

ALGER COUNTY ORDINANCE NO. 2

FOOD ESTABLISHMENT ORDINANCE

AN ORDINANCE TO REGULATE AND ESTABLISH STANDARDS OF SAMITATION AND FOR LICENSING OF FOOD ESTABLISHMENTS WITHIN THE COUNTY OF ALGER.

THE COUNTY OF ALGER STATE OF MICHIGAN ORDAINS:

I. Definitions - The following definitions shall apply in the interpretation of this ordinance.

- A. "FOOD ESTABLISHMENT" shall include all places where food or drink is prepared, handled, and dispensed for consumption by the public at the establishment, and shall include places in which food or drink is prepared for consumption elsewhere.

The types of establishments covered by this ordinance include but are not necessarily limited to the following: Restaurants, coffee shops, cafeterias, cafes, taverns, drive-ins; soda fountains, cateriors, schools, grocery stores and meat markets. Also included are churches, lodges, fraternities, sororities, and other organizations that any time serve food to persons other than their own members.

- B. "FOOD" shall mean all substances except drugs or medicine used or intended to be used for human consumption.
- C. "DRINK" shall mean all liquid substances except drugs or medicine used or intended to be used for human consumption.
- D. "UTENSILS" shall mean any kitchenware, tableware, glassware, cutlery, container or other equipment with which food or drink comes in contact during storage, preparation, or serving.
- E. "READILY PERISHABLE FOODS" shall mean any food of beverage or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry, or other food capable of supporting rapid and progressive growth of micro-organisms. However, products in humetically sealed containers prossessed by heat to prevent spoilage, pickled meat products and dehydrated, dry or powdered products so low in moisture content as to preclude development of micro-organism are excluded from the terms of this definition.
- F. "COMMODITY TEMPERATURE" is the temperature of any food stored for a sufficient time to become the same temperature throughout as that of the surrounding air. Commodity temperature within a refrigerator can be determined by reading the temperature on a thermometer (plus or minus one degree accuracy) which has been placed in a quart jar of water kept in the refrigerator.
- G. "HEALTH OFFICER" shall mean the State Health Commissioner or the Director of the Alger-Schoolcraft Health Department, and for his authorized representative.
- H. "OWNER" shall mean the person holding the legal title to, renting, leasing, or having possession of the property in question, and shall include any manager, operator, or person in responsible charge.
- I. "EMPLOYEE" shall mean any person who engages in the preparation or serving of food or drink, or who comes in contact with any eating or cooking utensil, or who is employed in a room in which food or drink is prepared or served.
- J. "PERSON" shall mean and include any individual, firm, corporation, club, society, association or partnership, insituation, public body, or other entity, and includes the plural as well as the singular and the feminine as well as the masculine.

II. Licensing - These food establishments are required to make application for a license in writing to the Alger-Schoolcraft Health Department. The Health Officer, or his appointed representative will approve the application and issue a license to the food establishment after all requirements of these regulations are met. Forms are to be provided by the Health Officer, which forms shall contain the name and location of the food establishment, the owner of the premises, the operator of the food establishment, and the manager or other local agent, if other than the owner or operator. The applicant shall agree to comply with all rules and regulations and to allow the Health Officer or his representative to enter and inspect the premises at any time desired. It shall be unlawful for any person to operate a food establishment as described above in the City of Munising until said license has been approved and issued. Each license shall bear the date of expiration, shall be issued only to and in the name of the operator of the food establishment and shall be non-transferrable. Every food establishment license shall terminate on the last day of April following the date of issuance, except those issued upon and after January 1st of the same year. Whenever, in the opinion of the Health Officer, it becomes necessary for the protection of the public health and safety, any food establishment license may be suspended temporarily by the Health Officer after an Insanitary Notice has been issued. If the violation is not corrected within a reasonable time or the owner refuses to comply with the Ordinance, he will be issued a notice of revocation of license and will be given an opportunity for a hearing before the Health Officer. Written notice of the time and place of such hearing shall be served upon the licensee at least five (5) days before the hearing. If the Health Officer's decision is against the licensee, the licensee may appeal to the Alger County Board of Supervisors. Such appeal must be made within (5) days of the date of the hearing before the Health Officer. The license may be reinstated any time with ten days after the receipt of a satisfactory application accompanied by a statement signed by the applicant to the effect that the violated items or specifications have been conformed with. The Health Officer or his representative shall make a reinspection and thereafter as many additional reinspections as necessary to assure himself that the applicant is again complying with the requirements of this ordinance.

