

ORDINANCE NO. 1029,
FOURTH SERIES

An Ordinance Regulating Food Handling Establishments in the City of Sacramento; Defining the Same; Providing for the Issuance of Permits From the Health Officer; Providing for the Revocation, Suspension and Renewal of Said Permits; Repealing All Ordinances or Parts of Ordinances in Conflict Herewith; Providing Penalties for Violations Thereof; and Making This Ordinance an Emergency Measure to Take Effect Immediately.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1: FOOD HANDLING ESTABLISHMENTS. DEFINITIONS.

A "Food Handling Establishment," as referred to in this ordinance, shall mean and include every bakery, confectionery, cannery, packing house, slaughter house, grocery, meat market, restaurant, public school lunch room, tea room, soda fountain, buffet, grill room, lunch counter, sandwich stand, dining room, coffee shop, public boarding house, hotel, club, beer parlor, cocktail lounge and every other place in the City of Sacramento used for the production, preparation for sale, manufacture, packing, storage, sale or distribution of any food.

A "Public Eating Place," as referred to in this ordinance shall mean and include every restaurant, public school, lunch room, tea room, soda fountain, buffet, grill room, lunch counter, sandwich stand, dining room, coffee shop, public boarding house, hotel, club, beer parlor, cocktail lounge and every other place where food or drink is prepared and sold, to be consumed on the premises, and all kitchens, commissaries and other rooms appurtenant thereto or connected therewith. All places where sandwiches, lunches, box lunches, etc., are prepared for sale to the public shall also be classified as public eating places.

"Food" shall mean and be taken to be any substance consumed for nourishment or refreshment of the body, whether such food is in storage, in process of preparation or ready to serve.

An "Operator" as used in this ordinance shall mean any person or owner engaged in the dispensing of, or assisting in the preparation of food, or a person otherwise employed in a Food Handling Establishment.

The term "Owner" or "Owners" as used herein shall mean those persons, partnerships or corporations who are financially interested in the operation of a Food Handling Establishment.

Section 2: APPLICATION AND PERMITS FOR FOOD HANDLING ESTABLISHMENTS.

Any person, firm or corporation now operating a food handling establishment without a permit, or intending to operate any food handling establishment shall make an application to the Health Officer upon a form provided by such Health Officer, giving the names of the owner or owners, manager or managers thereof,

the location, type of ventilation, method of vermin and fly control, facilities for refrigeration, lavatory and toilet facilities, dressing room accommodations, dishwashing equipment, method of sterilization of utensils and equipment, and such other information as the Health Officer may require for the administration of this ordinance and State Health Laws.

This application shall include a signed statement that such applicant will observe the provisions of this ordinance, the rules and regulations of the City Health Officer, the State Health Laws, and the rules and regulations of the State Department of Public Health.

Following receipt of such application by the Health Officer, he shall make or cause to be made an inspection of the premises, and if the provisions of this ordinance, the rules and regulations of the City Health Officer, State Health Laws, and the rules and regulations of the State Department of Public Health have been complied with, he shall so certify that fact to the applicant and within ten (10) days issue a permit to operate. If the food handling establishment does not conform to the provisions of this ordinance, or the rules and regulations of the City Health Officer, or the State Health Laws, or the rules and regulations of the State Department of Public Health, the Health Officer shall not issue a permit.

Section 3: PERMITS.
The Certificate of Compliance issued by the Health Officer shall be considered the Permit to operate under the provisions of this ordinance. No permit to operate such place of business shall be issued to any person until all of the provisions of this ordinance, the rules and regulations of the Health Officer of the City, the State Health Laws, and the rules and regulations of the State Department of Public Health, as well as all other ordinances of the City of Sacramento in relation to proper location, construction and equipment of food handling establishments shall have been complied with. Any permit issued under these provisions shall not be transferable to any other person or any other location. No permit shall be valid for a longer period than ten (10) days following date of its issue unless the operator, owner or manager procures a license from the Assessor-Collector to operate such place of business. The Assessor-Collector shall issue no license to operate a food handling establishment, as defined herein, until a permit shall have been issued by the Health Officer.

