food processing plants which are currently required to obtain a license from the Commissioner under any other provision of law; bakeries; confectioners; fruit, nuts, and vegetable stores and places of business, and similar establishments, mobile or permanent, engaged in the sale of food primarily for the consumption off the premises. This term shall not include food service establishments as defined in this article.

Food service establishment means any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns, bars, lunchrooms; places which manufacture retail sandwiches or salads; soda fountains; institutions both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include a “food sales establishment,” as defined in the Code Section 26-2-21, except as stated in this definition. The food service component of any food sales establishment defined in Code Section 26

2-21 shall not be included in this definition. This term shall not include any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor public school function or any outdoor private school function. This term also shall not mean establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of a fair or festival which:

1. Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;
2. Lasts 120 hours or less; and
3. When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.

Food shield means a barrier, usually made of glass or rigid plastic, positioned to intercept contaminants which may be expelled from a customer’s mouth or nose.

Sec. 34-151.Definitions. (cont.)

Food system means the facilities and operations for food processing which includes receiving, storing, preparing, packaging, handling, servicing, and transporting as applicable to this article.

Foodborne disease outbreak means an incident in which two (2) or more persons experience a similar illness after ingestion of a common food, and epidemiological analysis implicates the food as the source of the illness. It includes a single case of illness from botulism or chemical poisoning.

Game animal means an animal, of which the products are food that is not normally classified as domestic, and includes fowl, cattle, sheep, swine, goat, horse, mule, or other equine. It includes animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.

HACCP plan means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Hazard means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

Hearing means the same as an administrative hearing.

Hearing officer means the director of the department or his/her designee.

Hermetically sealed container means a container designed to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

Imminent health hazard means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent illness / injury.

Indirect drain means plumbing of which a direct connection does not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.

Kitchenware means all multi-use utensils for food preparation other than tableware.

Law means any applicable federal, state, and local statutes, ordinances, articles, and regulations.

License means a document issued annually to the permit holder of a food service establishment by this department to verify payment of the fees for services.

Mobile food unit means a self-propelled vehicle or mounted unit on a vehicle intended to be operated as a food service establishment.

Sec. 34-151. Definitions. (cont.)

Modification means any change, alteration or substitution of food service establishment equipment.

Movable food service unit means a trailer or motorized vehicle designed to operate indoors/ outdoors and return to a base of operation for storage, cleaning, and servicing each day.

Operator means the individual(s) or entity responsible for the day to day management , administration, functioning and execution of the food service establishment or food sales establishment.

Packaged means securely wrapped, bottled, canned, or cartoned.

Permit means written authorization granted by this department to the owner or authorized agent to operate a food service establishment.

Permit holder means the entity who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, agent for the owner or other such authorized or designated person.

Person means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

Person in charge means the individual present in a food service establishment who is the designated supervisor of that establishment at the time of inspection. If no individual has been designated as the supervisor, then any employee present shall be considered as the person in charge by this department.

Personal care items means items or substances that are used to maintain a person's health, hygiene, or appearance and that may be poisonous, toxic, or a source of contamination. They include items such as medicines, first aid supplies, and cosmetics, toiletries, toothpaste, mouthwash, and other personal care items.

pH means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity and values between seven (7) and 14 indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

Physical facilities means the structure and interior surfaces of a food service establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

Potable water supply means any water supply that is satisfactory for drinking, culinary and domestic purposes. Potable water must meet the current standards established by the Environmental Protection Division, Georgia Department of Natural Resources.

Potentially hazardous food means any food that consists, in whole or in part, of milk or milk products, or eggs, meats, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a

Sec. 34-151.Definitions. (cont.)

form capable of supporting rapid and progressive growth of infectious, or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

Premises means the facility, its contents, and the contiguous property under the control of the permit holder.

Pushcart means a non-self-propelled vehicle intended for use in serving Class A food.

Ready-to-eat food means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. It includes potentially hazardous food that is unpackaged and cooked to the temperature and time required; raw, washed, cut fruits and vegetables; whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as on a buffet; and other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

Reconstituted means dehydrated food products recombined with water or other liquids.

Safe materials means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, by becoming a component or otherwise affecting the characteristics of any food. Materials used as food additives or color as defined in the Federal Food, Drug, and Cosmetic Act, are safe only if they are used in conformity with regulations established pursuant to section 409 or section 706 of the Act. Other materials are safe only if, as used, they are not food or color additives as defined in the Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

Sanitization means effective bactericidal treatment that provides sufficient accumulative heat or concentration of chemicals at a sustained period of time to reduce the bacterial count, including pathogens, to a safe level on utensils, surfaces and equipment.

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

Shellfish certification number means a unique combination of letters and numbers assigned by the Shellfish Control Authority to a molluscan shellfish dealer according to the provisions of the National Sanitation Program.

Single-service articles means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, etc., and similar articles intended for a one-time use by one person and then discarded.

Single-use articles means utensils and bulk food containers designed and constructed to be used once and discarded. They include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, number ten (#10) cans, which do not meet the materials durability, strength, and cleanability specifications.

Sec. 34-151. Definitions. (cont.)

Smooth means a food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number three (#3) stainless steel; a nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

Special event means any activity attracting more than 50 persons that is sponsored, organized, promoted, managed, or financed by any person, where individuals congregate to participate in or observe an activity in outdoor or portable enclosed or semi-enclosed structures for more than two (2) consecutive hours.

Table-mounted equipment means equipment that is not portable and is designed to be mounted off the floor on a table, counter or shelf.

Tableware means multi-use eating and drinking utensils.

Temporary food service establishment means a food service establishment, which operates at the same location for a period of time of not more than 14 consecutive days in conjunction with a single event, such as a fair, carnival, circus, exhibition, or similar temporary gathering.

Temperature measuring device means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

Utensil means any implement used in the storage, preparation, transportation, or service of food.

Vehicle vendors means any operation and persons operating from an approved vehicle and only serving food prepared and packaged in individual servings at a permitted food processing establishment or commissary.

Vestibule means a passage, hall, or room between the outer door and the interior of a building lobby.

Warewashing means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

Water activity means a measure of the free moisture in food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.

(91-RC-158, 30-2-2-1, 5-1-91)

Cross reference(s)–Definitions generally, 1 - 2.

Sec. 34-152. Permits and plans.

- (a) *Permit required.* No person shall construct, operate, or modify a food service establishment, a mobile food unit or a temporary food service operation without having first obtained a valid permit from this department. Permits are valid until suspended, revoked, or surrendered. Furthermore, any food service operating without a valid permit from the department shall be subject to immediate closure.

Sec. 34-152. Permits and plans. (cont.)

- (b) *Construction, Operation, Modification permit.* A fee may be charged, in accordance with the current fee schedule, for a permit to construct or modify any new food service establishment.
- (c) *Permit nontransferable.* Permits are not transferable from one person to another, from one food service establishment to another, nor when the food service establishment is moved from one location to another. If the permit holder is changed, then the current permit to operate the food service establishment is invalid and a new permit to operate is required. Permits shall be returned within seven (7) days to the department when the food service establishment ceases to operate, moves to another location, the permit is revoked, or there is a change in the permit holder.
- (d) *Permit displayed.* The permit shall be framed and displayed in a conspicuous place where it is easily readable by the public at all times.
- (e) *Approval required.*
 - (1) *Written approval.* No person may begin construction of a new structure or major remodeling/renovation of any existing structure until all requirements outlined in the current “Plan Review /Construction Checklist - Food Service” are satisfactorily met and that person has obtained all necessary plan approvals from the department.
 - (2) *Other approvals.* Any person constructing, operating or modifying a food service establishment must comply with all applicable regulations and codes including building codes, electrical and plumbing codes, and must obtain applicable permits and approvals from the appropriate agencies.
 - (3) *Changes to plans.* Once a construction permit has been issued for a food service, construction must be in accordance with approved plans and specifications. Should any changes in the plans become necessary during construction, a letter, outlining any changes, and revised plans and specifications from the owner/contractor, shall be submitted to the department for review and approval prior to initiation of such changes. Plans shall not be altered without approval from the department.
 - (4) *Onsite sewage management systems.* Any food service establishment and its related sanitary facilities proposed to be constructed on premises utilizing an onsite sewage management system must be approved by the department prior to construction and in accordance with the Fulton County Article XI, “Sewage Disposal”.
 - (5) *Construction or modification without approval.* All food service establishments constructed or modified without written approval from the department shall be subject to compliance with the current article. Plans shall not be altered without written approval from the department.

Sec. 34-152. Permits and plans. (cont.)

- (f) *Permit application.*
 - (1) *Application procedure.* The owner authorized agent or operator of the food service establishment shall submit to this department a request for a permit to construct, operate, and/or modify the establishment. The application shall be prepared in duplicate on forms provided by this department. The original shall be retained by the department and the copy retained by the applicant.
- (g) *Denial of permit.* If a permit is denied, the applicant will be notified in writing, specifically stating all reasons for the permit denial.
- (h) *Opening inspection.* Prior to the issuance of a permit to operate, the department representative shall inspect the proposed food service establishment and determine that compliance with the requirements of this article have been met.
- (i) *Compliance with other regulations.* Prior to the issuance of a permit and at the request of the department, the person in charge of the food service establishment shall furnish to the department evidence of satisfactory compliance with any law or regulation there under applicable to food service establishments, the enforcement of which is the responsibility of a department or agency of government other than the department. Other department regulations are separately enforceable.

(91-RC-158, 30-2-2-2, 5-1-91)

Sec. 34-153. Permit, license, fees and certification.

- (a) *Permit.* The permit holder or designee must have a valid permit from this department to operate a food service. This permit does not expire and is valid until suspended, revoked or there is a change in the permit holder. Failure to pay a permit fee, which includes returned checks for insufficient funds, shall be a violation of this article and invalidates the permit accordingly.
- (b) *License.* The permit holder or designee of any permitted food service establishment must show proof of payment of a service fee by posting a current license from this department. The license shall be renewed on an annual basis by the payment of the current fee. Failure to pay a permit fee, which includes returned checks for insufficient funds, shall be a violation of this article and invalidates the license accordingly. Furthermore, any food service establishment operating without a valid license, from the department, shall be subject to immediate closure.
- (c) *Permit, license, current inspection report and CFSM certificate displayed.* The permit to operate, current license and current (last) inspection report from this department, along with the valid and current Certified Food Safety Manager (CFSM) certificate, shall be displayed in a conspicuous place where it is easily readable by the public at all times.

Sec. 34-153. Permit, license, fees and certification. (cont.)

- (d) *Fees.* The Fulton County Board of Commissioners establishes fees for services provided under this article including permits, inspections, plan reviews, training, and certification. Fees assessed will be in accordance with the current fee schedule as set forth by the Board of Commissioners.

