



New Jersey State
Department of Health,
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RETAIL FOOD ESTABLISHMENT CODE OF NEW JERSEY - 1965,

Subject to adoption by reference by local Boards of Health
in accordance with R.S. 26:3-69.1 to 69.6
and not enforceable until so adopted.

FOREWORD

Legislation enacted in 1959 [(Chapter 188 P.L. 1950 (R.S. 26:3-69 to 69.6)] authorizes local boards of health in New Jersey to adopt "by reference" model public health codes approved by the State Department of Health. This legislation permits the local board of health to adopt the approved code *by referring to it* by title (by reference) in the public announcement of its consideration. Copies must be available for review by interested persons but the entire text of the code proposed to be adopted need not be advertised. This legal authorization has saved municipalities significant sums of money that would otherwise have had to be spent for advertising.

This method makes available to local boards of health recommended law to govern a specific area of public health activity. Local boards of health which adopt these codes save the time and effort which would necessarily go into writing equivalent codes.

The first code to be approved by the State Department of Health for adoption by municipalities was the Retail Food Handling Establishment Code in 1952. Many other codes were subsequently approved by the State Department of Health which could be adopted by municipalities by reference. (Two of these, the Trailer Court Code and the Boarding Home for Children Code, were subsequently rewritten and adopted as chapters of the State Sanitary Code.)

In writing or revising a code, the Commissioner appoints a committee of informed persons and draws upon the experience and judgment of those who will subsequently enforce the code after it is adopted locally. The committee which revised this code represented many areas of New Jersey and large and small city and county health departments. Persons from areas with diverse characteristics and problems thus had opportunity to participate in the development of the code.

I extend the thanks of the Department to the committee which revised the Retail Food Handling Establishment Code.

Local boards of health which adopted the 1952 version of this code are urged to substitute the up-to-date code available here. Local boards of health which did not adopt the 1952 version are urged to adopt this one. To the degree that this is done, there will be uniformity of requirements among the many municipalities of the state. There will also be a revitalization and stimulation of better sanitation practices among establishments which serve food.

As a further convenience to the local board of health and its attorney, the text of the 1950 statute and a suggested ordinance providing for the adoption of the model code are included as prefaces to the text of the code itself.

Roscoe P. Kandle, M.D.
State Commissioner of Health

PUBLIC HEALTH AND SANITATION CODE

ADOPTION BY REFERENCE ACT

26:3-69.1 Definitions

As used in this act, unless the context otherwise requires:

(1) "Local board of health" shall mean a county or municipal board of health, or the board of health of any regional, local or special health district, having power to regulate, by ordinance, public health or sanitation.

(2) "Code" means printed code regulations or set of regulations, standards or set of standards concerning, affecting or relating to the subject matter of any such ordinance of substantially uniform character, approved by the State Department of Health.

(3) "Related document" means any printed document or part thereof adopted by reference in a code directly, or by successive adoptions by reference through other printed documents.

(4) "Printed" includes lithographing and any other method of duplicating.

26:3-69.2 Adopting certain codes and related documents by reference

Any local board of health may enact, amend or supplement ordinances establishing, amending or supplementing a code or any parts thereof by reference to such code in any such ordinance and without inclusion of the text thereof in such ordinance if the code to be adopted and any related documents are printed in book form and a copy of such printed code and related documents so marked as to indicate plainly what portion thereof, if less than the whole, is intended to be adopted, is annexed to such ordinance and if such code and related documents or such portion thereof as is intended to be adopted is so described in said ordinance, *as to identify them and there is indicated in said description the common or trade name, if any, of such code and related documents and it is stated in the ordinance*, that three copies of said code and said related documents, similarly marked, have been placed on file in the office of the secretary, clerk or other similar officer of said local board of health, upon the introduction of said ordinance and will remain on file there until final action is taken on said ordinance, for the use and examination of the public.

26:3-69.3 Publication of adopted code or related documents unnecessary

It shall not be necessary to publish any such code or related documents, so to be adopted, as part of any such ordinance notwithstanding that printed copies thereof are annexed thereto, either before or after the final passage of such ordinance, if said printed copies are filed as aforesaid.

26:3-69.4 Copies of adopted code and related ordinances to remain on file

In event that any such ordinance is adopted, the said copies of said code and related documents shall remain on file in said office so long as said ordinance is in effect, and three copies shall be placed on file and shall remain on file in the office of any board, body or officer having in charge the enforcement of said ordinance, for the use and examination of the public so long as said ordinance is in effect and printed copies of said ordinance and said code and related documents shall be made available to citizens on request and for which a nominal fee may be charged.

26:3-69.5 Copy of adopted code and related documents construed as part of ordinance

For the purpose of proof of any such ordinance or receipt thereof in evidence in all courts and places, such copy of such code and related documents, so marked and annexed to such ordinance, shall be construed to be part of said ordinance, as fully as though it had been set forth at length therein.

26:3-69.6 Short title

This act may be cited as the Public Health and Sanitation Codes Adoption by Reference Act.

SUGGESTED ORDINANCE PROVIDING FOR THE ADOPTION OF THE "RETAIL FOOD ESTABLISHMENT CODE OF NEW JERSEY (1965)"

This suggested ordinance indicating the manner in which the "Retail Food Establishment Code of New Jersey (1965)" may be adopted should be reviewed by counsel for the local board of health for possible changes that he or the board may desire to make.

AN ORDINANCE establishing a code regulating retail food establishments and fixing penalties for violations.

BE IT ORDAINED BY THE BOARD OF HEALTH OF _____

Section 1. A code regulating retail food establishments and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

Section 2. The said code established and adopted by this ordinance and commonly known as the "Retail Food Establishment Code of New Jersey (1965)."

Section 3. Three copies of the said "Retail Food Establishment Code of New Jersey (1965)" have been placed on file in the office of the (Health Officer) (secretary) (clerk) (or other similar officer) of this local board of health upon the introduction of this ordinance and will remain on file there until final action is taken on this ordinance for the use and examination of the public.

Section 4. Any person who violates any provision of, or order promulgated under this ordinance, or code established herein, shall, upon conviction thereof, be liable to a penalty of not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) for each violation. Each day a particular violation continues shall constitute a separate offense.

Section 5. All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance and the code established hereunder are hereby repealed to the extent of such inconsistency.

Section 6. In the event that any section, sentence or clause of this ordinance or code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

Section 7. This ordinance and the code herein established shall take effect 30 days after first publication.

SUGGESTED ORDINANCE PROVIDING FOR LICENSURE OF RETAIL FOOD ESTABLISHMENTS AND PROVIDING FOR ITS ENFORCEMENT AND THE FIXING OF PENALTIES

This suggested ordinance should be reviewed by counsel for the governing body for possible changes that he or they might desire to make. It should be considered in conjunction with the ordinance proposed for enactment by the local board of health of the municipality for purposes of establishment of the Retail Food Establishment Code of New Jersey (1965) to be adopted by reference under authority of N.J.S.A. 26:3-69.1 et seq.

AN ORDINANCE relating to licensure of retail food establishments, and providing for its enforcement and the fixing of penalties.

The _____ of _____ of the _____ of _____ do ordain that:

1. It shall be unlawful for any person or any body corporate to conduct a retail food establishment as defined in and governed by the Retail Food Establishment Code of New Jersey (1965) established by ordinance of the local board of health dated _____ without first having procured a license from the local board of health so to do or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Retail Food Establishment Code of New Jersey (1965).

2. The fees for licensure of retail food establishments are hereby fixed as follows: retail food establishment, permanent locale _____ temporary retail food establishment _____

3. Any license issued under the terms and provisions of this ordinance may be suspended or revoked by the board of health of this municipality for the violation by the licensee of any provision of this ordinance or the Retail Food Establishment Code of New Jersey (1965) or whenever it shall appear that the business, trade, calling, profession or occupation of the person, firm or corporation to whom such license was issued, is conducted in a disorderly or improper manner, or in violation of any law of the United States, the State of New Jersey, or any ordinance of this municipality, or that the person or persons conducting the retail food establishment is of an unfit character to conduct the same, or that the purpose for which the license has been issued is being abused to the detriment of the public, or is being used for a purpose foreign to that for which the license was issued.

A license issued under the terms and provisions of this ordinance shall not be revoked, cancelled or suspended until a hearing thereon shall have been had by the board of health. Written notice of the time and place of such hearing shall be served upon the licensee at least three days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, cancelling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing before the board of health the person aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the board of health, the complaint may be dismissed, or if the board of health concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee.

If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the city unless the application for such license shall be approved by the board of health.

4. No provision on this ordinance shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the State or Federal Government.

5. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not to exceed two hundred dollars (\$200.00) or by imprisonment in the county jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment, and each violation of any of the provisions of this ordinance, and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

6. The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this ordinance, but they shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

7. All ordinances, or parts of ordinances, in conflict or inconsistent with this ordinance, are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances, or parts of ordinances, now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

**RETAIL FOOD ESTABLISHMENT CODE
OF NEW JERSEY — (1965)
SECTION 1
DEFINITIONS**

- 1.1 ADULTERATION - as defined in 24:5-8 Revised Statutes of New Jersey.
- 1.2 APPROVED shall mean acceptable to the health authority based on his determination as to conformance with appropriate standards and good public health practice.
- 1.3 CLOSED shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.
- 1.4 CORROSION-RESISTANT MATERIAL shall mean a material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds, and sanitizing solutions which may contact it.
- 1.5 EASILY CLEANABLE shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.
- 1.6 EMPLOYEE shall mean any person working in a retail food establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.
- 1.7 EQUIPMENT shall mean all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables, and similar items, other than utensils, used in the operation of a retail food establishment.
- 1.8 FOOD shall mean any raw, cooked, or processed edible substances, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.
- 1.9 FOOD-CONTACT SURFACES shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

- 1.10 FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.
- 1.11 RETAIL FOOD ESTABLISHMENT shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public, or nonprofit organization or institution routinely serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or similar place in which food or drink is prepared for retail sale or for service on the premises or elsewhere; and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge.
- 1.12 HEALTH AUTHORITY shall be the properly appointed General Agent of the board of health to act in the enforcement of its ordinances and sanitary laws of the State.
- 1.13 KITCHENWARE shall mean all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.
- 1.14 MISBRANDED shall mean the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable State or local labeling requirements.
- 1.15 PERISHABLE FOOD shall mean any food of such type or in such condition as may spoil.
- 1.16 PERSON shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.
- 1.17 POTENTIALLY HAZARDOUS FOOD shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.
- 1.18 SAFE TEMPERATURES, as applied to potentially hazardous food, shall mean temperatures of 45° F. or below, and 140° F. or above, of 0° F. or below for frozen foods.
- 1.19 SANITIZE shall mean effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the health authority as being effective in destroying micro-organisms, including pathogens.
- 1.20 SEALED shall mean free of cracks or other openings which permit the entry or passage of moisture.
- 1.21 SINGLE-SERVICE ARTICLES shall mean cups, containers, lids or closures; plates, knives, forks, spoons, stirrers, paddles; straws, place mats, napkins, doilies, wrapping materials; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.
- 1.22 TABLEWARE shall mean all multiuse eating and drinking utensils, including flatware (knives, forks, and spoons).
- 1.23 TEMPORARY RETAIL FOOD ESTABLISHMENT shall mean any retail food establishment which

operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

- 1.24 **UTENSIL** shall mean any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.
- 1.25 **WHOLESOME** shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

SECTION 2 FOOD

2.1 FOOD SUPPLIES:

All food in retail food establishments shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, nonacid and low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used.

Reason: To control foodborne illness and food spoilage, which may result from improperly processed or handled food, the retail food establishment must be concerned with the sources of food which are to be used. The safety and wholesomeness of food is a basic requirement for the protection of the consumer's health. Accordingly, the provisions listed under *Compliance* are intended to insure that food in general, as well as certain food which may be potentially hazardous, is obtained from sources which are considered satisfactory by the health authority.

The use of noncommercially processed, hermetically sealed, nonacid, and low-acid food — i.e., food with a pH of more than 4.5 — is prohibited because of the history of such food in causing botulism, a type of food poisoning which is frequently fatal. For this reason, such food is required to be obtained only from sources where the conditions and methods of preparation are subject to official regulations or surveillance by State or local governmental authorities.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

(1) Food in the retail food establishment shall be from a source which is in compliance with applicable State and local laws and regulations. Food from such sources shall have been protected from contamination and spoilage during subsequent handling, packaging, and storage, and while in transit.

(2) All food in the retail food establishment shall be wholesome and free from spoilage, adulteration, and misbranding.

b. Milk and Milk Products:

(1) All milk and milk products, including fluid milk, other fluid dairy products and manufactured milk products, shall meet applicable State and local laws and regulations.

(2) Only pasteurized fluid milk and fluid-milk products shall be used or served. Dry milk and milk products may be reconstituted in the establishment if used for cooking purposes only.

(3) All milk and fluid-milk products for drinking purposes shall be purchased and served in the original, individual container in which they were packaged at the milk plant, or shall be served from an approved bulk milk dispenser: *Provided*, That cream, whipped cream or half and half, which is to be consumed on the premises, may be served from the original container of not more than one-half gallon capacity or other dispenser not prohibited by law or regulation for such service, and for mixed drinks requiring less than one-half pint of milk, milk may be poured from one-quart or one-half gallon containers packaged at a milk plant.

c. Frozen Desserts:

(1) All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices, and mix shall meet applicable State and local laws and regulations.

d. Shellfish:

(1) All oysters, clams, and mussels shall be from sources certified by the State shellfish authority: *Provided*, That if the source is outside the State, it shall be one which is certified by the State of origin.

(2) Shell stock shall be identified with an official tag giving the name and certificate number of the original shell-stock shipper and the kind and quantity of shell stock. Fresh and frozen shucked oysters, clams, and mussels, shall be packed in nonreturnable containers identified with the name and address of the packer, repacker, or distributor, and the certificate number of the packer or repacker preceded by the abbreviated name of the State.

(3) Shucked shellfish shall be kept in the original container until used.

e. Meat and Meat Products:

(1) All meat and meat products shall have been inspected for wholesomeness under an official regulatory program: *Provided*, That the health authority may accept other sources which are in his opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

f. Poultry and Poultry Meat Products:

(1) All poultry and poultry meat products shall have been inspected for wholesomeness under an official regulatory program: *Provided*, That the health authority may accept other sources which are in his opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

g. Bakery Products:

(1) All bakery products shall have been prepared in a retail food establishment or in a food-processing establishment: *Provided*, That the health authority may accept other sources which are in compliance with applicable State and local laws and regulations. All cream-filled and custard-filled pastries shall have been prepared and handled in accordance with the requirements of 2.2. c.(6) of this section.

h. Nonacid and Low-Acid Hermetically Sealed Food:

(1) All nonacid and low-acid hermetically sealed food shall have been processed in food-processing establishments.

2.2 FOOD PROTECTION:

All food while being stored, prepared, displayed, served, or sold at retail food establishments or during transportation between such establishments, shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures, 45° F. or below, or 140° F. or above, except during necessary periods of preparation and service. Frozen food shall be maintained at or below 0° F. until removed from storage for preparation and use. Raw fruits and vegetables shall be washed before use. Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Portions of food once served to the customer shall not be served again: *Provided*, That wrapped food which has not been unwrapped and which is wholesome may be re-served.

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in retail food establishments. Poisonous and toxic materials shall be identified, and shall be used only in such

manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers.

Reason: Wholesome food, if mishandled, can become contaminated from a number of sources. Food-protection measures are designed to eliminate the contamination of food from any source within the establishment, and to prevent the growth of disease-producing organisms, and the production of bacterial toxins, in the event that pathogens are present in the food.

Proper food-protection measures should include (1) strict observation of personal hygiene by all food-service employees; (2) keeping potentially hazardous food refrigerated or heated at all times to temperatures which preclude the growth of any pathogenic organisms which may be present; (3) application of good sanitation practices in the storage, preparation, display, and service of food; (4) adequate cooking of certain food of animal origin to assure destruction of pathogenic organisms which may be present; (5) thorough washing of fruits and vegetables; and (6) the provision of adequate equipment and facilities for the proper conduct of operations. In addition, food must be protected against accidental contamination with any toxic substance.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

(1) All food, while being stored, prepared, displayed, served, or sold in retail food establishments, or transported between such establishments, shall be protected against contamination from dust, flies, rodents, and other vermin; unclean utensils and work surfaces; unnecessary handling; coughs and sneezes; flooding, drainage, and overhead leakage; and any other source.

(2) Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, display, and service. Each cold-storage facility used for the storage of perishable food in non-frozen state shall be provided with an indicating thermometer accurate to $\pm 2^\circ\text{F}$., located in the warmest part of the facility in which food is stored, and of such type and so situated that the thermometer can be easily and readily observed for reading.

b. Temperatures:

(1) All perishable food shall be stored at such temperatures as will protect against spoilage.

(2) All potentially hazardous food shall, except when being prepared and served, and when being displayed for service, be kept at 45°F . or below, or 140°F . or above. Frozen foods shall be stored at or below 0°F .

(3) All potentially hazardous food, when placed on display for service, shall be kept hot or cold as required hereafter:

(a) If served hot, the temperature of such food shall be kept at 140°F . or above;

(b) If served cold, such food shall be:

1. Displayed in or on a refrigerated facility which can reduce or maintain the product temperature at 45°F . or below; or

2. Prechilled rapidly to a temperature of 45°F . or below, when placed on display for service, and the food temperature shall at no time during the display period exceed 55°F .

(4) Following preparation, hollandaise and other sauces which, pending service, must be held in the temperature range of 45°F . to 140°F ., may be exempt from the temperature requirements of this subsection, if they are prepared from fresh ingredients and are discarded as waste within three hours after preparation. Where

such sauces require eggs as an ingredient, only uncracked shell eggs shall be used.

(5) Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45°F . or below; or under cool, potable running water (70°F . or below); or quick-thawed as part of the cooking process; or by any other method satisfactory to the health authority.

c. Preparation:

(1) Convenient and suitable utensils, such as forks, knives, tongs, spoons or scoops, shall be provided and used to minimize handling of food at all points where food is prepared.

(2) All raw fruits and vegetables shall be washed thoroughly before being cooked or served.

(3) Stuffings, poultry, and stuffed meats and poultry, shall be heated, throughout, to a minimum temperature of 165°F ., with no interruption of the initial cooking process.

(4) Pork and pork products which have not been specially treated to destroy trichinae shall be thoroughly cooked to heat all parts of the meat to at least 150°F .

(5) Meat salads, poultry salads, potato salad, egg salad, cream-filled pastries, and other potentially hazardous prepared food shall be prepared (preferably from chilled products) with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized.