III. Personal Health and Disease Control - No person who is affected with any disease in a communicable form or is a carrier of such disease, or who develops boils, infected wounds, sores, or lesions shall work in any food establishment, and no owner shall knowingly employ any such person or any persons suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the owner of the establishment suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately.

The Health Officer may impose any reasonable requirements upon food establishment workers, such as a physical examination, chest x-ray, laboratory tests or examinations, or any other tests or examinations that in his opinion are necessary for the protection of public health. He may also require the owner or employee to complete a course of instruction for food handlers.

IV. Sanitation Requirements - All food Establishments shall comply with all of the following items of sanitation:

A. Cleanliness of Employees -

Food service employees shall maintain a high degree of personal cleanliness. All employees shall wash their hands before starting work and as often as may be required to remove soil and contamination, and shall keep their hands clean at all times. No employee shall resume work after using the toilet room without first washing his hands. All employees shall wear clean garments.

Employees shall not perform any act or engage in practices which may result in the contamination of food or utensils. Employees shall not use tobacco in any form while engaged in preparing or serving food.

B. Wholesomeness of Food and Drink -

All food and drink shall be wholesome, free from spoilage, adulteration, and safe for human consumption. It shall be prepared, processed, and handled so that it is protected from contamination and spoilage, and so that disease transmission is minimized. No home-canned food of any kind shall be used. Portions of food once served customers shall not be served again. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources and shall be pasteurized

or made from pasteurized milk products. All meat and meat products shall be from an approved source and under an approved program of veterinary inspection.

Milk and fluid milk products shall be served in the individual containers in which they were received from the distributor or from an approved - type bulk dispenser; provided, however, that this requirement shall not apply to cream which may be served from the original bottle or carton or from an approved-type dispenser.

C. Storage, Display, and Serving of Food and Drink -

All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, over-head leakage, and all other possible contamination. Readily perishable foods shall be maintained at commodity temperatures of 45° F. or below, or 150° F. or above, at all times except during the process of preparation, sale, or serving, and then only for short periods wherein little or no microbial multiplication can occur. Leaking cans or cans which have swollen ends shall be discarded as soon as they are discovered.

All unwrapped or unenclosed food and drink on display shall be protected from public handling or other contamination by shielding or other methods approved by the health officer, except that approved hand openings for self-service may be permitted on counter fronts. The pouring lips of bottles containing milk or other beverages in non-leakproof containers shall not be submerged in water for cooling. Handling of unwrapped food by direct contact with fingers or hands, and manual contact with all food or drink shall be avoided insofar as is possible. Sugar shall be served only in covered dispensers or in wrapped packages for individual service.

Instructions as to storage of any food product which appear on the manufacturer's or processor's label shall be followed.

Frozen foods shall be kept at or below 0° F.; however, bulk ice cream may be stored just prior to serving at 5° to 10° F. Frozen foods which have been thawed or reached room temperature shall not be refrozen.

No live animals or fowl shall be kept or allowed in any room in which food or drink is stored, displayed, prepared, or served, except guide dogs accompanying blind guests. A satisfactory program shall be carried out to control flies, roaches, and rodents in all areas where food or drink is stored, prepared, displayed, or served.

If poisonous materials are maintained on the premises for the control of rodents and insects, such materials shall be stored in containers which are so labeled that the contents can be easily identified; shall not be stored with food products; and shall be stored and applied so that food, utensils, equipment, used for the preparation of food, and employees' clothing cannot be contaminated.