- (e) *Certified Food Safety Manager.* Within two (2) years of the effective date of this article, each existing food service establishment shall have in their employ a Certified Food Safety Manager (CFSM). Facilities permitted after the effective date of this article shall be immediately subject to the following requirements.
 - (1) Certification requirements and exemptions. Each food service establishment shall have an owner or at least one food service manager on staff who has successfully completed a food safety training program approved by the department and who has passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection. Acceptable training programs may include, but not be limited to, classroom, CD-ROM, internet based, or other suitable method of training delivery. Certified Food Safety Managers must renew certification every five years or less if required by the examination taken.
 - a. The following operations are not required to have a certified owner or manager:
 - 1. A mobile food unit that does not prepare and cook foods.
 - 2. Food service establishments that serve non-potentially hazardous foods which require limited preparation, or those potentially hazardous foods which have been previously prepared in a permitted food service establishment.
 - 3. Temporary food service operations in accordance with this article.
 - b. A food service establishment will have 90 days from the date of initial permit issuance, change of ownership permit issuance, or termination of employment of its CFSM to employ a new CFSM.
 - c. A food service establishment that ceases to employ a CFSM shall notify the department within 30 days of the date that the food service establishment ceases to employ its CFSM with the name and certification number of the former CFSM and measures being taken to designate a new CFSM. Measures shall include:
 - 1. Hiring a new CFSM;
 - 2. Designating an existing employee who is enrolled in an approved CFSM training course; or
 - 3. Hiring a new employee who is enrolled in an approved CFSM training course.

Sec. 34-153. Permit, license, fees and certification. (cont.)

(2) Certification documentation:

- a. The CFSM certification shall be posted in public view in each food service establishment. An additional copy shall be retained on file at the food service establishment at all times, and shall be made available for inspection by the department.
- b. A CFSM certificate which has expired, been revoked or suspended shall not be posted in the food service establishment.
- c. All licenses, certificates, diplomas, or other similar credentials issued or granted to an owner or operator who has successfully completed an approved or accredited food safety certification course and exam shall expire five (5)

years after the date of issuance, the expiration date determined by the credentialing organization. Within 90 days of the expiration of the CFSM certificate, the CFSM shall enroll in an approved food safety training course, pass an approved exam and obtain a new certificate.
- d. The certification is not transferable between persons and shall not be duplicated by anyone other than the department.

(3) Certified Food Safety Manager responsibility.

- a. The responsibility of the CFSM shall include the safety of food preparation and service by ensuring that all employees who handle , or have responsibility for handling, unpackaged food of any kind, have sufficient knowledge of safe preparation and service of the food. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties related to food safety issues.
- b. The CFSM shall:
 1. Supervise and instruct food service employees in the techniques of sanitary food handling and proper maintenance of the facility.
 2. Report to the department, any imminent health hazard as defined in Section 34-154(2) or from food being held at required temperatures for greater than four (4) hours immediately upon receiving knowledge that they have occurred.
 3. Offer a training program for his/her employees to satisfy employee proficiency in their job responsibilities for food safety.
 4. Communicate with representatives of the department about the effectiveness of employee training programs.

Sec. 34-153. Permit, license, fees and certification. (cont.)

5. Assess training needs of the food service employees and request formal training as needed.

(91-RC-158, 30-2-2-3, 5-1-91)

Sec. 34-154. Compliance requirements.

(a) *Inspections.*

- (1) *Interval.* An inspection of a food service establishment shall be performed at least twice a year (once every six months). The first routine inspection will be conducted within 60 days following the opening of the establishment. Additional inspections of a food service establishment shall be performed as necessary for the enforcement of this article.
- (2) *Right to access.* Representatives of the department, after proper identification, shall be permitted to enter any food service establishment during hours of operation for the purpose of performing inspections to determine compliance with this article. The department representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, stored, or used.
- (3) *Report.* Findings made during an inspection shall be recorded on the inspection report form. The inspection report shall summarize the requirements of this article and shall set forth a grade based on critical and non-critical violations. Establishments maintaining an “A” food safety grade shall mean food safety excellence where no critical categories are violated and no more than five (5) non-critical categories are violated. In addition, there are no recurring violations from the last routine inspection. Establishments that receive a “B” food safety grade shall mean satisfactory compliance where no more than two (2) critical categories are violated and corrected immediately and no more than nine (9) non-critical categories are violated, including no more than two (2) reoccurring non-critical violations from the last routine inspection. Establishments that receive a “C” food safety grade shall mean that it was previously graded as a “U” and received a “C” upon a follow-up inspection when all critical violations have been corrected and there are no new critical violations. In addition, there are no more than two (2) uncorrected non-critical violations and there are no more than seven (7) new non-critical violations. The “C” will be posted until the next routine inspection. The operator of the establishment may request one (1) additional routine inspection no sooner than 60 days from the date that a “C” is received. The department may honor this request at its discretion. Establishments that receive a “U” grade shall mean that it has unsatisfactory compliance where three (3) or more critical categories are violated and/or one (1) or more reoccurring critical violations and/or three (3) or more reoccurring non-critical violations from the last routine inspection. A copy of the completed inspection report form shall be furnished to the permit holder or designee of the establishment at the conclusion of the inspection. The current inspection report shall be displayed in a conspicuous place, where it is easily readable

Sec. 34-154. Compliance requirements. (cont.)

by the public. The completed inspection report is a public document and is available for public disclosure upon written request.

- (4) *Inspection report displayed.* The current inspection report shall be displayed in a conspicuous place where it is easily readable by the public at all times.
- (5) *First Aid for Choking.* A First Aid for Choking poster must be conspicuously provided in all dining areas of the food service establishment.
- (6) *Additional Documentation.* In addition to the report findings, evidence may also be documented via photographs, samples, and any other means of documentation deemed necessary by the department.

(b) Corrective actions.

- (1) *Routine Compliance.* Corrective actions for food service establishments, including movable food services as outlined in the department's current "Enforcement Policy", shall be initiated when any of the following conditions are found to exist:
 - a. Any critical category violation documented on the inspection report must be corrected at the time of inspection, within 24 hours or at the discretion of the department;
 - b. Any structural deficiencies must be corrected within 30 days;
 - c. Any other violation must be corrected within seven (7) days; or
 - d. Repeated violations documented on the previous inspection report.
- (2) *Imminent health hazard.* When an imminent health hazard is found to exist, corrective actions for food service establishments shall be initiated as ordered by the department, and shall include immediate cessation of operation until facility is under compliance. Failure of a food service establishment to comply with the corrective action plan and immediate cessation of operation shall subject the food service establishment to immediate closure by the department pursuant to O.C.G.A. § 31-5-9. The following conditions shall be considered as or contributing to an imminent health hazard:
 - a. Presence of sewage in the food preparation, food storage, or food service areas, or a malfunctioning sewage system, which poses a risk of contamination to the food service operation.
 - b. Substantial loss of normal operating water pressure, lack of hot water, or a contaminated water supply.

Sec. 34-154. Compliance requirements. (cont.)

- c. Loss of electrical power causing the establishment to be operated in an unsanitary manner.
- d. The presence of a confirmed communicable disease in a food service worker, which in the department director's judgment could cause a health hazard.
- e. The occurrence of a fire or natural disaster in the food preparation, food storage, or food service areas, which affects the establishment's operation causing unsanitary conditions.
- f. Any condition wherein the food is unsafe or unwholesome for human consumption and is being served to the public.
- g. The occurrence of a confirmed foodborne disease outbreak or a foodborne disease outbreak as previously defined in this Chapter.
- h. Loss of refrigeration due to the malfunctioning of the unit, which would tend to render the food unsafe or unwholesome.
- i. Any other condition deemed to be an imminent health hazard by the department in the director's judgment.

(3) *Suspension or Revocation of permit.* The department shall have the authority to suspend or revoke permits for failure to comply with the provisions of this Chapter. When an application for a permit is denied or the permit previously granted is to be suspended or revoked, the owner, permit holder and/or designee must be notified in writing, specifically stating any and all reasons why the action was taken. Suspension is effective upon service of a written notice thereof, and food service operation must cease immediately. The notice must state the basis for the suspension and advise the owner, permit holder and/or designee of the right to a preliminary hearing to be held by an experienced supervisory level employee of the department not directly involved in the suspension. The request for a preliminary hearing by the owner, permit holder and/or designee must be requested within ten (10) days of being served the suspension notice. If requested, the preliminary hearing must be held within twenty (20) days of the request. The rules of evidence will not apply, but both the department and the owner, permit holder and/or designee may present witnesses, records and argument. The hearing official will be authorized immediately to rescind or modify the suspension or to continue the suspension with or without conditions. If the suspension is not rescinded, the owner, permit holder and/or designee shall have ten (10) days to request an evidentiary hearing before the director or designee. If requested, the evidentiary hearing must be held within thirty (30) days of the request. If a hearing is not requested, upon correction of all violations, the owner, permit holder and/or designee may request an inspection to reinstate the permit. The department may suspend any permit to operate a food service establishment if:

- a. The owner, permit holder and/or designee does not comply with the requirements of this article;

Sec. 34-154. Compliance requirements. (cont.)

- b. The operation of the establishment does not comply with the requirements of this article;
or
 - c. The operation of the food service establishment otherwise constitutes a imminent health hazard to the public.
- (4) *Service of notice.* A notice of hearing is properly served when it is hand delivered to the owner, permit holder and/or designee, or when it is sent by certified or regular U.S. mail, return receipt requested, to the last known address of the owner, permit holder and/or designee. A copy of the notice shall be filed in the records of the department.
- (5) *Notice of Hearing.* A notice of hearing is properly served when delivered in person or by certified or regular U.S. mail, return receipt requested, to the owner, permit holder and/or designee. All notices shall state the time, place, nature of the hearing, and shall be filed in the records of the department.
- (6) *Hearings.* Hearings shall be conducted at a time and place designated by the department. Any oral testimony given at a hearing shall be reported verbatim via electronic recording, and the hearing officer shall make provisions for sufficient copies of the recording upon request. The hearing officer shall make a final determination based upon the complete hearing record and shall sustain, modify, or rescind any notice or order considered in the hearing. The decision of the hearing officer shall be final absent an appellate review in the courts. A written report of the hearing decision shall be furnished to the owner, permit holder and/or designee by the department.
- (7) *Examination and condemnation of food.*
- a. Examination of Food. Food may be examined or sampled by the department to determine freedom from adulteration, contamination, and mislabeling or potentially hazardous conditions.
 - b. Condemnation of Food. The department may, upon written notice to the permit holder or designee, place a hold order on any food that it determines or has probable cause to believe is unsafe, adulterated, or mislabeled. No food subject to a hold order shall be used, served, or removed from the establishment. Under a hold order, food must be properly stored until the food is approved for use or destruction is ordered. Immediate destruction shall be ordered and accomplished if there is risk to the public health.
 - c. Public Notice. The department may ban or post a public notice when a food service uses any food, which has been determined to be unsafe, adulterated, or mislabeled.
- (8) *Procedure when infection is suspected.* When the department has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and

Sec. 34-154. Compliance requirements. (cont.)

shall take appropriate action. The department may require any or all of the following measures and any other actions necessary:

- a. The immediate exclusion of the employee from employment in a food service establishment;
- b. The immediate closing of the food service establishment concerned until, in the opinion of the department, no further danger of disease outbreak exists;
- c. Restriction of the employee's services to some area of the establishment where there is no danger of transmitting disease;
- d. Adequate medical and laboratory examination of the employee and of other employees and of their body discharges; and/or
- e. The permit holder or designee shall exclude a food employee from a food service establishment if the food employee is diagnosed with an infectious agent.