(6) Custards, cream fillings, or similar products which are prepared by hot or cold processes, and which are used as puddings or pastry fillings, shall be kept at safe temperatures, except during necessary periods of preparation and service, and shall meet the following requirements as applicable:

(a) Pastry fillings shall be placed in shells, crusts, or other baked goods either while hot (not less than 140°F .) or immediately following preparation, if a cold process is used; or

(b) Such fillings and puddings shall be refrigerated at 45°F . or below in shallow pans, immediately after cooking or preparation, and held thereat until combined into pastries, or served.

(c) All completed custard-filled and cream-filled pastries shall, unless served immediately following filling, be refrigerated at 45°F . or below promptly after preparation, and held thereat pending service.

d. Storage:

(1) Containers of food shall be stored above the floor, on clean racks, dollies, or other clean surfaces, in such a manner as to be protected from splash and other contamination.

(2) Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination from food requiring washing or cooking.

(3) Wet storage of packaged food shall be prohibited.

e. Display and Service:

(1) Where unwrapped food is placed on display in all types of food-service operations, including smorgasbords, buffets, and cafeterias, it shall be protected against contamination from customers and other sources by effective, easily cleanable, counter-protector devices, cabinets, display cases, containers, or other similar type of protective equipment. Self-service openings in counter guards shall be so designed and arranged as to protect food from manual contact by customers.

(2) Tongs, forks, spoons, picks, spatulas, scoops, and other suitable utensils shall be provided and shall be used by employees

to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided.

(3) Dispensing scoops, spoons, and dippers, used in serving frozen desserts, shall be stored, between uses, either in a running-water dipper well, or in a manner satisfactory to the health authority.

(4) Sugar shall be provided only in closed dispensers or in individual packages.

(5) Portions of food once served to a customer shall not be served again: *Provided*, That wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped, may be re-served.

f. Transportation:

(1) The requirements for storage, display, and general protection against contamination, as contained in this subsection, shall apply in the transporting of all food from a retail food establishment to another location for service or catering operations, and all potentially hazardous food shall be kept at 45° F. or below, or 140° F. or above, and frozen foods at or below 0° F., during transportation.

(2) During the transportation of food from a retail food establishment, all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination.

g. Poisonous and Toxic Materials:

(1) Only those poisonous and toxic materials required to maintain the establishment in a sanitary condition, and for sanitization of equipment and utensils shall be present in any area used in connection with retail food establishments.

(2) All containers of poisonous and toxic materials shall be prominently and distinctively marked or labeled for easy identification as to contents.

(3) When not in use, poisonous and toxic materials shall be stored in cabinets which are used for no other purpose, or in a place which is outside the food-storage, food-preparation, and cleaned equipment and utensil storage rooms. Bactericides and cleaning compounds shall not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials.

(4) Bactericides, cleaning compounds, or other compounds, intended for use on food-contact surfaces, shall not be used in such a manner as to leave a toxic residue on such surfaces, nor to constitute a hazard to employees or customers.

(5) Poisonous polishing materials shall not be used on equipment or utensils, nor stored in the establishment.

(6) Poisonous compounds, such as insecticides and rodenticides, in powdered form, shall have a distinctive color so as not to be mistaken for food or food condiments.

(7) Poisonous materials shall not be used or stored in any way as to contaminate food, equipment, or utensils, nor to constitute other hazards to employees or customers.

SECTION 3

PERSONNEL

3.1 HEALTH AND DISEASE CONTROLS:

No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a retail food establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such diseases or condition shall be employed in such an area or

capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health authority immediately.

Reason: Disease transmitted through food frequently originates from an infected food handler. A wide range of communicable diseases and infections may be transmitted by food handlers to other employees and customers through contaminated food and careless food-handling practices. Boils and sore throats are sources of organisms which cause staphylococcal food intoxication, the most frequently reported type of foodborne disease in the United States. It is the responsibility of both management and employees to see that no person who is affected with any disease in a communicable form works in any area of a retail food establishment where there is a likelihood of disease transmission.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. Disease Control:

(1) No person while affected with a disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, or an acute respiratory infection, shall work in a retail food establishment in an area and capacity in which there is a likelihood of transmission of disease to patrons or to fellow employees, either through direct contact or through the contamination of food or food-contact surfaces with pathogenic organisms. No such person shall be employed in such an area and capacity in a retail food establishment.

b. Reporting:

(1) The manager or person in charge of the establishment shall notify the health authority when any employee of a retail food establishment is known or suspected of having a disease in a communicable form.

3.2 CLEANLINESS:

All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in a hand-washing facility before starting work and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands.

Reason: Clean personnel with clean habits are essential to sanitary food preparation and service. Clean hands, clean clothing, and hygienic practices reduce the likelihood of contaminating food, drink, and food-contact surfaces of equipment, utensils, or single-service articles.

Hand-washing is necessary not only before starting work and after visiting the toilet, but also at any other times when the hands have become soiled or contaminated. It must be recognized that hands often become soiled in the performance of routine duties in and about the establishment. The use of tobacco while preparing or serving food may contaminate the fingers and hands with saliva, and may promote spitting, thereby permitting transmission of disease organisms present in the saliva to food or food-contact surfaces.

Insanitary and unsightly personal practices such as scratching the head, placing the fingers in or about the mouth or nose, or indiscriminate and uncovered sneezing or coughing may not only result in contamination of the food, but may adversely affect consumer confidence in the establishment.

Careless handling and unnecessary contact with soiled surfaces of dishes, glasses, cups, tableware, or napkins may expose employees to needless health hazards and should be avoided.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. Hand Washing:

- (1) All employees shall thoroughly wash their hands and arms with soap and warm water before starting work, and shall wash hands during work hours as often as may be required to remove soil and contamination, as well as after visiting the toilet room.
- (2) The hands of all employees shall be kept clean while engaged in handling food and food-contact surfaces.
- (3) Employees shall keep their fingernails clean and neatly trimmed.

b. Clothing:

- (1) The outer garments of all persons, including dishwashers, engaged in handling food or food-contact surfaces shall be reasonably clean.
- (2) Hair nets, headbands, caps, or other effective hair restraints shall be used by employees engaged in the preparation and service of food to keep hair from food and food-contact surfaces.

c. Tobacco:

- (1) Employees shall not use tobacco in any form while engaged in food-preparation or service, or while in equipment and utensil washing or food-preparation areas: *Provided*, That locations in such areas may be designated by the health authority for smoking, where no contamination hazards will result.

d. Other Practices:

- (1) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

SECTION 4

FOOD EQUIPMENT AND UTENSILS

4.1 SANITARY DESIGN, CONSTRUCTION, AND INSTALLATION OF EQUIPMENT AND UTENSILS:

All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable, and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning and inspection, nontoxic, corrosion resistant, and relatively nonabsorbent: *Provided*, That when approved by the health authority, exceptions may be made to the above materials requirements for equipment such as cutting boards, blocks, and bakers' tables.

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

Equipment in use at the time of adoption of this ordinance which does not meet fully the above requirements may be continued in use if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic.

Single-service articles shall be made from nontoxic materials.

Reason: Items of equipment and utensils which are poorly designed and constructed, and which are not kept in good repair, are difficult to clean thoroughly and are apt to harbor accumulations of food and other soil which supports bacterial growth. Also, accumulations of food or other soil in difficult-to-clean places on equipment, and in areas adjacent to equipment, may create a vermin-control problem and may tend to cause unpleasant odors.

Food poisoning has occurred as a result of the ingestion of acid food or drink which has been in contact with equipment or utensils containing such metals as cadmium, lead, and zinc. Therefore, the product-contact surfaces of equipment, utensils or single-service articles must be nontoxic.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. Design, construction, and materials:

- (1) All equipment and utensils shall be so durable under normal conditions and operations as to be resistant to denting, buckling, pitting, chipping, crazing, and excessive wear; and shall be capable of withstanding repeated scrubbing, scouring, and the corrosive action of cleaning and sanitizing agents and food with which they come in contact.
- (2) Food-contact surfaces of equipment and utensils shall be smooth; shall be free of breaks, open seams, cracks, chips, pits, and similar imperfections; shall be in good repair; and shall be easily accessible for cleaning and inspection.
- (3) Materials used as food-contact surfaces of equipment and utensils shall, under use conditions, be corrosion resistant, relatively non-absorbent and nontoxic: *Provided*, That the corrosion-resistant requirements shall not preclude the use of cast iron as a food-contact material.
- (4) Food-contact surfaces of equipment and utensils shall be free of difficult-to-clean internal corners and crevices. Threads which routinely contact food shall be of sanitary design, and no V-type threads shall be used in such a situation.
- (5) Lubricated bearings and gears of equipment shall be so constructed that lubricants cannot get into food or onto food-contact surfaces.
- (6) All food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning and for inspection either:
 - (a) Without being disassembled; or
 - (b) By disassembling without the use of tools; or
 - (c) By easy disassembling with the use of only simple tools kept available near the equipment, such as a mallet, a screwdriver, or an open-end wrench.
- (7) Equipment intended for in-place cleaning shall be so designed and constructed that:
 - (a) Cleaning and sanitizing solutions can be circulated throughout a fixed system.
 - (b) Cleaning and sanitizing solutions will contact all interior surfaces.
 - (c) The system is self draining or otherwise completely evacuated.
 - (d) Cleaning procedures result in thorough cleaning of the equipment.
- (8) Surfaces of equipment not intended for contact with food, but which are exposed to splash, food debris, or otherwise require frequent cleaning, shall be reasonably smooth; washable; free of unnecessary ledges, projections, or crevices; readily accessible for cleaning; and of such material and in such repair as to be readily maintained in a clean and sanitary condition.
- (9) Cutting blocks and boards, and bakers' tables may be of hard maple or equivalent material which is nontoxic, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable. Wicker or plastic breadbaskets, when suitably lined, may be used for unwrapped food.
- (10) Soft solder, when used as a food-contact surface, shall be limited to joining metal or sealing seams between abutting metal surfaces; shall be of such formulation as to be nontoxic under use conditions; shall contain at least 50 percent tin; shall contain no more lead than is necessary under good manufacturing practice; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.
- (11) Hard solder (silver solder), when used as a food-contact surface, shall be of such formulation as to be nontoxic under use conditions; shall be corrosion resistant; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(12) Single-service articles shall be made from nontoxic materials.

b. Equipment Installation:

(1) Equipment which is placed on tables or counters, unless readily movable, shall be sealed thereto or mounted on legs or feet at least 4 inches high, and shall be so installed as to facilitate the cleaning of the equipment and areas adjacent thereto.