Section 4: A permit shall be granted only on the express condition that it shall be subject to revocation or suspension by the Health Officer, upon a showing satisfactory to said Health Officer of the violation by the holder of such permit, his employee, servant, or agent, or any other person acting with his consent or under his authority, of any provision of this ordinance, or any law of the State of California, or any rule or regulation of the Health Officer of the City

of Sacramento, or any rule or regulation of the State Department of Public Health regulating food handling establishments.

Section 5: Any permit issued pursuant to the provisions of this ordinance, or Ordinance No. 48, Fourth Series as amended, may be revoked or suspended, but only as hereinafter provided.

No such permit shall be revoked or suspended until a hearing upon written notice to the permittee shall have been held by the Health Officer. Written notice of such hearing shall be served upon the permittee either by personal delivery to the person to be notified, or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the same appears in the records of the Health Department of the City of Sacramento.

Such notice shall state:

(a) The grounds for complaint or reasons for the proposed revocation or suspension in clear and concise language.

(b) The time when and the place where such hearing is to be held.

Such notice shall be served or given to the permittee at least ten (10) and not more than fifteen (15) days prior to the date set for such hearing.

After conducting such hearing and a finding of cause for revocation or suspension of such permit as provided in Section 4 herein, the Health Officer may suspend or revoke such permit upon such terms and conditions as, in the exercise of a reasonable and sound discretion, he shall determine, or may dismiss the proceedings.

It shall be unlawful for any person, firm or corporation owning, controlling, leasing, acting as agent for, conducting, operating or managing any food handling establishment in the City of Sacramento, to conduct or operate, or cause or permit to be conducted or operated, such food handling establishment without a permit to operate the same, or during the time of suspension of such permit, or after the revocation of such permit, notwithstanding the fact that such person, firm or corporation holds a valid and subsisting license from the City of Sacramento to conduct such business.

Section 6: The Health Officer of the City of Sacramento shall have the right to make reasonable rules and regulations governing the conduct of food handling establishments, as defined herein, for the purpose of enforcing the provisions of this ordinance. A copy of such rules and regulations shall be furnished to each permittee herein within ten (10) days after the promulgation or amendment of such rules and regulations. Each permittee shall keep a copy of this ordinance and the rules and regulations of the Health Officer in a convenient place on the premises where such business is operated, which place shall be readily accessible to all employees. For the purposes of this ordinance, such rules and regula-

tions and amendments thereto shall be effective only after approval of the City Council.

Section 7: Any person, firm or corporation whose permit is revoked or suspended pursuant to the provisions of this ordinance may appeal to the City Council by filing a request for a hearing of such appeal with the City Clerk within ten (10) days after the decision of the Health Officer that such permit be suspended or revoked. The City Council shall at the next regular meeting after the filing of the request for hearing on such appeal with the City Clerk, set the matter for hearing not less than five (5) and not more than ten (10) days. The City Council may at such hearing sustain, reverse or modify the decision of the Health Officer respecting the suspension or revocation of such permit. The filing of such request for hearing of an appeal shall not stay the effect of the order suspending or revoking such permit pending the hearing of such matter before the City Council.

Section 8: FLOORS, WALLS AND CEILINGS.

In all food handling establishments the floors shall be of good non-absorbent material, and shall be kept in a clean and sanitary condition at all times. The walls and ceilings shall be smooth, sound and cleanable, and shall be kept painted with oil paint or other approved finishing material and maintained in a clean and sanitary condition. The walls in the proximity of sinks, mixers, stoves, range or other equipment where water, grease, or other matter is likely to be splashed on the walls, shall be flashed with metal, tile or other approved flashing of sufficient height to protect thoroughly said walls.

Section 9: LIGHTING.

In all food handling establishments adequate natural or artificial light shall be furnished when the establishment is open for business.

Section 10: VENTILATION.

Adequate mechanical ventilation must be supplied whenever natural ventilation is inadequate in food handling establishments.

Section 11: FLY CONTROL.

The doors, windows and other openings of every food handling establishment shall be fitted with stationary or self-closing screen doors and wire window screens of not coarser than fourteen mesh wire gauge which shall be kept in good repair at all times. Other methods of fly control, satisfactory to the Health Officer may be substituted.