Sec. 34-155. Food supplies.

(a) *Food care.* Food care shall be as follows:

- (1) *General.* Food shall be in sound condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from approved sources that comply with all laws relating to food and food labeling. The consumption of food from a hermetically sealed container that was not prepared in an approved food processing establishment is prohibited.
- (2) *Milk.* Fluid milk and fluid milk products used shall be pasteurized and shall meet the grade A quality standards as established by law. Dry milk and dry milk products shall be made from pasteurized milk and milk products.
- (3) *Shellfish.* Fresh and frozen shucked shellfish (oyster, clams, or mussels) shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to the US Department of Health and Human Services, Food and Drug Administration. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of un-shucked shell stock (oysters, clams, or mussels) 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 interstate certification number issued by the state or foreign shellfish control agency. After each container of shell stock has been emptied, the owner, permit holder, operator or person in charge shall remove the stub of the tag and retain it for a period of at least 90 days.

Sec. 34-155. Food supplies. (cont.)

- (4) *Eggs.* Only clean whole eggs, from an approved source, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used. Hard-boiled, peeled eggs, commercially prepared and packaged eggs, may be used.
- (5) *Bakery products.* All bakery products shall be prepared in permitted food service establishments or in an approved food processing establishment; provided, however, that the department may accept other sources, which are in compliance with applicable state and local laws and regulations. Bakery products, which contain potentially hazardous foods shall be prepared and handled in accordance with all requirements for potentially hazardous foods.
- (6) *Consumer Advisory* - "Consumption of Raw or Undercooked Animal Foods". If a raw or undercooked animal food such as beef, eggs, fish, lamb, milk, pork, poultry or shellfish is offered in a ready-to-eat form as a deli, menu, or other item or as a raw ingredient in another ready-to-eat food; owner, operator, permit holder or the person in charge shall inform consumers by deli case or menu advisories, label statements, placards or other effective written means of the significantly increased risk associated with the consumption of these foods, especially to vulnerable consumers eating such foods in raw or undercooked form. Notification must include disclosure for how each applicable food item can be or will be cooked and an asterisk by the item to refer to the advisory notice written at the bottom of the same page or board on which the item is written. The advisory notice shall be worded in legible type, in all capital letters and no smaller than a font size #8 (eight), as follows:

ADVISORY: THE CONSUMPTION OF RAW OR UNDERCOOKED FOODS SUCH AS MEAT, POULTRY, FISH, SHELLFISH, AND EGGS WHICH CONTAIN HARMFUL BACTERIA, MAY CAUSE SERIOUS ILLNESS OR DEATH.

- (7) *Game Animals.* Game animals will be approved for sale or service which are commercially raised for food, slaughtered and processed under a voluntary inspection program that is conducted by the agency that has animal jurisdiction, or are under a routine inspection program conducted by a regulatory agency other than the agency that has animal health jurisdiction and be raised, slaughtered and processed according to the laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program. The agencies shall consider factors such as the need for antemortem and postmortem examination by a veterinarian or a veterinarian's designee, approved by the regulatory authority.
- (b) *Food protection.*
- (1) *Potential contamination.* Food at all times, including while being received, stored, prepared, displayed, served or transported, shall be protected from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs, and sneezes, flooding drainage, overhead leakage, and/or overhead drippage from condensation. The temperature of potentially hazardous food shall be 41 degrees Fahrenheit (5 degrees Celsius) or

Sec. 34-155. Food supplies. (cont.)

below or 135 degrees Fahrenheit (57 degrees Celsius) or above at all times, except as otherwise provided in this article.

- (2) *Emergency situations.* In the event of a fire, flood, power outage, or similar event that results in the contamination of food, or that prevents potentially hazardous food from being held at required temperatures, the owner, permit holder, operator or person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department will perform an inspection to assure that all contaminated food has been discarded.
- (3) *Ready to eat, potentially hazardous foods, date marking.*
 - a. Refrigerated, ready -to-eat, potentially hazardous food prepared in the food service establishment and held refrigerated for more than 24 hours, shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed or discarded which is, including the day of preparation, seven (7) days or less from the day that the food is prepared, if the food is maintained at 41 degrees Fahrenheit (5 degrees Celsius) or less.
 - b. A ready-to-eat, potentially hazardous food prepared in a food service establishment and subsequently frozen, shall be clearly marked when:
 - 1) the food is thawed to indicate that the food shall be consumed within 2 hours; or
 - 2) then the food is placed into a freezer, to indicate the length of time before freezing that the food is held refrigerated and which is, including the day of preparation, seven (7) calendar days or less from the day of preparation, if the food is maintained at 41 degrees Fahrenheit (5 degrees Celsius) or less; or
 - 3) the food is removed from the freezer, to indicate the date by which the food shall be consumed or discarded which is seven (7) calendar days or less after the food is removed from the freezer, minus the time before freezing, that the food is maintained at 41 degrees Fahrenheit (5 degrees Celsius) or less before and after freezing.
 - c. A container of refrigerated, ready-to-eat potentially hazardous food prepared and packaged by the a food processing plant shall be clearly marked, at the time the original container is opened in a food service establishment, to indicate the date by which the food shall be consumed or discarded which is including the day the original container is opened, seven (7) calendar days or less after the original container is opened or the use-by/sell-by/expiration date, whichever comes sooner, if the food is maintained at 41 degrees Fahrenheit (5 degrees Celsius) or less.

Sec. 34-155. Food supplies. (cont.)

- d. A container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by a food processing plant and subsequently opened and frozen in a food service establishment shall be clearly marked when:
 - 1) the food is thawed, to indicate that the food shall be consumed within 24 hours;
 - 2) to indicate the time between the opening of the original container and freezing that the food is held refrigerated and which is, including the day of opening the original container if the food is maintained at 41 degrees Fahrenheit (5 degrees Celsius) or less;
 - 3) when the food is removed from the freezer, to indicate the date by which is seven (7) calendar days, minus the time before freezing, that the food is held refrigerated if the food is maintained at 41 degrees Fahrenheit (5 degrees Celsius) or less before and after freezing.
- e. Sections 34-155(b)(3) C and D of this article do not apply to whole, un-sliced portions of a cured and processed product with original casing maintained on the remaining portion, such as bologna, salami or other sausage in a cellulose casing.
- f. Except as otherwise specified, if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:
 - 1) the food shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control;
 - 2) the food shall be cooked and served, served if ready-to-eat, or discarded, within four (4) hours from the point in time when the food is removed from temperature control;
 - 3) the food in unmarked containers or packages or marked to exceed a four (4) hour limit shall be discarded, and;
 - 4) written procedures shall be maintained in the food service establishment and made available to the regulatory authority upon request, that ensure compliance with this article.

Sec. 34-155. Food supplies. (cont.)

(c) *Food storage.*

- (1) *General.* 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 of approved material except during necessary periods of preparation or service. Food shall be stored to prevent cross contamination.
- (2) *Containers/Covers.* Containers and covers shall be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll containers.
- (3) *Meats.* Solid cuts of meats shall be protected by being covered in storage, except quarters or sides of meat may be stored uncovered on clean sanitized hooks if no food product is stored in contact with or beneath the meat.
- (4) *Floor clearance.* Containers of food shall be stored a minimum of six (6) inches above the floor in a manner that protects the food from splash, dust, and other contamination and that permits easy cleaning of the storage area.
- (5) *Protection from utility lines.* 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 that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.
- (6) *Protection from unwashed food.* Food, not subject to further washing or cooking before serving, shall be stored in a way that protects it from cross contamination from food requiring washing or cooking.
- (7) *Protection from water and ice.* Packaged food, other than those, which are watertight or hermetically sealed, shall not be stored in contact with water or un-drained ice. Food shall not be stored in direct contact with ice except whole, raw fruits or vegetables. Cut raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.
- (8) *Bulk food labeling.* Bulk food such as cooking oil, syrup, salt, sugar, or flour, not stored in the original product container or package in which it was obtained, shall be stored in an approved container identifying the food by its common name.
- (9) *Refrigeration.* Adequate and conveniently located refrigeration facilities shall be provided to ensure the maintenance of perishable and potentially hazardous food at required temperatures during storage. Each refrigerated unit storing potentially hazardous food shall be provided with an approved temperature measuring device, accurate to \pm two (± 2) degrees Fahrenheit, located to measure the air temperature in the warmest part of the unit, and located to be easily readable.
- (10) *Cooling procedures.* Potentially hazardous food requiring refrigeration after preparation shall be cooled to an internal temperature of 70 degrees Fahrenheit (21 degrees Celsius) within two (2) hours or from 135 degrees (57 degrees Celsius) to 41 degrees (5 degrees Celsius) within six (6)

Sec. 34-155. Food supplies. (cont.)

hours. Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 41 degrees Fahrenheit (5 degrees Celsius) or below unless maintained in accordance with subsection (c)(13) of this section.

- (11) *Frozen food.* Frozen food shall be kept frozen and shall be stored at a product temperature of zero degrees Fahrenheit (0°F) (18 degrees Celsius) or below.
 - (12) *Ice.* Ice used for cooling stored food and food containers shall not be used for human consumption, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head.
 - (13) *Hot foods.* Adequate and conveniently located hot food storage units shall be provided to ensure the maintenance of food at the required temperature during storage. Hot food equipment storing potentially hazardous food shall be provided with an approved temperature measuring device, accurate to \pm two (2) degrees Fahrenheit, located to measure the air temperature in the coolest part of the unit and located to be easily readable. The internal temperature of potentially hazardous foods requiring hot storage shall be 135 degrees Fahrenheit (57 degrees Celsius) or above except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 135 degrees Fahrenheit (57 degrees Celsius) or above unless maintained in accordance with subsection (c) (10) of this section.
 - (14) *Product temperature measuring device.* Where it is impractical to install temperature measuring devices on equipment such as bainmaries, steam tables, steam kettles, heat lamps, cal-rod units, or insulated food transport carriers, a product temperature measuring device must be available and used to check internal food temperature.
 - (15) Dry storage area.
 - a. *Location.* The dry storage area shall be located adjacent to food preparation areas and convenient to receiving.
 - b. *Environment.* The storage area shall be free of un-insulated steam and water pipes, water heaters, transformers, refrigeration condensing units, steam generators or other heat producing equipment. The area should be well ventilated and maintained at 50 degrees Fahrenheit (10 degrees Celsius) to 70 degrees Fahrenheit (21 degrees Celsius).
 - c. *Containers.* Approved food containers with tight fitting covers and scoops shall be used for storing and dispensing bulk items or broken lots.
- (d) *Food preparation.*
- (1) *General.* Food shall be prepared with minimal manual contact, with suitable utensils, and on surfaces that have been cleaned, rinsed and sanitized prior to use to prevent cross contamination.

Sec. 34-155. Food supplies. (cont.)

- a. Food service workers shall wash their hands as specified Section 34-156(b)(1).