(2) Floor-mounted equipment, unless readily movable, shall be sealed to the floor; or shall be installed on raised platforms of concrete or other smooth masonry in such a manner as to prevent liquids or debris from seeping or settling underneath, between or behind such equipment in spaces which are not fully open for cleaning and inspection; or such equipment shall be elevated at least 6 inches above the floor. The space between adjoining units, and between a unit and the adjacent wall, shall be closed unless exposed to seepage, in which event it shall be sealed; or sufficient space shall be provided to facilitate easy cleaning between, behind, and beside all such equipment.

(3) Aisles or working spaces between equipment, and between equipment and walls, shall be unobstructed, and of sufficient width to permit employees to perform readily their duties without contamination of food or food-contact surfaces by clothing or through personal contact.

4.2 CLEANLINESS OF EQUIPMENT AND UTENSILS:

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

All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food-contact surfaces of equipment used in preparation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

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

Retail food establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

Reason: Regular, effective cleaning and sanitizing of equipment, utensils, and work surfaces minimizes the chances of contaminating food during preparation, storage, and serving, and for the transmission of disease organisms to customers and employees. Effective cleaning will remove soil and prevent the accumulation of food residues which may decompose or support the rapid development of food poisoning organisms or toxins. Application of effective sanitizing procedures destroys those disease organisms which may be present on equipment and utensils after cleaning, and thus prevents the transfer of such organisms to customers or employees, either directly through tableware, such as glasses, cups, and flatware or indirectly through the food.

Improper storage of equipment and utensils, subsequent to cleaning and sanitizing, exposes them to contamination and can nullify the benefits of these operations. Accordingly, storage and handling of cleaned or sanitized equipment and utensils, and single-service articles, must be such as to adequately protect these items from splash, dust, and other contaminating material.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. Equipment and Utensil Cleanliness:

(1) After each usage, all tableware shall be thoroughly cleaned to sight and touch.

(2) After each usage, all kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces, used in the preparation, serving, display, or storage of food, shall be thoroughly cleaned to sight and touch. The cooking surfaces of grills, griddles, and similar cooking devices shall be cleaned at least once a day, and shall be free of incrustated grease deposits and other soil at all times.

(3) Non-food-contact surfaces of all equipment used in the operation of a retail food establishment, including tables, counters, shelves, mixers, grinders, slicers, hoods, and fans, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, dirt, food particles, and other debris.

(4) Detergents and abrasives shall be rinsed off food-contact surfaces.

(5) Cloths used by waiters, chefs, and other personnel, shall be clean, and any such cloths used for wiping food-contact surfaces shall be used for no other purpose.

b. Equipment and Utensil Sanitization:

(1) All tableware shall, after each use, be sanitized. A spoon or other utensil, once used for tasting food, shall not be reused until it has been cleaned and sanitized.

(2) All kitchenware and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be sanitized prior to such use, and following any interruption of operations during which contamination of the food-contact surfaces is likely to have occurred. Where equipment and utensils are used for the preparation of potentially hazardous food on a continuous or production-line basis, the food-contact surfaces of such equipment, and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule satisfactory to the health authority.

c. Methods and Facilities for Washing and Sanitizing:

(1) Prior to washing, all equipment and utensils shall be preflushed or prescraped, and when necessary, presoaked to remove gross food particles and soil.

(2) Effective concentrations of a suitable detergent shall be used in both manual and mechanical dishwashing.

(3) When manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a detergent solution which is kept reasonably clean, and then shall be rinsed free of such solution. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized by one of the following methods:

(a) Immersion for at least one-half minute in clean hot water at a temperature of at least 170° F.

(b) Immersion for a period of at least 1 minute in a sanitizing solution containing:

1. At least 50 ppm of available chlorine at a temperature not less than 75° F.; or

2. At least 12.5 ppm of available iodine in a solution having a pH not higher than 5.0 and a temperature of not less than 75° F.; or

3. Any other chemical-sanitizing agent which has been demonstrated to the satisfaction of the health authority to be effective and nontoxic under use conditions, and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine at a temperature not less than 75° F.

(c) Equipment too large to treat by methods (a) and (b) above may be treated:

1. With live steam from a hose, in the case of equipment in which steam can be confined; or
2. By rinsing with boiling water; or
3. By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization.

(4) A three-compartment sink shall be provided and used wherever washing and sanitization of equipment or utensils are conducted manually: *Provided*, That establishments where the only utensils to be washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a one-compartment sink may be approved by the health authority for this purpose. At least a two-compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. Single compartment utility sinks, such as cooks' and bakers' sinks, may be used for the prerinse of utensils.

(5) Sinks used for manual washing and sanitizing operations shall be of adequate length, width, and depth to permit the complete immersion of the equipment and utensils, and each compartment of such sinks shall be supplied with hot and cold running water. Dish baskets shall be of such design as to permit complete immersion of the utensils and equipment components being sanitized therein.

(6) When hot water is used as the sanitizing agent in manual operations, thermometers, accurate to $\pm 2^\circ \text{F.}$, shall be provided convenient to the sink to permit frequent checks of the water temperature.

(7) Dish tables or drainboards, of adequate size for proper handling of soiled utensils prior to washing and for cleaned utensils following rinsing or sanitization, shall be provided, and shall be so located or constructed as not to interfere with the proper use of the dishwashing facilities: *Provided*, That the drainboards shall not be required for cooks' and bakers' rinse sinks.

(8) Sinks, dish tables, and drainboards shall be constructed of galvanized metal or better, suitably reinforced, of such thickness and design as to resist denting and buckling, and sloped so as to be self-draining.

(9) Dishwashing machines shall be of such materials and so designed and constructed as to be easily cleanable, and shall be capable, when operated properly, of rendering all surfaces of equipment and utensils clean to sight and touch, and sanitized.

(10) When spray-type dishwashing machines are used, the following additional requirements shall be met:

- (a) Wash water shall be kept reasonably clean, and rinse-water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.
- (b) The flow pressure shall not be less than 15 or more than 25 pounds per square inch on the water line at the machine, and not less than 10 pounds per square inch at the rinse nozzles. A suitable gage cock shall be provided immediately upstream from the final rinse valves to permit checking the flow pressure of the final rinse water.
- (c) The wash-water temperature shall be at least 140°F. and in single-tank conveyer machines shall be at least 160°F. When hot water is relied upon for sanitization, the final or fresh rinse water shall be at a temperature of at least 180°F. at the entrance of the manifold. When

a pumped rinse is provided, the water shall be at a temperature of at least 170°F. When chemicals are relied upon for sanitization, they shall be of a class or type approved by the health authority, and shall be applied in such concentration and for such a period of time as to provide effective bactericidal treatment of the equipment and utensils.

- (d) Conveyers in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.
- (e) An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of $\pm 2^\circ \text{F.}$ the temperature of the water or solution therein. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.
- (f) Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

(11) When an immersion-type dishwashing machine is employed for equipment and utensils washing and sanitizing, the applicable requirements pertaining to manual dishwashing shall be met: *Provided*, That a two-compartment system shall be deemed adequate when the temperature of the wash water is maintained at or above 140°F. and hot water at a temperature of at least 170°F. is used as the sanitizing agent.

(12) Any other type of machine, device, or facilities and procedures may be approved by the health authority for cleaning or sanitizing equipment and utensils, if it can be readily established that such machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment as demonstrated by an average plate count per utensil surface examined, of not more than 100 colonies. Determinations of plate count shall be conducted utilizing the current method for Bacteriological Examination of Food Utensils contained in the appendix.

d. Storage and Handling of Cleaned Equipment and Utensils:

(1) Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner so as to be protected from contamination. Cleaned spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip-contact surfaces.

(2) Cleaned, and cleaned and sanitized, portable equipment and utensils shall be stored above the floor in a clean, dry location, and suitable space and facilities shall be provided for such storage so that food-contact surfaces are protected from splash, dust, and other contamination. The food-contact surfaces of fixed equipment shall also be protected from splash, dust, and other contamination. Utensils shall be air dried before being stored, or shall be stored in self-draining position on suitably located hooks or racks constructed of corrosion-resistant material. Wherever practicable, stored containers and utensils shall be covered or inverted, nesting of containers is to be discouraged. Facilities for the storage of flatware (silverware) shall be provided and shall be designed and maintained to present the handle to the employee or customer.

e. Single-Service Articles:

(1) Single-service articles shall be stored in closed cartons or containers which protect them from contamination.