D. Refrigeration Equipment -

Refrigeration equipment adequate in size and capacity shall be provided in which readily perishable food shall be stored, except when being prepared or served. Such refrigeration facilities shall be located near to food preparation, display and serving areas and maintained at a commodity temperature not to exceed 45° F. under use conditions.

Where floor or other drains are provided in refrigerators, they shall not be directly connected to waste lines, but shall be connected through an air gap or other safe waste connection.

E. Water Supply -

Hot and cold running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate in quantity and of safe, sanitary quality.

The water supply shall be from a municipal source when available. A non-municipal supply shall meet the sanitation standards of the State Department of Health. (See Secs. R325.471 through R325.480 of State Administrative Code.)

F. Lavatory Facilities -

Adequate and convenient handwashing facilities, separate from dishwashing facilities, shall be provided to conveniently serve food preparation areas and toilet locations. Such facilities shall include hot and cold running water, soap, and approved sanitary towels or air driers. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without washing his hands.

G. Cleaning and Bactericidal Treatment of Utensils and Equipment -

1. General Requirements -

- a. All food equipment and utensils, upon careful inspection, shall be clean to the sight and touch.
- b. Cleaned equipment and utensils shall not be contaminated by improper handling or by dust, dirt, or other contamination.

2. Multiple-Use Eating and Drinking Utensils -

These utensils shall be thoroughly cleaned after each usage, and shall be rinsed free of washing compounds, and all utensils ready for use shall be clean to the sight and touch.

These utensils shall be subjected to an approved bactericidal treatment process by the following or other equivalent procedures approved by the health officer:

- a. Immersion for at least 1 minute in clean hot water at a temperature of at least 170° F. A thermometer must be present at all times to assure that the 170° temperature is being maintained.
- b. Exposure for a period of at least 1 minute, including immersion time and draining time, to a solution containing at least:
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 - (1) 50 ppm available chlorine.
 - (2) 200 ppm of an approved quaternary ammonium compound which is labeled to show its effectiveness in water having a hardness at least equal to that of the water in use.
 - (3) 12.5 ppm of an approved iodophore in acid solution.
- c. Washing and bactericidal treatment in a dishwashing machine constructed, installed, and operated in accordance with the provisions of National Sanitation Foundation Standards No. 3, (Revised Sept. 1956) or in accordance with established standards of other nationally recognized agencies.
- d. Where separate beverage glass washing and bactericidal treatment is practiced, hot water glass washers shall comply with the time and temperature requirements of NATIONAL SANITATION FOUNDATION STANDARDS No. 3, or cold water glass washers approved as a result of special testing by the National Sanitation Foundation or other nationally recognized agencies may be used.

Utensils subjected to effective bactericidal treatment shall not exceed a bacterial count of 100 per unit, based upon the average count, of at least four dishes, glasses, or other representative utensils. The bacterial count shall be determined by the standard plate count and swab method.

H. Installation and Construction of Utensils and Equipment -

All Equipment shall be installed so as to facilitate cleaning of surfaces or places where food particles, spillage, splash, debris, or dirt may accumulate. Equipment shall be arranged so that there is sufficient working and storage space to enable the keeping of all parts of the establishment in a clean and orderly condition during periods of maximum activity.

Every food establishment shall be provided with equipment designed, built, installed, adequate in size and capacity, located and maintained so to enable full compliance with all applicable provisions of these standards.

All equipment purchased new or used shall meet the established standards of the National Sanitation Foundation or other nationally recognized agencies, and shall bear the appropriate seal of approval when applicable.

All equipment used for the preparation, storage, and serving of food shall be of such material and design as to be smooth, impervious, easily cleanable, resistant to wear, denting, buckling, pitting, chipping and crazing, and capable of withstanding scrubbing, scarring, corrosive action of foods and cleaning compounds, and other factors to which such equipment may be expected to be exposed.

Surfaces which come in contact with moist food shall be non-toxic.

All equipment shall be so installed and maintained as to facilitate cleaning and shall be kept clean and in good repair.