Except when washing fruits and vegetables, food service employees may not contact

- b. exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment.
 - c. Food employees shall minimize bare hand contact with exposed food that is not in ready – to-eat form.
 - d. If used, single-use gloves shall be used for only one task such as working with ready-to-eat food or with raw animal food used for no purpose and discarded when damaged or soiled, or when interruptions occur in the operation.
- (2) *Raw fruits and vegetables.* Raw fruits and raw vegetables shall be thoroughly washed with potable water before being cooked or served. Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 135 degrees Fahrenheit (57 degrees Celsius). A separate food preparation sink with an indirect drain connection shall be provided for this purpose.
- (3) *Raw animal products.* Preparation of raw animal products to be consumed raw requires that the product be obtained from an approved source and stored properly, prepared so as to prevent contamination, and served at a temperature of less than 41 degrees Fahrenheit (5 degrees Celsius).
- (4) *Potentially hazardous foods.* Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 135 degrees Fahrenheit (57 degrees Celsius), except that:
- a. Poultry, poultry stuffings, approved game animals, stuffed meats, and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees Celsius) 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 155 degrees Fahrenheit (68 degrees Celsius) or 165 degrees Fahrenheit (74 degrees Celsius) when cooked in a microwave; and
 - c. Rare roast beef shall be cooked to an internal temperature of at least 130 degrees Fahrenheit (54 degrees Celsius), and rare beef steak shall be cooked to a temperature of 130 degrees Fahrenheit (54 degrees Celsius) unless otherwise ordered by the immediate consumer. If cooked in a microwave oven, the internal temperature must reach 145 degrees Fahrenheit (63 degrees Celsius).

Sec. 34-155. Food supplies. (cont.)

- (5) *Reconstituted milk.* Reconstituted dry milk and dry milk products may be used in instant desserts and whipped products, or for cooking and baking purposes.
- (6) *Eggs.* Liquid, frozen, dry eggs, and egg products may be used in lieu of whole fresh eggs.
- (7) *Reheating of potentially hazardous foods.* Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated rapidly to 165 degrees Fahrenheit (74 degrees Celsius) 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.
- (8) *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 41 degrees Fahrenheit (5 degrees Celsius) or below within four (4) hours after preparation.
- (9) *Temperature measuring devices.* A temperature measuring device, accurate to \pm two (2) degrees Fahrenheit, shall be provided and used to ensure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.
- (10) *Thawing of potentially hazardous foods.* Potentially hazardous foods shall be thawed:
 - a. In refrigerated units at a temperature not to exceed 41 degrees Fahrenheit (5 degrees Celsius);
 - b. Under potable running water at a temperature of 70 degrees Fahrenheit (21degrees Celsius) or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
 - 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 the conventional cooking process.
- (11) *Shellstock washing.* Shellstock washing facilities shall consist of an approved mechanical shellfish washer, or a sink or slab with catch basin, indirectly drained into an approved sewage collection, treatment, and disposal system. The washing shall be done in a clean area, protected from contamination. A can wash facility shall not be used for the washing of shellstock or other foods.
- (12) *Documentation of treatment for parasites.* If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, documentation of treatment for parasites shall be as follows:

Sec. 34-155. Food supplies. (cont.)

- a. The owner, operator or person in charge shall record the freezing temperature and start and stop time to which the fish are subjected and shall retain the records at the food service establishment for 90 days beyond the time of service or sale of the fish;
- b. If the fish is frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied is frozen to a temperature and for a time specified;
- (c) In this article, shall be retained for 90 calendar days beyond the time of service or sale of the fish.

(e) *Food display and service.*

- (1) *General temperatures.* Potentially hazardous food shall be kept at an internal temperature of 41 degrees Fahrenheit (5 degrees Celsius) or below or at an internal temperature of 140 degrees Fahrenheit (60 degrees Celsius) or above during display and service, except that rare roast beef shall be held for service at a temperature of at least 130 degrees Fahrenheit (54 degrees Celsius).
- (2) *Time as a public health control.* If time only is used as the public health control, except as otherwise specified, rather than time in conjunction with temperature, for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, then the food shall be marked and/or discarded as follows. The food shall be marked or otherwise identified to indicate the time that is four (4) hours past the point in time when the food is removed from temperature control. The food shall be cooked and served, served if ready-to-eat, or discarded, within four (4) hours from the point in time when the food is removed from temperature control. The food in unmarked containers or packages or marked to exceed a four (4) hour limit shall be discarded. Written procedures shall be maintained in the food establishment and made available to the department upon request, that ensure compliance with this article.
- (3) *Milk.* Milk and milk products for drinking purposes shall be provided to the consumer in an unopened, commercially filled package, not exceeding one 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 of a 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 gallon capacity.
- (3) *Cream.* 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.
- (4) *Nondairy products.* 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.

Sec. 34-155. Food supplies. (cont.)

- (5) *Self-service of condiments.* Condiments, seasonings, and dressings for self-service use shall be provided in individual packages, from dispensers, or from containers protected in accordance with this article.
- (6) *Condiments; table service.* Condiments provided for table or counter service shall be individually portioned, except that catsup and other sauces may be served in the original container and protected pour-type dispenser. Sugar for consumer use shall be provided in individual packages or in pour-type dispensers
- (7) *Ice.* Ice for consumer use shall be made from potable water, dispensed only by employees 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, dry surface or in the ice bin 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 and ice machines shall be drained through an air gap. Ice transfer receptacles must be made of an approved material.
- (8) *Dispensing utensils.* To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be:
 - a. Stored in the food with the dispensing utensils handle extended out of the food;
 - b. Stored clean and dry;
 - c. Stored in running potable water; or
 - d. Stored either in a potable running water dipper well, or clean and dry as in the case of dispensing utensils and malt collars used in preparing frozen desserts.
- (9) *Re-served food.* 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.
- (10) *Display protection.* 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 (food shields), with a sign indicating display only, or by other effective means.
- (11) *Food shield.* Food shields shall be constructed to intercept a direct line between the consumer's mouth and the food placement area, at the consumer's use position. The vertical distance from the consumer's mouth to the floor shall be considered to be between four feet, six inches (4'6") and five feet, six inches (5'6") for public eating establishments (see Appendix "Cafeteria Shield"). Special consideration must be given as to the average consumer's mouth height in educational institutions and other special installations. All food, whether on display, being prepared for

Sec. 34-155. Food supplies. (cont.)

service, or placed for consumer self-service shall be effectively protected from contamination from the environment and/or by consumers standing or sitting within eight feet (8') of the food.

- (12) *Display; required temperatures.* Adequate hot or cold food units shall be available to maintain the required temperature of potentially hazardous food placed on display or for service.
 - (13) *Tableware; self-service.* Clean tableware for self-service consumers returning to the service area for additional food shall be provided. A public notice to this effect shall be posted in a conspicuous place in the service area. Beverage cups and glasses are exempt from this requirement.
 - (14) *Food transported.* During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Food 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 article relating to food protection, storage, and temperatures and required documentation.
- (f) *HACCP plan contents.* For a food establishment that is required to or chooses to have a HACCP Plan, the plan and specifications shall indicate:
- (1) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, bulk, solid foods such as meat roasts, or other foods that are specified by the department;
 - (2) A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 - a. Ingredients, materials, and equipment used in the preparation of that food, and
 - b. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
 - (3) Food employee and supervisory training plan that addresses the food safety issues of concern;
 - (4) A statement of standard operating procedures for the plan under consideration including clearly identifying:
 - a. Each critical control point;
 - b. The critical limits for each critical control point;
 - c. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;

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- d. The method and frequency for the person in charge to routinely verify that the food employee is following standard operation procedures and monitoring critical control points;
 - e. Action to be taken by the person in charge if the critical limits for each critical control point are not met; and
 - f. Records to be maintained by the person in charge to demonstrate that the HACCP Plan is properly operated and managed.
- (5) Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.

(91-RC-158, 30-2-2-5, 5-1-91)

Sec. 34-156. Personnel.

(a) *Employee health.*

- (1) *Infected employees.* No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of pathogenic organisms that cause such disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, or gastrointestinal illness, 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 other persons. The owner, permit holder or person in charge of the food service establishment will promptly notify the department when an employee is known or suspected of having an infectious disease that may be transmitted by food or food handling.
- (2) *First aid.* First aid supplies shall be labeled and stored in a way that prevents them from contaminating food, utensils, linens, and single-service and single-use articles. First aid shall be administered immediately in the event of employee injury. Food that has been potentially contaminated by blood or body fluids must be discarded and the food preparation surface(s) disinfected.
- (3) *Medications.* Medications shall not be stored in food storage, preparation, or service areas. Medicines that require refrigeration must be stored in a separate refrigeration unit that does not contain food.
- (4) *Illness.* No food handler who presents with any of the following symptoms will be permitted to work in food service: diarrhea; fever (in excess of 100.4 degrees Fahrenheit); wounds or open skin lesions (that cannot be covered).

Sec.34-156.Personnel. (cont.)

(b) *Personal cleanliness.*

- (a) *Maintaining cleanliness.* Employees shall use the double handwash method before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, cleaning, using the toilet. The double handwash method is as follows: wet hands with warm water and apply soap to finger tips; gently rub bristles of a nail brush over the finger tips so as to remove filth from underneath fingernails; rinse with warm water; apply more soap and vigorously rub the surfaces of lathered hands and arms for at least 10 seconds; thoroughly rinse with clean warm water; dry hands and arms with a disposable paper towel. When washing hands, employees shall use only a designated handwashing sink and may not clean their hands in a sink used for food preparation, warewashing or in a facility used for the disposal of mop water and similar liquid waste. Employees shall keep their fingernails clean and trimmed no longer than to the tips of their fingers. Unless wearing gloves in good repair, a food service employee may not wear fingernail polish or artificial nails when working with exposed food.
- (2) *Clothing.* The outer clothing of all employees shall be clean. Employees who prepare food shall limit the jewelry worn on their hands and arms to one plain ring and watch.
- (3) *Hair restraints.* Employees shall wear effective hair restraints such as hats, hair coverings or nets, beard restraints, or clothing that covers body hair that are designed and work to effectively keep their hair from contacting food and to prevent the contamination of food contact surfaces.

(c) *Employee practices.*

- (1) *Employee food consumption.* Employees shall consume food only in designated dining areas. However, drinking from a single service beverage cup with a secure lid and straw that is handled to prevent contamination of the employee's hands, the container, exposed food, clean equipment, utensils and linens, unwrapped single-service and single-use articles will be allowed. An employee dining area shall be designated for food consumption to avoid contamination of other food, equipment, utensils, or other items needing protection.
- (b) *Tobacco use.* Employees 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. Employees shall use tobacco only in designated areas. A designated tobacco use area must not be located in an area where there may be the possible contamination of food, equipment, utensil, or other items needing protection.
- (3) *Soiled tableware.* Employees shall handle soiled tableware in a way that minimizes contamination.
- (4) *Hygiene.* Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods in the food service establishment.

(91-RC-158, 30-2-2-6, 5-1-91)

Sec. 34-157. Equipment and utensils.