- (2) Such articles shall be handled and dispensed in such a manner as to prevent contamination of surfaces which may come into contact with food or with the mouth of the user.
- (3) Single-service articles shall be used only once.
- (4) All retail food establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

SECTION 5

SANITARY FACILITIES AND CONTROLS

5.1 WATER SUPPLY:

The water supply shall be adequate as to quantity and quality and meet the standards prescribed by the State Department of Health of New Jersey and this board of health. Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed.

Water, if not piped into the establishment, shall be transported and stored in a manner whereby it will not become contaminated and shall be handled and dispensed in a sanitary manner.

Ice used for any purpose shall be made from water which comes from a source that meets standards prescribed by law and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

Reason: Water, unless of a safe and sanitary quality, may serve as a source of contamination to food, either directly or indirectly, by way of equipment, utensils, and hands. Thus, an unsafe water supply may result in transmission of disease or may be the cause of other illness. Hot and cold water, under pressure, facilitates cleaning of equipment and utensils, and an adequate supply of water is needed at all times to insure that these operations can be carried out effectively.

In some areas an adequate supply of potable water is not available, making it necessary to transport water to the retail food establishment. In order to provide protection to consumers and employees, such water should be obtained from an approved source, and should be handled, transported, and dispensed in a sanitary manner.

If ice is manufactured from water which is contaminated, or is manufactured, stored, transported, or handled in an insanitary manner, it may contaminate food or beverage with which it comes in contact, and thus may be a source of disease transmission.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. Supply:

(1) The water supply shall be adequate, of a safe, sanitary quality, and from a public or private water-supply system which is constructed, protected, operated, and maintained in conformance with applicable State and local laws, ordinances, and regulations: *Provided*, That if approved by the health authority, a nonpotable water-supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully with item 5.3 a. (2) of this section, and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment, or utensils.

(2) Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, and where equipment and utensils are washed.

b. Transporting and Dispensing Water:

(1) All water, not piped into the establishment directly from the source, shall be transported, handled, stored, and dispensed in a sanitary manner.

(2) Drinking water, if not dispensed through the water-supply system of the retail food establishment, may be stored in a separate non-pressurized tank, reservoir, or other container.

c. Ice:

(1) Ice shall be made from water meeting the requirements of Paragraph a. (1) of this subsection, in an icemaking machine which is located, installed, operated, and maintained so as to prevent contamination of the ice; or shall be obtained from a source meeting standards approved by law.

(2) Ice shall be handled, transported, and stored in such a manner as to be protected against contamination. If block ice is used, the outer surfaces shall be thoroughly rinsed so as to remove any soil before it is used for any purpose.

(3) If ice crushers are used, they shall be maintained in a clean condition and shall be covered when not in use.

(4) If ice is used, containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single-service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. They shall be kept clean, and shall be stored and handled in a sanitary manner. Only sanitary containers shall be used for the transportation or storage of any ice used in the retail food establishment. Canvas containers shall not be used unless provided with a sanitary, single-service liner so as to completely protect the ice.

5.2 SEWAGE DISPOSAL:

All sewage shall be disposed of in a public sewerage system, or, as otherwise permitted by law.

Reason: Improper disposal of sewage can result in conditions which may cause serious illness or disease outbreaks. Proper disposal is required to prevent contamination of ground surfaces, possible pollution of water supplies, access by flies and other insects to human excreta, and the creation of other insanitary conditions. Improper disposal of sewage provides a potential for contamination of food, the food-contact surfaces of equipment and utensils, and private water-supply systems.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. Water-Carried Sewage:

(1) All water-carried sewage shall be disposed of by means of:

- (a) A public sewerage system; or
- (b) A sewage disposal system which is constructed and operated in conformance with applicable State and local laws, ordinances, and regulations.

b. Non-Water-Carried Sewage:

(1) Non-water-carried sewage-disposal facilities shall not be used, except where water-carried disposal methods have been determined by the health authority to be impractical. Under such conditions, only facilities shall be used and operated which are in conformance with applicable State and local laws, ordinances, and regulations.

5.3 PLUMBING:

Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage-disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an insanitary condition or nuisance.

Reason: If plumbing is improperly installed or maintained, a variety of public health hazards, such as cross-connections, backsiphonage, drainage system stoppage, or overhead leakage

may occur. Any one of these conditions can result in serious contamination of the water supply, food equipment, or utensils, or create nuisance or obnoxious odors. Also, reduced water pressures resulting from improperly sized and maintained pipelines may adversely affect the operation of dishwashing machines, food-waste grinders, and similar items of equipment which depend upon sufficient pressure and volume to perform their intended functions. Thus, plumbing is a particularly important consideration in retail food establishments.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

- (1) All plumbing shall be sized, installed and maintained in accordance with applicable State and local plumbing laws, ordinances and regulations.
- (2) The potable water-supply piping shall not be directly connected with any nonpotable water-supply system whereby the nonpotable water can be drawn or discharged into the potable water-supply system. The piping of any nonpotable water system shall be adequately and durably identified, such as by distinctive yellow-colored paint, so that it is readily distinguished from piping which carries potable water; and such piping shall not be connected to equipment or have outlets in the food-preparation area.
- (3) The potable water system shall be installed in such a manner so as to preclude the possibility of backsiphonage.
- (4) Grease traps shall not be required, except in special cases as may be determined by the health authority.

b. Drains:

- (1) Refrigerators, steam kettles, potato peelers, and similar types of enclosed equipment in which food, portable equipment, or utensils are placed, shall not be directly connected to the drainage system. Each waste pipe from such equipment shall discharge into an open, accessible, individual waste sink, floor drain, or other suitable fixture which is properly trapped and vented: *Provided*, That indirect connections of drain lines from other equipment used in the preparation of food or washing of equipment and utensils may be required by the health authority when, in his opinion, the installation is such that backflow of sewage is likely to occur. Each walk-in refrigerator shall be equipped with a floor drain, so installed as to preclude the backflow of sewage into the refrigerator; or all parts of the floor of each walk-in refrigerator shall be graded to drain to the outside through a wastepipe, doorway, or other opening.
- (2) Indirect waste connections shall be provided for drains overflows, or relief vents from the water-supply system.
- (3) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult-to-clean areas, or otherwise create a nuisance.

5.4 TOILET FACILITIES:

Each retail food establishment shall be provided with adequate conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Handwashing signs shall be posted in all toilet rooms and at all lavatory facilities. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of non-water-carried sewage-disposal facilities have been approved by the health authority, such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this subsection.

Reason: Adequate, sanitary toilet facilities are required to assure proper disposal of human excrements which carry pathogenic organisms. When toilet facilities are of a sanitary design and are kept clean and in good repair, and are properly used, the opportunities for the spread of contamination by flies, insects, clothing, hands, or other means are minimized. Receptacles are necessary for waste materials.

Where management provides employees with adequate toilet facilities which are kept clean and properly maintained, employees are more likely to have a proper attitude toward sanitary practices and conditions in the retail food establishment.

Non-water-carried sewage-disposal facilities require periodic cleaning, which is an insanitary operation. Furthermore, such facilities create insect, rodent, and odor control problems. Thus, non-water-carried sewage-disposal facilities should be kept separated from the retail food establishment.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

- (1) Toilet facilities shall be adequate and conveniently located, and shall be accessible to the employees at all times.
- (2) Toilet facilities shall be installed in accordance with applicable State and local laws, ordinances, and regulations.
- (3) Water closets and urinals shall be of a sanitary design.
- (4) Toilet rooms shall be completely enclosed, and shall have tight-fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. If vestibules are provided, they shall be kept in a clean condition and in good repair.

b. Maintenance:

- (1) Toilet facilities, including the toilet room and fixtures, shall be kept clean and in good repair, and free of objectionable odors.
- (2) A supply of toilet tissue shall be provided at each toilet at all times. Handwashing signs stating "Wash Hands Before Resuming Work" shall be posted conspicuously in all toilet rooms and at each separate lavatory facility in a retail food establishment. It is also recommended that a statement concerning disease transmission be included. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

5.5 HAND WASHING FACILITIES:

Each retail food establishment shall be provided with adequate, conveniently located hand washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

Reason: Hands are probably the most common vehicle for the transfer of contamination of food. In normal retail food establishment operations, hands of employees become soiled with a variety of contaminants, and such contamination is readily transferred to food, equipment, utensils, and single-service articles, unless the hands are thoroughly washed at frequent intervals and after each visit to the toilet. Therefore, properly equipped lavatories are essential to employees' cleanliness and to food safety.

Employees are unlikely to walk any great distance or from one section of the establishment to another to reach a lavatory every time their hands become soiled and need washing. If no lavatory is convenient, they may not wash their hands even when the need is obvious. Consequently, hand washing facilities should be provided in sufficient numbers, and at convenient locations within the establishment, to facilitate handwashing by employees.

Hands cannot be effectively cleaned without the use of hand-cleansing soaps or detergents and warm water. Unless clean towels or other satisfactory hand-drying devices are provided, the benefits of washing the hands can be completely nullified.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

(1) Lavatories shall be located within or immediately adjacent to all toilet rooms or vestibules. In all new establishments, and establishments which are extensively altered, lavatories shall also be located within the area where food is prepared.

(2) Lavatories shall be adequate in size and number and shall be so located as to permit convenient and expeditious use by all employees.

(3) Lavatories shall be installed in accordance with applicable State and local laws, ordinances, and regulations.