Section 12: CLEANSING, STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT.

In food handling establishments all machinery, utensils, slicers, mixers, tools or other equipment shall be kept in a clean and sanitary condition at all times.

After proper cleansing treatment, utensils shall be stored in a clean, dry place protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall

be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

Section 13: WATER.

Every public eating place must have an adequate supply of running hot and cold water at all times.

Section 14: In all food handling establishments all dishes, glasses, drinking glasses, agateware, enamelware, cups, saucers, knives, forks and spoons or other utensils or articles used for table service, or used in the preparation of food shall be kept in a clean and sanitary condition and in good repair. Dishes, glasses, drinking glasses, cups or other utensils becoming cracked, chipped or otherwise damaged shall not be used in food handling establishments.

Section 15: CLEANING AND BACTERICIDAL TREATMENT OF UTENSILS AND EQUIPMENT.

In public eating places all multi-use eating and drinking utensils including glasses, cups, dishes, knives, forks, spoons, and other eating and drinking utensils, shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

(A) WASHING AND CLEANING.

The washing and cleaning shall be accomplished by the use of hot or warm water containing an adequate amount of an effective soap or detergent to remove grease and solids. The soapy wash water shall be changed at sufficiently frequent intervals to keep it reasonably clean.

(B) STERILIZATION. After cleaning, all such utensils shall be subjected to one or more of the following approved bactericidal processes:

1. Immersion for at least 2 minutes in clean, hot water at a temperature of at least 170° F., or for ½ minute in boiling water. Unless actually boiling water is used, an approved thermometer shall be available convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance.

2. Immersion for at least 2 minutes in a chlorine rinse containing at least 50 ppm. of available chlorine if hypochlorites are used, or a concentration of equal bactericidal strength if chloramines are used. The rinse should be made up at a strength of 100 ppm. or more of hypochlorites and shall not be used after its strength has been reduced to 50 ppm.

3. Or any other sterilization method that is approved by the City Health Officer.

No such glass, cup, dish, knife, fork, spoon, or other eating or drinking vessel or utensils, after use by one patron in eating or drinking, shall be

offered or permitted to be used by any other patron without such glass, cup, dish, knife, fork, spoon, or other eating or drinking vessel or utensils being first thoroughly washed and cleansed by any of the foregoing methods.

Section 16: SINKS.

Each public eating place must have and maintain adequate sinks, drain boards constructed of solid metal or tile, or other impervious material. Wood drain boards are prohibited.

Section 17: TOILETS, LAVATORIES, DRESSING ROOMS.

Every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, canning, sale or distribution of foods, shall have a convenient toilet or toilet rooms, separate and apart from the room or rooms used for the process of the preparation, production, packing, canning, selling, or distribution of food. The floors of such toilet rooms shall be of cement, tile laid in cement, vitrified brick, or other non-absorbent material and shall be washed and scoured daily. The plumbing shall be made to comply with the plumbing ordinances of the City of Sacramento and the regulations adopted by the Health Officer pursuant thereto. Lavatories and wash rooms shall be adjacent to toilet rooms and shall be supplied with soap, running water and towels, and shall be kept clean at all times to the satisfaction of the Health Department. Operators, employees, clerks and all persons who handle the material from which food is prepared, or the finished product, before beginning work and immediately after visiting a toilet or lavatory, shall wash their hands and arms thoroughly and in clean water.

Cuspidors for the use of operators, employees, clerks and other persons, shall be provided and each cuspidor shall be emptied and washed out daily, with a disinfectant solution and not less than five ounces of such solution shall be left in each cuspidor while in use. No operator, employee, clerk, or other person shall expectorate, or discharge any substance from his nose or mouth upon the floor or interior side walls of any building, room, basement, or cellar, where the production, manufacture, packing, storing, preparation or sale of any food products is conducted, nor shall such operative, clerk, or person, indulge in the use of tobacco, in any form, in any place where food or foodstuffs is being prepared, manufactured, sold or distributed.