(a) *Materials.*

- (1) *General.* Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, or taste, nor contribute to the contamination of food.
- (2) *Solder.* If solder is used, it shall be composed of safe materials and be corrosion resistant.
- (3) *Wood.* Hard maple or equivalently nonabsorbent approved material that meets the general requirements set forth in this section may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons. The use of wood as a food contact surface under other circumstances is prohibited.
- (4) *Plastic and rubber.* Safe plastic, rubber, or rubber-like materials permitted for repeated use shall be:
 - a. Resistant under normal conditions of use from scratching, scoring, decomposing, crazing, chipping, and distorting;
 - b. Of sufficient weight and thickness to permit cleaning and sanitizing by normal dishwashing methods; and
 - c. In accordance with the general requirements set forth in this section.
- (5) *Shells.* Mollusk and crustacea shells may be used only once as an original serving container for the food product. Further reuse of such shells for food service is prohibited.

(b) *Design and fabrication.*

- (1) *General.* All equipment and utensils, including plastic ware, shall be designed and fabricated for
- (2) durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.
- (3) *Food contact surfaces.* Food contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections and have easily cleanable internal rounded 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. Threads shall be designed to facilitate cleaning but ordinary V-type threads are prohibited in food contact surfaces except in equipment and hot oil filtering systems, where such threads shall be minimized.

Sec. 34-157. Equipment and utensils. (cont.)

- (4) *Equipment lubricant.* 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 lubricants shall be used on equipment designed to receive lubrication of bearings and gears on or within food contact surfaces.
- (5) *Beverage tubing.* Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice, provided that:
 - a. Tubing is fabricated from safe materials;
 - b. Tubing shall be one continuous piece and grommeted at entry and exit points to preclude moisture (condensation) from entering the ice machine or the ice storage bin, and is kept clean; and
 - c. Draining or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.
- (5) *Sinks.* Sinks and drain boards shall be self-draining.
- (6) *Cleaning accessibility.* Unless designed for in-place cleaning, food contact surfaces shall be accessible for cleaning and inspection:
 - a. Without being disassembled;
 - 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.
- (c) *In-place cleaning.* Equipment intended for in-place cleaning shall be designed and fabricated so that cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen; and cleaning and sanitizing solutions will contact all interior food-contact surfaces; and the system is self-draining or capable of being completely evacuated.
- (8) *Press spray cleaning.* Fixed equipment designed and fabricated to be cleaned and sanitized by press spray methods shall have sealed electrical wiring, switches, and connections.
- (9) *Temperature measuring device.* Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to \pm two (2) degrees Fahrenheit.

Sec. 34-157. Equipment and utensils. (cont.)

- (10) *Nonfood 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, durable, washable, free of unnecessary ledges, projections, or crevices. Surfaces of equipment shall also be readily accessible for cleaning, and be of an approved material and in such repair as to be easily maintained in a clean and sanitary condition.
 - (11) *Ventilation equipment.* 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. The ventilation system shall comply with applicable state and local fire prevention requirements and building codes.
 - (12) *Existing equipment.* Equipment that was installed in a food service establishment prior to this article, and that does not fully meet all of the design and fabrication requirements of this section, may be deemed acceptable in that establishment if it is in good repair and the food contact surfaces are nontoxic. Replacement equipment and new equipment acquired after the effective date of the article and all equipment upon change of ownership or menu served shall meet the requirements thereof.
 - (13) *Experimental and innovative equipment.* The department may consider proposals for the use of experimental and innovative equipment if it is proven that it will adhere with sound public health principles and compliance with this article. A fee shall be required for each evaluation.
- (c) *Equipment installation and location.*
- (1) *Protection from utility lines.* Equipment, including icemakers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, 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.
 - (2) *Table/counter mounted equipment.* Equipment that is placed on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a four-inch (4") clearance, and shall be installed to facilitate the cleaning of the equipment and adjacent areas.
 - (3) *Portable equipment.* Equipment shall be considered portable in this article if it is small and light enough to be moved by one person and it has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.
 - (4) *Floor mounted equipment.* Floor mounted equipment, unless readily movable, shall be sealed to the floor, installed on a raised platform of concrete or other smooth masonry in a way that meets all the requirements for sealing or floor clearance and elevated on legs to provide at least a

Sec. 34-157. Equipment and utensils. (cont.)

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

- (5) *Movable equipment.* Equipment is easily movable if it is mounted on wheels or casters and it has no utility connection or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.
- (6) *Fixed equipment clearance.* Unless sufficient space is provided for easy cleaning between, behind, and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch; or if exposed to seepage, the equipment shall be sealed to the adjoining equipment or adjacent walls or ceilings.
- (7) *Working space.* Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees 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.

(91-RC-158, 30-2-2-7, 5-1-91)

Sec. 34-158. Cleaning, sanitizing and storage of equipment and utensils.

- (a) *Equipment and utensil cleaning and sanitization.*
 - (1) *Tableware.* Tableware shall be washed, rinsed, sanitized, and air-dried after each use.
 - (2) *General cleaning.* 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.
 - (3) *Cleaning intervals.* Where equipment and utensils are used for the preparation of potentially hazardous foods on continuous or production-line basis, utensils must be washed, rinsed, and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.
 - (4) *Hot surface cleaning.* 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 matter or materials.

Sec. 34-158. Cleaning, sanitizing and storage of equipment and utensils. (cont.)

- (5) *Nonfood contact surfaces.* Nonfood 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.
 - (6) *Cloths used on tableware.* 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.
 - (7) *Cloths used for kitchenware/food contact surfaces.* 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 this article (Sec. 34-158(b)(7)d) and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
 - (8) *Cloths used for nonfood contact surfaces.* Moist cloths or sponges used for cleaning nonfood contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed as specified in this article (Sec. 34-158(b)(7)(d), and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- (b) *Manual cleaning and sanitizing.*
- (1) *Three (3)-compartment sink.* In every food service establishment at least a continuous three (3)-compartment sink is required, each compartment sized to accommodate the largest utensil, shall be provided and used for manual cleaning and sanitizing of utensils and equipment. Each compartment shall be supplied with hot and cold potable water under pressure. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure spray methods.
 - (2) *Drainboards.* Two (2) NSF and/or ANSI approved or its equivalent drainboards shall be required with a minimum size of one and one half (1½) times the width of one sink compartment, and contiguous to the sink compartment. If space limitation is a consideration, then one drainboard may be approved by the department. An easily movable dish table 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.
 - (3) *Pre-cleaning techniques.* Equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, pre-soaked to remove encrusted food particles and soil.
 - (4) *Manual washing.* Except for fixed equipment too large to be cleaned in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequence: sinks shall be cleaned prior to use, equipment and utensils shall be thoroughly washed with a hot detergent solution that is of effective strength and quality. Equipment and utensils shall be rinsed free of detergent and abrasives with clean water, and equipment, and utensils shall be sanitized according to one of the methods included in this article (Sec. 34-158(b)(7)).

Sec. 34-158. Cleaning, sanitizing and storage of equipment and utensils. (cont.)

- (5) *Manual cleaning facilities.* Manual cleaning and sanitizing facilities shall be provided and used in a manner prescribed by the department for utensil cleaning.
- (6) *Prohibited use.* No sink compartment established for utensil cleaning shall be used for food preparation or hand washing.
- (7) *Sanitizing methods.* The food contact surfaces of all equipment and utensils shall be sanitized by:
 - a. Immersion for at least one-half ($\frac{1}{2}$) minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees Celsius); or
 - b. Immersion for at least one (1) minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees Celsius); or
 - c. Immersion for at least one (1) minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75 degrees Fahrenheit (24 degrees Celsius); or
 - d. 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 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees Celsius) for one minute; or
 - e. In the case of equipment in which steam can be confined, equipment may be treated with steam that is without materials of additives other than those specified in 21 CFR 173.310 or its successor; or
 - f. In the case of equipment to be sanitized that is too large for immersion, one of the following methods including rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under this article may be performed.
- (8) *Hot water for sanitizing.* When hot water is used for sanitizing, the following facilities shall be provided and used: 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 170 degrees Fahrenheit (77 degrees Celsius), a temperature measuring device, accurate to two \pm (2) degrees Fahrenheit, convenient to the sink for frequent checks of water temperature and a dish basket of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.
- (9) *Use of sanitizing chemicals.* When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 CFR 178.1010 and test kit or other

Sec. 34-158. Cleaning, sanitizing and storage of equipment and utensils. (cont.)

device that accurately measures the parts per million concentration of the solution shall be provided and used.

(c) *Mechanical cleaning and sanitizing.*

- (1) *General.* Cleaning and sanitizing may be done by spray-type immersion dishwashing machines or by any other type of machine or device that has been approved by the department to 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 manufacturer's instructions, and 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.
- (2) *Final rinse.* The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A one-fourth 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.
- (3) *Temperature measuring device.* A machine or water line mounted temperature measuring device, accurate to \pm two (2) degrees Fahrenheit, 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.
- (4) *Rinse water.* 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 ensure proper exposure times in wash and rinse cycles in accordance with the manufacturer's specifications attached to the machines.
- (5) *Drainboard.* Two (2) drainboards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization, and shall be 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 clean utensils following sanitization.
- (6) *Pre-cleaning/placement.* Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a pre-wash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free drainage.

Sec. 34-158. Cleaning, sanitizing and storage of equipment and utensils. (cont.)

- (7) *Machines utilizing chemical sanitizing.* Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used, provided that:
- a. The temperature of the wash water shall not be less than 120 degrees Fahrenheit (49 degrees Celsius);
 - b. The wash water shall be kept clean;
 - c. Chemicals added for sanitization purposes shall be automatically dispensed;
 - d. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with manufacturer's specifications for time and concentration;
 - e. The chemical sanitizing rinse water temperature shall not be less than 75 degrees Fahrenheit (24 degrees Celsius) nor less than the temperature as specified by the manufacturer;
 - f. Chemical sanitizers used shall meet the requirements of 21 CFR 178.1010 or its successor;
 - g. A test kit or other device that accurately tests solution shall be available and used.
- (8) *Sanitizing with hot water.* Machines using hot water for sanitizing may be used, provided that wash water and pumped rinse water shall be kept clean, and water shall be maintained at not less than the temperature stated in this article.
- a. Single-tank, stationary-rack, dual-temperature machine: Wash temperature, 150 degrees Fahrenheit (66 degrees Celsius); final rinse, temperature 180 degrees Fahrenheit (82 degrees Celsius).
 - b. Single-tank, stationary-rack, single-temperature machine: Wash temperature, 165 degrees Fahrenheit (74 degrees Celsius); final rinse, temperature 165 degrees Fahrenheit (74 degrees Celsius).
 - d. Single-tank, conveyor machine: Wash temperature, 160 degrees Fahrenheit (71 degrees Celsius); final rinse temperature, 180 degrees Fahrenheit (82 degrees Celsius).
 - e. Multi-tank, conveyor machine: Wash temperature, 150 degrees Fahrenheit (66 degrees Celsius); pumped rinse temperature, 160 degrees Fahrenheit (71 degrees Celsius); final rinse temperature, 180 degrees Fahrenheit (82 degrees Celsius).

Sec. 34-158. Cleaning, sanitizing and storage of equipment and utensils. (cont.)