(4) Each lavatory shall be provided with hot and cold or tempered (100° F. to 115° F.) running water. Where hot and cold running water is provided, a mixing valve or combination faucet is recommended and shall be required in new installations. Steam mixing valves are prohibited.

b. Maintenance:

(1) An adequate supply of hand-cleansing soap or detergent shall be available at each lavatory. An adequate supply of sanitary towels, or an approved hand-drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the hand washing facilities.

(2) Lavatories, soap dispensers, hand-drying devices, and all other components of the hand washing facilities shall be kept clean and in good repair.

5.6 GARBAGE AND RUBBISH DISPOSAL:

All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use: *Provided*, That such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms, or areas in such a manner as not to constitute a public nuisance. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if permitted, shall be installed in compliance with State and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

Reason: Proper storage and disposal of garbage and rubbish is necessary to minimize the development of odors, to prevent such waste from becoming an attractant and harborage or breeding place for vermin, and to prevent the soiling of food-preparation and food-service areas. Improperly handled garbage creates nuisance conditions, makes housekeeping difficult, and may be a possible source of contamination of food equipment and utensils.

Food-waste grinders, if permitted, shall be suitably constructed, installed in accordance with approved plumbing practices, and properly operated in order to prevent the creation of insanitary conditions within the food establishment.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. Containers:

(1) All garbage and rubbish containing food waste shall be kept in containers, constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.

(2) All containers shall be provided with tight-fitting lids or covers and shall, unless kept in a special vermin-proofed room or enclosure or in a waste refrigerator, be kept covered when stored or not in continuous use.

(3) After being emptied, each container shall be thoroughly cleaned on the inside and outside in a manner so as not to contaminate food, equipment, utensils, or food-preparation areas. Brushes shall be provided for washing garbage containers and shall be used for no other purpose. Can-washing machines, steam-cleaning devices, or similar equipment should be used where the operation is large enough to warrant this type of equipment. Waste water from such cleaning operations shall be disposed of as sewage.

(4) There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises.

b. Storage:

(1) Garbage and rubbish containing food waste shall be stored so as to be inaccessible to vermin. All other rubbish shall be stored in such a manner as not to constitute a public health nuisance.

(2) Storage facilities shall be adequate for the proper storage of all garbage and rubbish.

(3) Storage areas shall be clean, and shall not constitute a nuisance.

(4) Storage rooms or enclosures shall be constructed of easily cleanable, washable materials and shall be vermin proofed. The floors, and the walls up to at least the level reached by splash or spray, shall be of relatively nonabsorbent materials. Garbage containers outside the establishment shall be stored either on a concrete slab, or on a rack which is at least 12 inches above the ground for a single bank of containers, or 18 inches above the ground for a multiple bank of containers.

c. Food-Waste Grinders:

(1) Food-waste grinders, if permitted, shall be so constructed and installed as to comply with applicable State and local plumbing laws, ordinances, and regulations.

d. Disposal:

(1) All garbage and rubbish shall be disposed of daily, or at such other frequencies and in such a manner as to prevent a public health nuisance.

(2) Where garbage or combustible rubbish is permitted to be incinerated on the premises, such materials must be burned in an incinerator that is capable of operating without emitting excessive smoke or causing a nuisance and shall be operated in compliance with State and local regulations.

Areas around such incinerators shall be kept in a clean and orderly condition.

Open burning of garbage and combustible rubbish is prohibited.

5.7 VERMIN CONTROL:

Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

Reason: Insects and rodents are capable of transmitting a number of diseases to man through contamination of food and food-contact surfaces. Accordingly, their presence in a retail food establishment creates a potential public health hazard which can be guarded against only by effective control of such vermin. Since vermin require food, water, and shelter, control measures should

be designed to deprive them of these requirements.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

- (1) Effective control measures shall be utilized to minimize the presence of rodents, flies, roaches, and other vermin on the premises.
- (2) The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

b. Screening:

- (1) Unless flies and other flying insects are absent from the immediate vicinity of the establishment, all openings to the outer air shall be effectively protected against the entrance of such insects by self-closing doors, closed windows, screening, controlled air currents, or other effective means.
- (2) Screening material shall be not less than 16-mesh to the inch or equivalent.
- (3) Screen doors to the outer air shall be self-closing; and screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight-fitting and free of breaks.

c. Rodent Proofing:

- (1) All openings to the outside shall be effectively protected against the entrance of rodents.

SECTION 6

OTHER FACILITIES AND OPERATIONS

6.1 FLOORS, WALLS, AND CEILING:

The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable: *Provided*, That the floors of nonrefrigerated, dry-food-storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth, and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

Reason: Properly constructed floors which are smooth and in good repair can be readily kept clean. Floors which are subjected to food spillage and soiling should be finished so as to facilitate washing, and to prevent absorption of grease or other organic material. When floors are subjected to water or fluid waste, properly installed floor drains are necessary to carry away the liquid promptly, thereby preventing a hazard or nuisance.

Properly constructed walls and ceilings which are in good repair can be kept clean. A light-colored finish on a wall surface aids in the even distribution of light, and facilitates thorough cleaning.

Clean floors, walls, and ceilings are conducive to clean food preparation and service habits, and contribute to efficient, sanitary operations.

Outside areas where food is served and surrounding areas should be kept clean to minimize attractants for insects and rodents and prevent nuisance conditions. Such areas should be hard-surfaced or otherwise treated with effective dust-arresting compounds to

minimize contamination of food by dust.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. Floors:

- (1) All floors shall be kept clean and in good repair. Sawdust or wood shavings shall not be used on the floors.
- (2) The floors of all food preparation, food storage, and utensil-washing rooms and areas, and walk-in refrigerators, dressing or locker rooms, and toilet rooms shall be constructed of smooth, durable, nonabsorbent, and easily cleanable materials such as concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic: *Provided*, That in areas subject to spilling or dripping of grease or fatty substances, such floor coverings shall be of grease-resistant material: and *Provided* further, That floors of nonrefrigerated, dry-food-storage areas need not be nonabsorbent.
- (3) Floor drains shall be provided in floors which are waterflushed for cleaning or which receive discharges of water or other fluid waste from equipment. Such floors shall be graded to drain.
- (4) Carpeting may be used on the floors of interior dining areas. Such carpeting shall be in good repair and kept clean.
- (5) The walking and driving surfaces of all exterior areas where food is served, such as drive-in restaurants, side-walk cafes, patio service, chuck-wagon service, and barbecues, shall be kept clean and free of debris, and shall be properly drained so that water will not accumulate. Such areas shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust.
- (6) Mats or duckboards, if permitted, shall be so constructed as to facilitate being cleaned, and shall be kept clean. They shall be of such design and size as to permit easy removal for cleaning.
- (7) All concrete, terrazzo, or ceramic tile floors, hereafter installed in food preparation, food storage, and utensil-washing rooms and areas, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture between the floor and wall. In all cases, the juncture between the floor and wall shall be closed.

b. Walls and Ceilings:

- (1) All walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept clean and in good repair.
- (2) The walls of all food-preparation, utensil-washing, and hand-washing rooms or areas, shall have light-colored, smooth, easily cleanable surfaces, and such surfaces shall be washable up to at least the highest level reached by splash or spray. Acoustical materials may be used on the ceiling, provided ventilation is adequate to minimize grease and moisture absorption. When rough surfaced acoustical materials are used, a smooth, cleanable material should be provided around the ventilation ducts to facilitate cleaning. The use of such materials on kitchen ceilings should be discouraged.
- (3) Wall covering materials used, such as sheet metal, linoleum, plastic, paper, and similar materials, shall be so attached and sealed to the wall or ceiling as to leave no open spaces or cracks which would permit accumulation of grease or debris, or provide harborage for vermin.
- (4) Studs, joists, and rafters shall not be left exposed in food preparation or utensil-washing areas or toilet rooms. If left exposed in other rooms or areas, they shall be suitably finished and shall be kept clean and in good repair.
- (5) Light fixtures, decorative material, and similar equipment and material attached to walls or ceilings, shall be kept clean.

6.2 LIGHTING:

All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet

rooms, and garbage and rubbish storage areas shall be well lighted. During all clean-up activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.

Reason: Ample light, properly distributed, is necessary for the conduct of food preparation and serving activities in a sanitary manner. Moreover, when dirt, grease, or vermin are made conspicuous by ample light, there is more likelihood of corrective action. Adequate lighting is essential in all parts of the establishment. For example, the light in storage rooms should be sufficient for readily reading labels, identifying colors, and recognizing the condition of food.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

(1) At least 20 foot-candles of light shall be required on all working surfaces and at least 10 foot-candles on all other surfaces and equipment, in food preparation, utensil-washing and hand-washing areas, and toilet rooms. Sources of artificial light shall be provided and used to the extent necessary to provide the required amounts of light on these surfaces when in use and when being cleaned. At least 5 foot-candles of light at a distance of 30 inches from the floor shall be required in all other areas, including dining areas during cleaning operations.

6.3 VENTILATION:

All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food-preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable State and local fire prevention requirements and shall, when vented to the outside air, discharge in such manner as not to create a nuisance.

Reason: Proper ventilation reduces condensation which may promote mold and bacterial growth, or which may drop into food or utensils, or on food-preparation surfaces. Proper ventilation also minimizes soiling of walls and ceilings, excessive heat, objectionable odors, and the concentration of toxic gases. It facilitates the removal from the establishment of air which becomes contaminated or odorous during cleaning operations or certain food-preparation activities, or from heating, cooking, and other types of equipment. Adequate ventilation of toilets and dressing rooms is necessary for similar reasons.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met: ⁽¹⁾

a. General:

(1) All rooms shall be adequately ventilated, and ventilation facilities shall be maintained and operated so that all areas are kept reasonably free from excessive heat, steam, condensation, vapors, smoke, or fumes. Effective air-recovery systems may be used in the ventilation of these areas.