I. Storage and Handling of Utensils and Equipment -

After bactericidal treatment utensils shall be allowed to dry before being stored in a clean dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination. Containers and utensils shall not be handled by the surfaces which come in contact with food or drink. Spoons, spatulas, dippers, scoops, etc. used for dispensing frozen desserts shall be kept in running water.

Single-Service Eating and Drinking Utensils -

1. These utensils shall be obtained in closed containers and shall be so stored in such containers and in a clean, dry, protected place until ready for use.
2. They shall be handled and dispensed in such manner as to prevent contamination of surfaces that come in contact with the mouth of the user.
3. They shall be used only once, after which they shall be disposed of in a suitable manner.
4. The use of these utensils is mandatory in all food establishments which do not have adequate and effective facilities for the cleaning and bactericidal treatment of multi-use utensils.

J. Toilet Facilities -

All food establishments shall be provided with adequate and conveniently located toilet facilities for employees.

In all new food establishments, as defined in Part IV, toilet rooms shall be provided with suitable trapped floor drains, covered floor-wall intersections, and mechanical ventilation. Facilities for each sex shall be provided for use by the public and so arranged that traffic is not through food preparation or kitchen area. Such facilities shall not be required when no food is served for consumption by the public within the establishment. The doors of all toilet rooms shall be self-closing and tight fitting. Toilet rooms shall be kept in a clean condition and in good repair.

K. Disposal of Wastes -

All liquid wastes resulting from the cleaning and rinsing of utensils and floors, from flush toilets, and from lavatories shall be disposed of in a sanitary or combined sewer, and when such a sewer is not available, by a method approved by the Health Officer. All plumbing shall comply with local and state plumbing laws and standards.

All garbage, if stored, shall be kept in tight, non-absorbent, and easily washable receptacles which are covered with close-fitting lids, pending removal. All garbage, trash, and other waste material shall be removed from the food preparation area and from the premises as frequently as may be necessary to prevent nuisances and unsightliness, and shall be disposed of in a manner approved by the Health Officer. All garbage receptacles shall be washed after each emptying.

L. Doors and Windows -

Between May 1 and November 1 all outside openings shall be effectively screened, and doors shall be self-closing, unless other means are provided to prevent the entrance of flies, such as effective fans, or other approved mechanical means.

M. Lighting -

All rooms in which food or drink is stored or prepared or in which utensils are washed, and toilet rooms and hand washing areas shall be well lighted.

Artificial light sources shall be provided which furnish at least 20 foot-candles on all working surfaces in rooms where food or drink is prepared, where utensils are washed, and in all toilet rooms and hand washing areas.

N. Floors -

The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, and shall be kept clean and in good repair. Floor-wall intersections shall be covered in all new construction. If floor drains are used they shall be provided with proper traps and so constructed as to minimize clogging, and the floor shall be graded to drain.

O. Walls and Ceilings -

Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be light colored or such a nature as not to conceal soiled surfaces. The walls of all rooms in which food or drink is prepared or utensils are washed shall be smooth and washable up to the level reached by splash or spray.

P. Ventilation -

All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, toilet rooms, and hand-washing areas shall be well ventilated.

Natural and/or mechanical ventilation shall be provided, with sufficient capacity to prevent undue condensation or accumulation of offensive or dangerous fumes, gases, mists, or odors.

Q. Miscellaneous -

All food establishments and the areas immediately adjacent to them shall be kept clean and free of litter or rubbish, and dust shall be kept under control. None of the operations connected with the storage, display, preparation, or serving of food shall be conducted in any room used as living or sleeping quarters. There shall be no direct opening between rooms where food is stored or prepared or served to the public and rooms used for living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean, soiled linens, coats and aprons shall be kept in containers provided for this purpose. The food establishment shall conform in all respects to state and local fire prevention laws, ordinances, and regulations.

V. Penalties -

Any owner, employee or person who operates a food establishment without a license and any owner, employee or person who violates any written final order of the Health Officer issued pursuant to this Ordinance shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding the sum of \$100.00 or by imprisonment in the County Jail, not exceeding thirty (30) days or by both such fine and imprisonment, in the discretion of the Court.

This Ordinance shall be effective as of April 1, 1968.