- f. Single-tank, pot, pan, and utensil washer (either stationary or moving-rack): Wash temperature, 140 degrees Fahrenheit (60 degrees Celsius); final rinse temperature, 180 degrees Fahrenheit (82 degrees Celsius).
 - (9) *Machines cleaned.* All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.
 - (10) *Air drying.* All equipment and utensils shall be air dried after sanitization.
 - (11) *Handling of cleaned equipment/utensils.* Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.
- (d) *Storage*
- (1) *General.* Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be stored under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.
 - (2) *Drying and storage.* Utensils shall be air dried before being stored or shall be stored in a self-draining position.
 - (3) *Utensils.* Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the employee or consumer. Unless tableware is pre-wrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and shall present the handle of the utensil to the consumer.
 - (4) *Single service articles; storage.* Single service articles shall be stored at least six (6) inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or waterlines, except for automatic fire protection sprinkler heads that may be required by law.
 - (5) *Single service articles; dispensing.* Single service articles shall be handled and dispensed in a manner that prevents contamination of surfaces, which may come in contact with food or with the mouth of the user. Unless single-service knives, forks, and spoons are pre-wrapped or prepackaged, holders shall be provided to protect these items from contamination and shall present the handle of the utensil to the consumer.

Sec. 34-158. Cleaning, sanitizing and storage of equipment and utensils. (cont.)

- (6) *Single-service articles; wrapping.* Single-service knives, forks, and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed their hands immediately prior to sorting or wrapping the utensils.
- (7) *Flatware.* Presetting flatware is acceptable when:
 - a. Flatware is preset immediately prior to the food serving period; all flatware, including unused settings, is washed and sanitized following each use of the table; and all preset flatware is washed and sanitized following the serving period;
 - b. Preset flatware is properly wrapped; or
 - c. Preset flatware for banquets complies with subsections (d)(7)(a) or (d)(7)(b) of this section, or in lieu thereof, the room is closed to the public, and unwrapped flatware is preset within a reasonable time as determined by this department prior to the serving period.
- (8) *Prohibited storage areas.* The storage of food equipment, utensils, or single-service articles in unapproved areas such as toilet rooms or vestibules is prohibited.

(91-RC-158, 30-2-2-8, 5-1-91)

Sec. 34-159. Sanitary facilities and controls.

- (a) *Water supply.*
 - (1) *Potable water.* Adequate potable water at sufficient pressure satisfying the needs of the food service establishment shall be provided from a source approved by the department.
 - (2) *Bottled water.* Bottled and packaged potable water shall be obtained from a source that complies with all current applicable laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.
 - (3) *Equipment water supply.* Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.
 - (4) *Steam.* Steam used in contact with food or food contact surfaces shall be free from any materials or additives other than those specified in 21 CFR 173.310 or its successor.
- (b) *Sewage.* All sewage, including liquid waste, shall be disposed of via a public sewerage system or via an onsite sewage management system constructed and operated in accordance with all current applicable state and local regulations. Non-sewered toilet and holding tank facilities at a fixed food service establishment are prohibited.

Sec. 34-159. Sanitary facilities and controls. (cont.)

(c) *Plumbing.*

- (1) *General.* Plumbing shall be sized, installed, and maintained according to local plumbing codes. There shall be no cross connection between the potable water supply and any non-potable water supply.
- (2) *Non-potable water.* A non-potable water system is permitted only for purposes such as air conditioning and fire protection and only if the system is installed according to the local plumbing code. The non-potable water must not contact, directly or indirectly with food, potable water, or equipment that contacts food or utensils. The piping of any non-potable water system shall be adequately and durably identified so that it is readily distinguishable from piping that carries potable water.
- (3) *Backflow prevention.* The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment and with an air gap at least twice the diameter of the water supply inlet as provided between the water supply inlet and the fixture's food level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed in that line.
- (4) *Grease traps.* Grease traps shall be installed and maintained in accordance with local plumbing codes and accessible for cleaning. Food service establishments may be required to utilize grease storage and removal equipment or services.
- (5) *Garbage grinders.* Garbage grinders shall be installed and maintained according to local plumbing code requirements. When utilizing an onsite sewage management system, it shall be in compliance with the current Fulton County Article XI, "Sewage Disposal".
- (6) *Drain/indirect connection.* There shall be an indirect connection between the sewage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a dishwashing machine is located within five (5) feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap, if permitted by the local plumbing code.

(d) *Toilet facilities.*

- (1) *General.* The required number, installation location, and maintenance of separate male and female toilet facilities shall meet local plumbing codes and the department requirements and shall be accessible to employees and patrons, (male and female) at all times. Access to patron's toilet facilities shall not be through food service, preparation, storage and warewashing areas. Means must be provided to exclude flies and other insects from all toilets in and within the proximity of the food service establishment.
- (2) *Easily cleanable.* Toilets and urinals shall be designed and installed to be easily cleanable.

Sec. 34-159. Sanitary facilities and controls. (cont.)

- (3) *Rooms.* Toilet rooms shall be completely enclosed and shall have tightfitting, self-closing, solid exterior doors, which shall be closed except during cleaning or maintenance.
 - (4) *Fixtures.* Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at within each toilet stall at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.
- (e) *Lavatories.*
- (1) *General.* Lavatories shall be at least the number required by local plumbing code, shall be installed according to code, and shall be located in food preparation areas and utensil washing areas, toilet rooms, and other areas as required by this department.
 - (2) *Employee access.* Lavatories shall be accessible to employees at all times.
 - (3) *Location.* Lavatories shall be located in toilet rooms. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing. Lavatories shall be no more than 30 feet away from any point in the food preparation and utensil washing areas.
 - (4) *Faucets.* Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds at between 90 degrees Fahrenheit (32 degrees Celsius) and 110 degrees Fahrenheit (43 degrees Celsius) without the need to reactivate the faucet. Steam mixing valves are prohibited.
 - (5) *Lavatory supplies.* A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand-washing facilities.
 - (6) *Cleanliness and good repair.* Lavatories, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.
- (f) *Garbage and refuse.*
- (1) *General.* Storage of garbage and refuse shall be in accordance with Article X, "Solid Waste". Containers used in food preparation and warewashing areas shall be kept covered after they are used, and shall be emptied and cleaned at least once a day. Garbage and refuse shall be kept in durable, easily cleanable, insect and rodent proof containers that do not leak and do not absorb liquids. A sufficient number of garbage containers, as determined by this department, shall be provided and used. Plastic bags or wet strength paper bags shall be used to line these containers.

Sec. 34-159. Sanitary facilities and controls. (cont.)

- (2) *Cleaning.* Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas.
 - (3) *Outside containers.* Containers stored outside the establishment including dumpsters, compactors, and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use. Soiled containers shall be cleaned at a frequency to minimize insect and rodent attraction. In containers designed with drains, the drain plugs or screening shall be in place at all times, except during cleaning.
 - (4) *Liquid waste.* Liquid waste from compactors, dumpsters, compacting or cleaning operations shall be disposed of as sewage.
 - (5) *Storage.* Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Plastic bags, wet strength paper bags, or baled units containing garbage or refuse, when placed on the outside of the establishment, must be stored in approved covered containers. Cardboard or other packaging material not containing garbage or food waste need not be stored in covered containers if bundled or baled.
 - (6) *Storage rooms.* Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, and shall be kept clean, insect and rodent proof, and shall be of sufficient size to store the required number of garbage and refuse containers and shall be adequately ventilated.
 - (7) *Outside storage areas.* Outside storage areas or enclosures shall be of sufficient size to store required number of garbage and refuse containers and shall be kept clean, insect and rodent proof.
Garbage and refuse containers, dumpsters and compactor systems located outside shall be stored on a reinforced concrete pad that is drained, kept clean and maintained in good repair. Outside concrete pads shall be constructed as specified by this department.
 - (8) *Garbage pickup.* Garbage and refuse shall be disposed at least twice a week or more often if required by this department to minimize the development of an obnoxious odor and the attraction of insects and rodents.
 - (9) *Incineration.* Garbage or refuse shall not be burned. Incineration shall be in accordance with all current applicable codes.
- (c) *Insect and rodent control.*
- (1) *General.* Insect and rodent control shall be in accordance with Article VII, "Nuisances" and Article IX, "Rat Control". Effective measures shall be utilized to minimize the presence of rodents, flies, cockroaches, and other insects. The premises shall be maintained to prevent harborage, attraction, or breeding of insects and rodents. An approved plan for pest control must be specified and utilized as required by the department.

Sec. 34-159. Sanitary facilities and controls. (cont.)

- (2) *Insect and rodent proofing.* All openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other approved means. Screen doors shall open outward and be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall not be less than 16 mesh to the inch.
- (3) *Pest control services.* Facilities employing pest control services shall stipulate a level of service commensurate with the facility's pest production potential and sanitation requirements.
- (4) *Insecticide and rodenticide.* Each insecticide and rodenticide must be approved by the U.S. Environmental Protection Agency for use in food service establishments and shall be used in accordance with label directions.
- (5) *Pest control devices.* Use of mechanical, electrical, and other devices for pest control shall only be allowed at the service entrance or other exterior openings of the food service establishment and must be specifically approved by the department. It shall supplement, not supplant, sanitation and other pest control measures. Any device attracting pests must be mounted at a distance no less than three (3) linear feet measured horizontally from any food preparation, display, or service area. Air curtains for fly exclusion may be required for service entrances or other exterior openings. Electronic pest attracting devices are only allowed at exterior service entrances or other exterior openings.

(91-RC-158, 30-2-2-9, 5-1-91)

Sec. 34-160. Construction and maintenance of physical facilities.

(a) *Floors.*

- (1) *General.* Floors and floor coverings of all food preparation, food storage, and warewashing areas,

and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. This section shall not prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.

- (2) *Carpet.* Carpeting, if used as floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment washing, and warewashing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room, areas where urinals or toilet fixtures are located.

Sec. 34-160. Construction and maintenance of physical facilities. (cont.)

- (3) *Floor coverings.* The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.
 - (4) *Floor drains.* Properly installed, trapped floor drains shall be provided in floors that are water flushed for cleaning or receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be sloped to drain.
 - (5) *Duckboards.* Mats and duckboards shall be of nonabsorbent, grease resistant materials and of such size, design and construction to facilitate cleaning. Duckboards shall not be used as storage racks.
 - (6) *Coved baseboard.* All floors, installed in food preparation, food storage, warewashing rooms and areas, walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture flush with (no gap between the coved baseboard or molding and the finished floor) the floor and wall.
 - (7) *Utility lines.* Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.
- (b) *Walls and ceilings.*
- (1) *General.* The walls, including non-supporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food preparation areas, equipment washing and utensil warewashing areas, toilet rooms and vestibules shall be durable, light colored, smooth, nonabsorbent, and easily cleanable, except for walls and ceilings in bars which may be of any color. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface. Specifications and samples for ceiling types must be submitted for approval. Walls with accent may be permitted if the percentage of accent does not exceed 25% or as deemed acceptable by the department.
 - (2) *Maintenance.* Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.
 - (3) *Exposed construction woodwork.* Studs, joists, and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, warewashing and utensil washing areas, toilet rooms and vestibules. If exposed in other rooms or areas, they shall be finished to provide a smooth, nonabsorbent, easily cleanable surface.
 - (4) *Electrical and gas lines.* Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be exposed on walls or ceilings in walk-in refrigerating units, food preparation areas,

Sec. 34-160. Construction and maintenance of physical facilities. (cont.)

equipment washing and warewashing areas, toilet rooms and vestibules.