(2) All rooms, areas, and equipment, from which contaminated aerosols, obnoxious odors, or noxious fumes or vapors may originate, shall be effectively vented to the outside air.

(3) Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning and replacement.

⁽¹⁾ Detailed reference information concerning ventilation of food establishment kitchens is available from the Public Health Service in a publication entitled "Design of Kitchen Ventilation Systems". Similar up-to-date standards may be available from

the National Sanitation Foundation, Ann Arbor, Michigan.

(4) Where intake air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, or other contaminating materials.

(5) Ventilation systems shall comply with applicable State and local fire prevention requirements and when vented to the outside air, shall discharge in such manner as not to create a nuisance.

6.4 DRESSING ROOMS AND LOCKERS:

Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. One or more dressing rooms or designated areas shall be provided for this purpose. Such dressing rooms or designated areas shall be located outside of the food-preparation, storage and serving areas: *Provided*, That when approved by the health authority, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers; and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

Reason: Street clothing and personal belongings can serve to contaminate food, food equipment, and food-preparation surfaces. To prevent this, adequate dressing rooms or areas, and lockers or other storage facilities, as well as special dress for food-service workers, are desirable. Clean and orderly dressing rooms or areas, and related facilities, contribute toward proper employee attitudes for neatness, orderliness, and cleanliness throughout the establishment.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

(1) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided. Such designated areas shall be located outside of food-preparation, storage, and serving areas, and utensil-washing and storage areas: *Provided*, That the health authority may approve such an area in a storage room where only completely packaged food is stored.

(2) Adequate lockers within dressing rooms or areas, or other suitable facilities within dressing rooms, shall be provided and used for the storage of employees' coats, clothing, and personal belongings.

(3) Dressing rooms or areas, and lockers, shall be kept in a clean condition.

6.5 HOUSEKEEPING:

All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. None of the operations connected with a retail food establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats, and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of retail food establishment operations: *Provided*, That guide dogs accompanying blind persons may be permitted in dining areas.

Reason: Good housekeeping results in a clean and orderly environment. Proper storage helps to prevent errors in identification, such as the mistaken use of insecticides as food ingredients, and contributes to efficiency.

Care must be taken to prevent contaminating food or cleaned equipment during cleaning operations. For example, cleaning units which utilize high-velocity jets of hot water may be extremely effective, but improper use may scatter debris or create contaminating aerosols. Also, improper cleaning methods may raise dust which can settle on food and food-contact surfaces.

Storage rooms, loading docks, and the premises must be kept clean to minimize rodent and insect infestation, odors, dust and other sources of nuisance or contamination.

The degree of protection required for commercial retail food establishments is not routinely maintained in living and sleeping quarters. Live birds and animals may spread disease organisms, dust and other contaminants.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. General:

- (1) The establishment and all parts of the property used in connection with operation of the establishment shall be kept neat, clean, and free of litter and rubbish.
- (2) None of the operations connected with the establishment shall be conducted in any room used as living or sleeping quarters.

b. Dustless Cleaning:

(1) Vacuum cleaning, wet cleaning, or other dustless methods of floor and wall cleaning shall be used; or dust-arresting sweeping compounds and pushbrooms shall be employed; and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals.

c. Storage of Linens and Clothes:

- (1) Laundered cloths and napkins shall be stored in a clean place until used.
- (2) Nonabsorbent containers or laundry bags shall be provided, and damp or soiled linens and clothes shall be kept therein until removed for laundering.

d. Live Birds and Animals:

(1) No live birds or animals shall be allowed in any area used for the storage, preparation, or serving of food, or for the cleaning or storage of utensils, or in toilet rooms, employees' dressing rooms or areas, in vehicles used for transporting food, or in any other area or facility used in the conduct of retail food establishment operations: *Provided*, That guide dogs accompanying blind persons may be permitted in dining areas.

SECTION 7

TEMPORARY RETAIL FOOD ESTABLISHMENTS

7.1 A temporary retail food establishment shall comply with all provisions of this code which are applicable to its operation: *Provided*, That the health authority may augment such requirements when needed to assure the service of safe food; may prohibit the sale of certain potentially hazardous food; and may modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.

Reason: Due to the nature, location, and variety of conditions surrounding the operation of temporary retail food establishments, at fairs, carnivals, and other transitory gatherings, it is frequently infeasible to provide certain physical facilities required for "permanent" establishments. In order to assure adequate protection of food served by temporary establishments which are unable to meet fully the requirements of this ordinance, it may be necessary to restrict the types of food sold or the methods by which served, to modify some requirements for procedures and facilities, and to impose additional requirements.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

When, in the opinion of the health authority, no imminent hazard to the public health will result, temporary retail food establishments, which do not fully meet the requirements of sections 2 through 6 of this ordinance, may be permitted to operate when food-preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements, as set forth below.

- (a) The preparation of potentially hazardous food, such as creamfilled-pastries, custards, and similar products, and meat, poultry, and fish in the form of salads or sandwiches, shall be prohibited: *Provided*, That this prohibition shall not apply to hamburgers, frankfurters, and other food which, prior to service, requires only limited preparation, such as seasoning and cooking; and *Provided* further, That this prohibition shall not apply to any potentially hazardous food which is obtained in individual servings, is stored in approved facilities which maintain such food at safe temperatures, and is served directly in the individual, original container in which it was packaged at a food-processing establishment.
- (b) Ice which will be consumed, or which will come into contact with food, shall be obtained from a source meeting standards approved by law in chipped, crushed, or cubed form. Such ice shall be obtained in single-service, closed containers satisfactory to the health authority, and shall be held therein until used.
- (c) Wet storage of packaged food and beverage shall be prohibited: *Provided*, That wet storage of pressurized containers of beverages may be permitted when: (1) the water contains at least 50 ppm of available chlorine; and (2) the iced water is changed frequently enough to keep both the water and container clean.
- (d) Food-contact surfaces of food-preparation equipment such as grills, stoves, and worktables shall be protected from contamination by customers and dust. Where necessary, effective shields shall be provided.
- (e) Equipment shall be installed in such a manner that the establishment can be kept clean, and so that food will not become contaminated.
- (f) An adequate supply of water for cleaning and hand-washing shall be maintained in the establishment, and auxiliary heating facilities, capable of producing an ample supply of hot water for such purposes, shall be provided.
- (g) Liquid waste which is not discharged into a sewerage system shall be disposed of in such a manner as not to create a public health hazard or nuisance condition.
- (h) Adequate facilities shall be provided for employee hand washing. Such facilities may consist of a pan, water, soap, and individual paper towels.
- (i) Floors shall be of tight wood, asphalt, or other cleanable material: *Provided*, That the health authority may accept dirt or gravel-covered floors when graded to preclude the accumulation of liquids and covered with removable, cleanable, wooden platforms or duckboards.
- (j) Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust. Temporary construction may be accepted. Ceilings may be of wood, canvas, or other materials which protect the interior of the establishment from the elements, and walls may be of such materials or of 16-mesh screening or equivalent. When flies are prevalent, counter service openings shall either be equipped with self-closing, fly-tight doors.

or the opening protected by effective fans. Where fans are used for this purpose, the size of the opening shall be so limited that the fans employed will effectively prevent the entrance of flies.

- (k) Any other requirement deemed necessary by the health authority to protect the public health in view of the particular nature of the food-service operation shall be met.

SECTION 8

ENFORCEMENT PROVISIONS

8.1 LEGAL AUTHORITY:

All retail food establishments shall be operated in compliance with the provisions of this Code and Title 24 Revised Statutes of New Jersey.

8.2 INSPECTION OF RETAIL FOOD ESTABLISHMENTS:

The health authority shall inspect as often as he deems necessary every retail food establishment. The person operating a retail food establishment shall permit access to all parts of the establishment.

8.3 EXAMINATION OF RECORDS:

Upon request, a health authority shall be permitted to examine the records of a retail food establishment to obtain information pertaining to food and supplies purchased, received or used and persons employed.

8.4 EXAMINATION AND CONDEMNATION OF UNWHOLESOME, CONTAMINATED OR ADULTERATED FOOD AND DRINK:

The health authority may take and examine samples of food, drink and other substances as often as he deems necessary for the detection of unwholesomeness, adulteration or contamination. At the time such samples are taken, a receipt shall be delivered to the person in charge of the retail food establishment.

The health authority may forbid the sale or use of any food or drink which is, or is suspected of being unwholesome, adulterated, or contaminated.

The health authority may forbid the use of any equipment or utensils which have not been properly sanitized or which in his opinion may lead to the adulteration or contamination of any food or drink with which it may come in contact.

Discussion: This section enables the health authority to sample food, drink and other substances for the detection of unwholesomeness, adulteration or contamination and to forbid the sale of food or drink which is suspected of being unwholesome, adulterated or contaminated. This section also allows the health authority to forbid the use of equipment that has not been properly sanitized or which may lead to adulteration of any food or drink with which it may come in contact.

The health authority may find it more practical to limit his actions to spoiled foods, those suspected of having caused or being able to cause food-borne illness or other condition which may involve an immediate health hazard, and to refer those cases of suspected adulteration and misbranding which involve no immediate health hazard to State food-control officials.