Section 18: REFRIGERATION.

All refrigerators and ice chests shall be kept in a scrupulously clean condition and in good repair at all times. Refrigeration for all perishable food shall be constantly maintained at 50 degrees F. or lower, and refrigeration shall be of a capacity so as to eliminate congestion of food stored.

Section 19: STORAGE AND DISPLAY OF FOOD AND DRINK.

All food handling establishments shall store food or ingredients mixed with food in such receptacles as to prohibit the contamination by dust or dirt, insects, rodents or vermin. In all public eating places all soda straws shall be kept in a fly-tight, dust-proof container, and all food displayed for sale shall be kept protected behind either glass, or other suitable material, so as to prevent handling or contamination of said food by the public, and shall be inaccessible to anyone except employees of the establishment.

In all public eating places a case shall be provided for all pies, pastries and other prepared food and shall be constructed of glass or other suitable material to prevent flies, dust or other contamination from coming in contact with said pies or pastries or other prepared foods.

All sugar dispensers used in public eating places shall be equipped with screw tops. Common sugar bowl prohibited.

No tin can or other such container shall be used for the purpose of cooking or preparing food stuffs.

It shall be unlawful to sell or offer for sale any unwholesome or adulterated food or food products.

Section 20: DISPOSAL OF GARBAGE AND WASTE.

All garbage shall be classified and disposed of as provided for in the City of Sacramento according to their existing ordinance relative thereto. All garbage cans shall be tight metal receptacles with close fitting metal covers and shall be kept in a clean condition and in good repair. The garbage cans must be kept covered at all times.

Section 21: CLEANLINESS AND HEALTH OF EMPLOYEES.

All operators coming in contact with food, food products or equipment of food handling establishments shall wear clean outer garments. Operators shall keep their hands, and fingernails clean at all times while thus engaged. Shaving, hair brushing and combing shall not be permitted except in a toilet room, wash room or dressing room. There shall be a warning sign in all toilet rooms and/or lavatories warning food handlers to wash hands with soap and water following each visit to the toilet. Operators or operator, or other persons shall not discharge any substance from the nose, mouth or any other part of the body upon the floor or walls. The use of tobacco by operators in any room or compartment where food is prepared, cooked or stored is expressly prohibited. It shall be unlawful for any food handler to work in a food handling establishment if the person is ill or has any communicable disease.

Section 22: No room of any food handling establishment where food is prepared, produced, manufactured, served or sold, shall be used in any manner for sleeping purposes, and no couches, beds, cots or other acces-

sories which may be used for sleeping purposes shall be maintained or kept in any room of such food handling establishment where food is prepared, manufactured, served or sold.

Section 23: No dogs, cats or other animals shall be harbored or permitted in a public eating place.

Section 24: All stoves installed in public eating places, after the effective date of this ordinance, shall be at least 12 inches distance from the wall.

Section 25: It shall be unlawful for any person, firm or corporation to maintain or operate a food handling establishment in a manner contrary to the provisions and requirements of this ordinance.

Section 26: Any person, firm or corporation, whether as principal, or agent, employer, or employee, who violates any of the provisions of this ordinance, or the rules and regulations of the Health Officer established pursuant to the provisions of this ordinance, shall be guilty of a misdemeanor, and each day that conditions or actions in violation of this ordinance shall continue shall be deemed to be a separate and distinct offense, and for each offense, upon conviction, he shall be punished by a fine of not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the City Jail for a term not exceeding six (6) months, or by both such fine and imprisonment.

Section 27: If any section or any part of any section of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the remainder hereof not thereby invalidated shall remain in full force and effect.

Section 28: Ordinance No. 48, Fourth Series, passed January 12, 1922, and Ordinance No. 164, Fourth Series, passed May 8, 1924, are hereby repealed.

Section 29: This ordinance is hereby declared to be an emergency measure and shall take effect immediately; such emergency being that the protection of the health of the people of the City of Sacramento requires that this ordinance become effective immediately.

PASSED: November 27, 1944.

EFFECTIVE: November 27, 1944.

John C. Mack
Mayor

ATTEST:

A. G. Denton

City Clerk.