- (5) *Light fixtures, etc.* Light fixtures, vent covers, wall mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.
- (6) *Cleanable materials.* Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

(c) *Cleaning physical facilities.*

- (1) *General.* Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floors, mats, duckboards, walls, ceilings, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust arresting sweeping compounds with brooms.
- (2) *Mop sink.* In new or remodeled establishments at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops, garbage containers or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. The use of lavatories, warewashing, or food preparation sinks for this purpose is prohibited.

(d) *Lighting.*

- (1) *General.* Permanently fixed artificial light sources shall be installed to provide at least 50 foot candles of light on all food preparation surfaces and 20 foot candles at equipment or utensil washing work levels.
- (2) *Lighting specifications.* Permanently fixed artificial light sources shall be installed to provide at a distance of 30 inches (75 cm) from the floor, at least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas and at least ten foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.
- (3) *Shielding.* Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.
- (4) *Heat lamp shielding.* Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

Sec. 34-160. Construction and maintenance of physical facilities. (cont.)

(e) *Ventilation.*

- (1) *General.* All rooms shall have ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation systems shall be installed and operated according to local, applicable law and, when vented to the outside, shall not create an unsightly, harmful, or unlawful discharge, in accordance with local building codes. Open doors are prohibited as a means of ventilation except for secondary doors with at least 16 mesh screening that is in good repair.
- (2) *Maintenance.* Intake and exhaust air ducts shall be maintained to prevent the entrance of insects, rodents, dust, dirt, and other contaminating materials.
- (3) *Mechanical venting.* In new or remodeled establishments, obnoxious odors, vapors, or fumes from all rooms must be mechanically vented to the outside.

(f) *Dressing rooms and locker areas.*

- (1) *General.* If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage or service, or for warewashing or storage.
- (2) *Clothing storage.* Lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in food storage areas containing only completely packaged food or packaged single service articles.

(g) *Poisonous or toxic materials.*

- (1) *General.* There shall be present in food service establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning, and sanitizing equipment and utensils, or controlling insects and rodents.
- (2) *Labeled categories.* Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to current applicable law for easy identification of contents.
- (3) *Categories.* Poisonous or toxic materials consist of the following categories: pesticides, detergents, sanitizers, and related cleaning or drying agents, caustics, acids, polishes, and other chemicals.
- (4) *Storage.* Each of the these categories set forth in subsection (g)(3) of this section shall be stored and physically located separate from each other. All poisonous toxic materials shall be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils, or single service articles, except that this requirement does not prohibit the convenient

Sec. 34-160. Construction and maintenance of physical facilities. (cont.)

availability of detergents or sanitizers at warewashing stations.

- (5) *Use of cleaning compounds.* Bactericides, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

Proper use. Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

- (6) *Personal Care Items.* Personal medications shall not be stored in food storage, preparation, or service areas. Medicines belonging to employees that require refrigeration must be stored in a separate refrigeration unit that does not contain food, food contact surfaces, or utensils. First aid supplies shall be labeled and stored in a way that prevents them from contaminating food, utensils, linens, and single-service and single-use articles.
- (7) *First aid supplies.* First aid supplies shall be stored in a way that prevents them from contaminating food and food contact surfaces.

(h) *Premises.*

- (1) *Cleanliness.* Food service establishments and all parts of property used in connection with their operations shall be kept free of litter.
- (2) *Walkways and parking areas.* 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 sloped for proper drainage.
- (3) *Maintenance equipment/supplies storage.* Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.
- (4) *Prohibited areas.* Entry of unauthorized persons into the food preparation and utensil areas is prohibited.
- (5) *Living quarters.* 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.
- (6) *Restricted laundry operations.* Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary for the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

Sec. 34-160. Construction and maintenance of physical facilities. (cont.)

- (7) *Laundry facilities.* Separate rooms shall be provided for laundry facilities and a ventilation system must be provided to exhaust the air to the outside.
- (8) *Clean storage.* Clean cloths and linens shall be stored in a well-marked, clean place and protected from contamination until used.
- (9) *Soiled storage.* Soiled cloths and linens shall be stored in nonabsorbent containers or washable laundry bags until removed for laundering.
- (10) *Maintenance.* Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens, and shall be stored in an orderly manner.
- (11) *Animals.* Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish, crustacean, shellfish, or the fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons, shall be permitted in dining areas.

(91-RC-158, 30-2-2-10, 5-1-91)

Sec. 34-161. Special Food Service.

- (a) *Application procedure.* The application for a special food service permit shall indicate the inclusive dates of the proposed operation and must be submitted at least 30 days prior to the event.
- (b) *Inspections.* Special food service inspections will be conducted as often as necessary to ensure compliance with this article with a minimum of one inspection per day. The current special food service inspection report shall be displayed in a conspicuous place wherein it is easily readable by the public.
- (c) *Corrective actions for special food service.*
 - (1) *Suspension of permit.* The department may suspend any permit to operate a special food service establishment if:
 - a. The permit holder does not comply with the requirements of this article;
 - b. The operation of the special food service establishment does not comply with the requirements of this article; or
 - c. The operation of the special food service establishment otherwise constitutes a substantial or an imminent hazard to the public.

Sec. 34-161. Special food service. (cont.)

Suspension is effective upon service of a legal notice. When a permit is suspended, food service operations shall immediately cease. The holder of a suspended permit shall be afforded an opportunity for a hearing within 20 days of receipt of the notice to suspend the permit

- (2) *Imminent health hazard.* When any of the following conditions are found to exist, the special food service permit may be suspended until such time as the necessary corrections are made, the facility is re-inspected, and the permit is reissued:
- a. Presence of sewage in the food preparation, food storage, or food service areas, or a malfunctioning sewage system, which poses a risk of contamination to the food service operation.
 - b. Loss of electrical power causing the establishment to be operated in an unsafe or unsanitary manner.
 - c. Failure to maintain potentially hazardous foods at required temperatures.
 - d. The presence of a confirmed communicable disease in a food service worker, which in the director's judgment could cause a public health hazard.
 - e. The occurrence of a fire or natural disaster in the food preparation, food storage, or food service areas, which affects the establishment's operation causing unsafe or unsanitary conditions.
 - f. A foodborne illness outbreak, which in the director's judgment is a public health hazard.
 - g. Loss of refrigeration due to the malfunctioning of the unit, which would tend to render food unsafe or unwholesome.
 - h. Any other condition deemed to be an imminent health hazard by the department or at the director's judgment.
- (1) *Repeated violations.* The permit shall be temporarily suspended in accordance with prescribed procedures for any repeated violations until such time as the necessary corrections are made and the facility is reinspected and the permit re-instated.
- (4) *Organizer's responsibility.* It will be the organizer's and/or property owner's responsibility to ensure that only vendors permitted by this department are allowed to participate in the event. The organizer/property owner must also notify the department 30 days prior to the event taking place by providing a list of food vendors who will be allowed by that organizer to participate in the event. Enforcement will be enacted in accordance with the current department's "Enforcement Policy".

Sec. 34-161. Special food service. (cont.)

- (5) *Vendor application.* Any person desiring to operate a special food service establishment shall make written application for a permit on forms provided by the department at least 30 days prior to the event and pay applicable fees at the time. The application shall include the name and address of each applicant, the location and type of the proposed food service establishment, (to include the menu items) and the signature of the applicant. If the applicant so chooses, and provided that the structure of the special food service unit, menu and equipment remains the same, said applicant may apply for an annually renewable special food service establishment license.
 - (6) *Inspection.* Prior to issuance of a permit, the department shall inspect the proposed food service establishment. The department shall only issue a permit to the applicant if the inspection reveals that the proposed special food service establishment complies with this article.
 - (7) *Illegal vendor.* Any unauthorized or un-permitted vendor found participating in an event shall be charged with a violation of this article and ordered by the organizer or property owner to leave the event premises.
- (d) *Establishments.*
- (1) *General.* A special food service establishment shall comply with the requirements of this article, except as otherwise provided in this section. The department may restrict operations and impose additional requirements to protect against health hazards related to the conduct of the special food service establishment and may prohibit the sale of some or all potentially hazardous foods and may waive or modify requirements of this article, if suitable alternatives are approved and no health hazards are posed.
 - (2) *Potentially hazardous foods.* In a special food service establishment, only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, may 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 fish 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 article, is obtained in individual servings, is stored at a temperature of 41 degrees Fahrenheit (5 degrees Celsius) or below or at a temperature of 135 degrees Fahrenheit (57 degrees Celsius) or above in facilities meeting the requirements of this article, and is served directly in the unopened container in which it was packaged.
 - (3) *Ice.* Ice that is consumed or that contacts food shall be made and stored under conditions meeting the requirements of this article. 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

Sec. 34-161. Special food service. (cont.)

manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

- (4) *Equipment.* Equipment shall be located and installed in a way that prevents contamination of food and that also facilitates cleaning the establishment.
- (5) *Food contamination.* Food contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided to prevent contamination.
- (6) *Temperature measuring devices.* Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to \pm two (2) degrees Fahrenheit.
- (7) *Tableware.* All temporary food service establishments without effective facilities for cleaning and sanitizing tableware shall provide only single service articles for use by the consumer.
- (8) *Potable water.* An adequate supply of potable water shall be available at the event for consumption and in the establishment for food preparation, 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.
- (9) *Food 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.
- (10) *Sewage disposal.* Disposal of solid wastes and all sewage, including all liquid wastes, shall meet department requirements.
- (11) *Handwashing facilities.* A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of warm running water, soap, and individual paper towels.
- (12) *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 sub-flooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.
- (13) *Ceiling, walls, and doors.* Ceilings shall be made of wood or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened, self-closing and open outward. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.

Sec. 34-161. Special food service. (cont.)

- (14) *Serving window and doors.* Service counter 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. Service counter openings shall be kept closed, except when in actual use.
- (15) *Protective environment.* All food preparation, food display, and food service or self-service areas or enclosures shall be adequately protected from dust, contamination by patrons, and from insects by provision of shields, screens, or other approved barriers or devices. Open, unprotected display or service of food is prohibited.
- (16) *Means of exclusion of insects.* Approved means of excluding insect and vermin from food preparation, service areas and from waste storage areas must be provided commensurate with the type and scope of food service permitted.
- (17) *Exempt Special Events.* An organizer of an exempt special event is encouraged to provide the free drinking water for the consumers. Recommendations for providing an adequate amount of potable water, based on the anticipated peak crowd, is available in the current department “Recommendations for Special Event Organizers - Non - Food Facilities Guidelines”.

(91-RC-158, 30-2-2-11, 5-1-91)

Sec. 34-162. Movable and extended food services.