When deemed necessary, samples taken for the determination of adulteration and misbranding must be taken and examined in accordance with State and local laws, regulations and procedures.

When cases of food-borne disease are reported, an immediate epidemiological and laboratory investigation should be made by the health authority in an effort to determine the vehicle and the source so as to prevent a recurrence. Any food suspected of being a vehicle in a food-borne-disease outbreak should be placed under an immediate embargo pending laboratory examination.

8.5 RETAIL FOOD ESTABLISHMENTS OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY:

Food from a retail food establishment outside the jurisdiction of this municipality shall not be sold or otherwise distributed in this municipality if adulterated or misbranded. Determination of whether food is adulterated or misbranded shall be based upon the provisions of New Jersey Revised Statutes, 24:5-8 and 24:5-17. The health authority may accept and rely upon reports from other government officials responsible for administration of laws relating to public health and food and drugs as an aid to it in determining compliance with this section.

Discussion: The health authority should permit the sale within his jurisdiction of food received from any retail food establishment not under his routine inspection if the establishment (1) operates under regulations substantially equivalent to those of this ordinance; (2) is under routine official supervision; and (3) is located in a community which has a sanitation level equal to the receiving community.

8.6 PLAN REVIEW OF FUTURE CONSTRUCTION:

Plans and specifications for new construction, renovation or conversion of a premise for use as a retail food establishment, showing layout, arrangement and construction materials of work areas, and the location, size and type of fixed equipment and facilities shall be approved by the health authority before such work is begun.

Discussion: The purpose in requiring that properly prepared plans for all new construction and reconstruction be submitted for approval before such work is begun is (1) to insure compliance with sanitary requirements; (2) to prevent any misunderstanding by the operator as to what is required; and (3) to prevent errors which might later result in additional cost to the operator.

8.7 CLOSURE FOR INFECTION:

The health authority having reason to believe that any retail food establishment is or may be a source of food-borne infection shall advise the owner, manager, or employees thereof accordingly and order appropriate action to be taken which will eliminate the source of infection. In the event such action is not taken immediately, he may order such establishment to be closed and post a statement in a conspicuous place at the entrance thereof, stating, "The sale or disposal of food or drink by this establishment is forbidden — Health Authority of _____", which order shall be effective and statement shall remain posted until the action ordered to eliminate the source of food-borne infection has been completed.

The health authority who believes an employee of any retail food establishment is ill or infected with a disease, or may be a carrier of a disease, which may be transmitted through food, may order him or her to leave the establishment and refrain from returning to work in or about such establishment and order the employer to prohibit such employee from returning to work, until permission is granted to return by the health authority.

APPENDIX

PROCEDURE FOR THE BACTERIOLOGICAL

EXAMINATION OF FOOD UTENSILS

Apparatus and Materials - Sterile petri dishes, sterile 1 ml. pipettes, plate count agar (*tryptone glucose yeast agar* or *milk protein hydrolysate glucose agar*) sterile forceps or scissors, sterile cotton swabs on standard wooden applicator sticks, and sterile swab containers. Satisfactory containers consist of screw-cap swab bottles 23 x 70 mm or 16 x 100 mm bacteriological test tubes, with cork or rubber stoppers. Other tubes, vials or wide mouth bottles, 1/2 to 1" inside diameter and 2 1/2 to 3 1/2" high with mouth not less than 1/2" in diameter may be used. *Cotton plugs are not satisfactory.* The swab holder may be attached to the

cap or stopper, or separate dry swabs may be carried in glassine envelopes or sterile containers providing protection against contamination. The swab on the wooden applicator not more than 3" long shall be of firmly twisted non-absorbent cotton, approximately 3/16" in diameter and 3/4" long.

Buffered Distilled Water - The purpose is to secure a sterile solution that is non-toxic to bacteria. Prepare the phosphate buffer solution as follows:

To prepare stock phosphate buffer solution dissolve 34 g of potassium dihydrogen phosphate (KH_2PO_4) in 500 ml. of distilled water, adjust to pH 7.2 with 1N NaOH solution and make up to 1 liter with distilled water.

Add 1.25 ml. stock phosphate buffer solution, 5 ml. 10% aqueous sodium thiosulfate (prepared by dissolving $\text{Na}_2\text{S}_2\text{O}_3 \cdot 5\text{H}_2\text{O}$ at rate of 100 g/liter in distilled water, filter and store stock solution in cool dark place - refrigerator), 4 g Asolectin (Associated Concentrates, Inc., 57-01 32nd Ave., Woodside, Long Island, N.Y.) and 10 g Tween 20 or Tween 80 (Atlas Powder Co., Wilmington, Del.) to distilled water (freshly distilled water free from toxic contaminants) and make up to 1 liter. When preparing buffered rinse solution containing Asolectin, weigh hygroscopic powder rapidly and dissolve by heating, preferably in double boiler.

Where chlorine and/or quaternary ammonium compounds are known *not* to be used for sanitizing utensils to be tested and that hot water alone has been used as a sanitizing rinse, the neutralizing agents, thiosulfate, Asolectin and Tween may be omitted from rinse solutions.

Distribute the diluted solution in the swab containers in amounts that will provide after sterilizing in the autoclave at 121° C. for not less than 15 minutes, exactly 1 ml. for each utensil to be examined per swab; e.g. 4 ml. for 4 utensils, 5 ml. for 5 utensils, etc. The containers should be autoclaved either with the swabs in place or in separate containers and the caps should be slightly loosened, during this process. Since the wooden applicator stick and the cap may influence the final pH, spot check the pH of the sterilized buffered distilled water routinely. If necessary, adjust stock solution before sterilization so that the pH will be between 7.1 and 7.3 after sterilization.

Collecting Samples - Utensils to be examined shall include at least glasses, cups and spoons, if used, and at least 4 of each shall be selected at random from the shelves or other places where clean utensils are stored. If a direct check of the dishwashing methods is desired, utensils should be selected from those recently washed. Care shall be taken to prevent contamination by handling during sampling.

Use 1 swab for each group of 4 or more similar utensils. Take the swab from a freshly opened container of dilution water or dip a sterile swab, if separate, in such dilution water, and squeeze it against the inside of the container so as to remove excess water, leaving the swab moist but not wet. Rub the swab slowly and firmly 3 times over the significant surfaces of 4 or more similar utensils, reversing the direction each time. After swabbing each utensil, return the swab to the container of dilution water, rotate (whip rinse) the swab in the dilution water, and press out the excess water against the inside of the container before swabbing the next of the 4 or more utensils in the group.

The significant surfaces of utensils consist of the upper 1/2 in. of the inner and outer rims of cups and glasses and the entire inner and outer surfaces of the bowls of spoons. If it is desired to examine forks and surfaces of dishes, etc., the area to be swabbed should include the entire inner and outer surfaces of the tines of forks, and the inner surfaces of plates and bowls. On plates swab 3 times reversing the direction of each stroke completely across each of two diameters at right angles to each other. On bowls swab 3 times reversing the direction of each stroke around the inner surface at a level at which the swab will hug the surface of the bowl about half way between the bottom of the bowl and the rim.

After completing the swabbing of all utensils in the group of 4 or more, replace the swab in the container of dilution water. If separate swabs are used break off the swab in the container under aseptic conditions. Use a new swab container for the next group of utensils. Keep the container iced while in transit to the laboratory and until it is plated. Plate the dilution water samples preferably within 4 hours of swabbing but where this cannot be done, samples must be properly refrigerated and analyzed within 24 hours of swabbing.

Laboratory Procedure - If not previously broken, break the swab stick just above the cotton with sterile forceps, or cut aseptically with sterile scissors, or with other sterile cutting device allowing the cotton swab to drop into the diluent, where subsequent agitation should thoroughly disentangle the cotton which should be allowed to remain in the container while making transfers. Shake the swab container rapidly, making 50 round trip excursions of 4 to 6 in. with the container in one hand, striking the palm of the other hand at the end of each cycle, and completing the whole in about 10 seconds. Group of samples may be shaken in test tube holding blocks with similar stroke, speed and abrupt ending of strokes. Shaking machines may be used for time intervals found to disintegrate the cotton swab in a manner equivalent to the prescribed hand method.

Transfer 1 ml. of the dilution water to a sterile Petri dish. Add approximately 10 ml. of melted standard tryptone glucose yeast agar or milk protein hydrolysate glucose agar, mix, incubate for 48 hours at 32° or 35° C. and count as in making a Standard Plate Count. Report the count as the average plate count of organisms removed per utensil surface examined. For example, if 4 glasses are swabbed, if 1 ml. of the 4 ml. of dilution water is plated and if 56 colonies are counted after incubation, record the average count per glass surface as 56.

Laboratories not conforming fully with this procedure should have comparative evidence to show that the variations used give comparable results.

Interpretation - It is the responsibility of the health officer to fix the standard to be used in the interpretation of the results of this test. However, the Public Health Service recommends a standard of not more than 100 colonies per utensil. Though this standard does not take into consideration the types of microorganisms present or their public health significance, it does offer a general index of utensil sanitation. When counts from a particular food service establishment are frequently or consistently in excess of the standard, improvement of its utensil washing, sanitizing or storage practices is usually indicated.

This Procedure was prepared from the "Technic for the Bacteriological Examination of Food Utensils, Official Association Procedure." adopted by the Governing Council, American Public Health Association, and the APHA Tenth Edition, "Standard Methods for the Examination of Dairy Production" 1953.