- (a) *Movable food service units.*
 - (1) *General.* Movable food service units, including pushcarts, and extended food service shall comply with the requirements of this section except as otherwise provided in this subsection. The department may impose additional requirements to protect against health hazards related to their operation, prohibit the service of some or all potentially hazardous food, or impose additional regulations.
 - (2) *Exceptions.* Movable food service units and extended food service serving only food prepared, packaged in individual servings, transported and stored under conditions meeting the requirements of this article, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment are exceptions. Such units need not comply with requirements of this article pertaining to the necessity of water and sewage cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary or other approved base of operation located and permitted in Fulton and contiguous counties. Frankfurters, precooked encased sausages, and similar approved foods (see appendix) requiring heating only may be prepared and served from enclosed type movable food service units approved for such purpose having handwashing and utensil sanitation facilities on the unit, positioned at a fixed location, and operating from an approved commissary or base of operation.

Sec. 34-162. Movable and extended food service. (cont.)

- (3) *Articles and condiments.* Movable food units and extended food service shall provide only single-service articles, wrapped condiments, and wrapped drinking straws for use by the consumer.
 - (4) *Potable water supply.* Any movable food service unit and extended food service in which foods are prepared and/or served shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish adequate hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of this article. The water inlet shall be located and capped so that it will not be contaminated by waste discharge and dust and 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 article and local, current applicable codes.
 - (5) *Waste disposal.* Liquid waste from operation of a movable food service unit and extended food service shall be stored on the unit in a permanently installed waste retention tank. The waste retention tank shall be at least 15% larger capacity than the water supply tank. Liquid waste shall be discharged from the waste retention tank only to a sanitary sewer at the commissary or the base of the operation. All connections on the unit for servicing the waste retention tank shall be of a different size or type than those used for supplying potable water to the unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. Units must supply a covered 30-gallon receptacle for deposit and storage of solid waste from the unit and for use by patrons. All wastes shall be properly disposed at the commissary or the base of the operation.
 - (6) *Potentially hazardous foods; temperature control.* Units preparing potentially hazardous foods on the unit shall utilize thermostatically controlled heating and cooling units for those foods stored or displayed on the unit requiring controlled heating or refrigeration.
 - (7) *Sinks.* Each unit must have two separate sinks, one for hand-washing and the other for warewashing.
 - (8) *Potentially hazardous foods; prepared and served in enclosed unit.* Units preparing and serving potentially hazardous foods shall be so constructed that the operator must prepare and serve food from within a fully enclosed area of the unit. Units preparing snow cones and popcorn shall be constructed so that the food preparation and service areas are fully enclosed.
 - (9) *Temperature measuring devices.* Indicating thermometers for immersion into food or cooking media shall be of metal stem type construction, numerically scaled, and accurate to \pm two (2) degrees Fahrenheit .
- (b) *Base of Operation*
- (1) *General.* Movable food service units and extended food service shall operate from a base of

Sec. 34-162. Movable and extended food service. (cont.)

operation or fixed food service establishment and shall return to such location at least daily for all supplies and for all cleaning and servicing operation(s). It shall be properly stored at this location when not in use.

- (2) *Size and operation.* The base of operation shall have facilities for servicing the units which are constructed and operated in compliance with the requirements of this article and are adequate to service the number and type of units based there. The base of operation must have a valid food service permit issued by this department or by contiguous counties to Fulton.
 - (3) *Servicing area.* A servicing area for movable food units and extended food service shall include at least overhead protection for all cleaning and servicing operations. Within this servicing area, there shall be two (2) separate locations; one for the flushing and drainage of liquid wastes and cleaning of units, the other for water servicing and loading and unloading of food and related supplies. Servicing area requirements will be minimal when only packaged food is placed on the movable food service units. Otherwise, a three (3)-compartment sink with drainboards, a food preparation sink, a hand-washing sink and a mop sink is required and adequate storage and refrigeration area surfaces of floors, walls, and ceilings must be smooth, nonporous, durable, and easily cleanable.
 - (4) *Servicing area floor.* The floor 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 sloped to drain to a sanitary sewer.
 - (5) *Exemption for walls and ceilings.* The construction of the walls and ceiling in the servicing area is exempted from the provisions of this article.
 - (6) *Potable water equipment.* Potable water servicing equipment shall be installed according to current local applicable plumbing codes, and all elements shall be stored and handled in a way that protects the water and equipment from contamination.
 - (7) *Waste retention tank.* The movable food service unit's and extended food service liquid waste retention tank shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewer in accordance with section 34-159 of this article.
- (c) *Location.*
- (1) *Food vending area.* A movable food service units or an extended food service must restrict operation to a maximum of two (2) the locations or areas stipulated by the permit, and the operator must provide evidence of legal access and use of the premises for food vending. Permit applicants must provide documentation of compliance with another jurisdiction's requirements.
 - (2) *Permitted units; food service establishments.* Those units functioning under permits granted to food service establishments and operating on their premises as an extension thereof may be allowed, at the department's discretion to meet lesser restrictions if sanitation, temperature
 - (3)

Sec. 34-162. Movable and extended food service. (cont.)

- (4) control, and sanitization requirements for operation of the unit are satisfactorily met at the food service establishment. The owner, permit holder or person in charge of a food service establishments will submit plans indicating the facilities operational location of movable food service units at the time of permit application.
- (d) *Identification.* All movable food service units and extended food service shall be identified by a sign or other identification indicating the name and address of the owner, the operator, and the permit number. Letters and numbers must be at least two (2) inches high. The permit and current inspection report shall be posted in public view and protected from inclement weather.
- (e) *Compliance with other regulations.* The operation must comply with all applicable regulations and ordinances.
- (f) *Home prepared foods.* Home prepared foods or condiments are prohibited from service use and/or sales on movable food service units.

Sec. 34-163. Certification of environmental health personnel.

- (a) *General.* All Environmental Health personnel who are assigned responsibilities in food service plan review, permitting, inspecting or other means of enforcing this article, will successfully complete:
 - a. A nationally recognized food safety training program approved by the department and a professionally validated examination that is accredited by the Conference for Food Protection, prior to acquiring food service program responsibilities;
 - b. And obtain eight (8) hours of food safety related continuing education units every two (2) years.
- (b) All Environmental Health personnel currently having the responsibilities of enforcing this article must obtain the credentials listed in Section 34-163(1) a. and b. within two (2) years of adoption of this article.

(91-RC-158, 30-2-2-12, 5-1-91)

APPENDIX Food Classification List¹

Class A (Department Permit Not Required)	Class B (Department Permit for Movable Food Service Required)	Class C⁴ (Department Permit for Movable Food Service Required)	Class D (Prohibited for Movable Food Service)
Not Packaged	Not Packaged	Precooked Only	
Whole Fruits and Vegetables	Brewed beverages (tea, coffee, cocoa, etc.)	Frankfurters/ Sandwiches	Cream filled pastries
Nuts in shell	Lemonade	Fruit cups	Uncooked meat
	Fruit juices	Ice cream	Raw seafood
	Flavored ices	Cooked Seafood	Eggs
	Snow cones	Tamales	
	Popcorn	Bar-B-Que	
		Tacos	
		Burritos	
		Beverages	
Packaged or in Sealed Containers	Packaged Foods³		
Popcorn	Fruit cups		
Ice Cream	Sandwiches		
Novelties	Hot dogs		
Bakery products portioned ²	Sausages		
Candy (including cotton			
Candied apples			
Dehydrated fruits or vegetables			
Cooked meatskins			
Beverages			
Dehydrated meat products			
Snow cones			
Flavored ices			

- (1) From approved source, home preparation prohibited.
(2) Excluding cream filled pastries.
(3) Prepared at associated food service facility or commissary.
(4) On-unit preparation or dispensing.

Cafeteria Shield

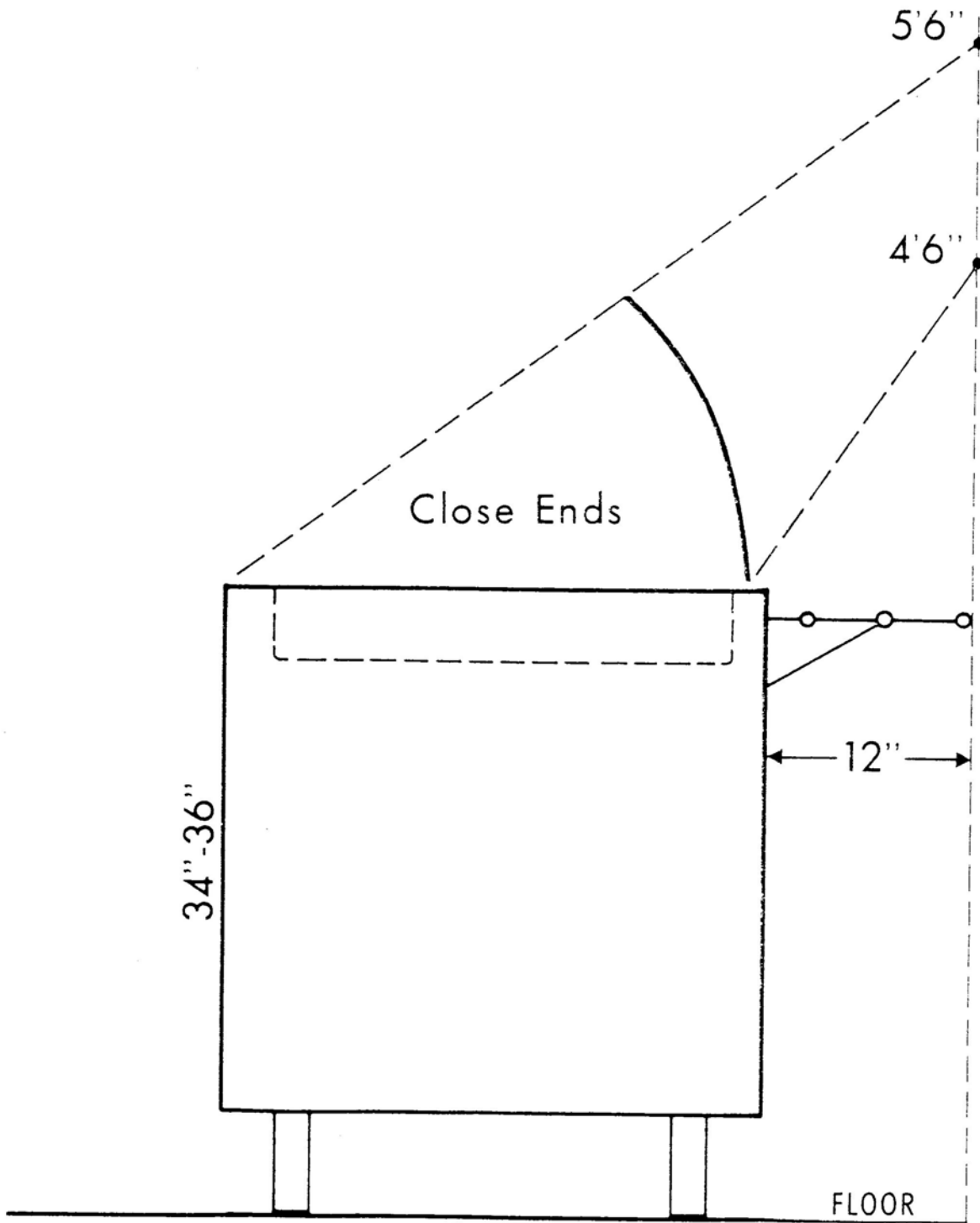


Fig. 2

29-144-078