

ORDINANCE NO. 713

AN ORDINANCE FOR THE CONTROL OF FOODHANDLING ESTABLISHMENTS, PROVIDING FOR INSPECTION, SANITATION REQUIREMENTS, PERSONNEL HEALTH, PERMITS AND LICENSING, AND THE FIXING OF PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. DEFINITIONS.

(a) Foodhandling Establishment. A foodhandling establishment is every building, room, basement, enclosure, vehicle or premises in or at which any food or drink is prepared, processed, bottled, packaged, stored, sold or served. The term "foodhandling establishment" shall mean and include restaurants, cafes, lunch and sandwich stands, grocery stores, meat markets, slaughter houses, and meat packing plants, vegetable markets, sandwich manufacturers, confectioneries, soda fountains, bottling plants, ice cream plants, canning factories or similar manufacturing or sales establishments.

(b) Food and Drink. The term "food and drink" as used in this ordinance shall mean and include all articles used for food, drink, confection or condiment, by man or other animal, whether simple, mixed, cooked or compounded, and all substances or ingredients used in the preparation thereof.

(c) Itinerant Restaurant. The term "itinerant restaurant" shall mean a foodhandling establishment operating in connection with a fair, carnival, circus, public exhibition, or similar gathering.

(d) Employee. Employee shall mean any person who handles food or drink during preparation, production, processing or serving, or who comes in contact with any eating, cooking, preparation or processing equipment or utensil, or who is employed in a room in which food or drink is prepared or served.

(e) Person. Person shall mean any natural person, partnership, association, company, corporation, organization, or manager, agent, servant, officer or employee, or any of them.

(f) Equipment and Utensils. Foodhandling equipment shall mean and include all parts of processing or handling equipment with which food or drink comes in contact during the processing, preparation, distribution, serving or sale. Utensils shall include any kitchenware, tableware, glassware, cutlery, utensils, containers or similar items with which food or drink comes in contact during preparation, storage or serving.

(g) Adulteration. For the purpose of this ordinance the term "Adulteration" of food or drink shall mean one or more of the following: (1) if any substance has been mixed or packed so as to

reduce or lower, or injuriously affect the quality or strength; (2) if any substance has been substituted wholly or in part for the article; (3) if any valuable constituent of the article has wholly or in part been abstracted; (4) if it is mixed, colored, powered, coated, or stained in a manner whereby damage or inferiority is concealed; (5) if it contains formaldehyde or other harmful preservative or any added poisonous or other added deleterious ingredient which may render such article injurious to health when said food or drink are ready for consumption; or (6) if it has been produced, prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

(h) Misbranding. Misbranding shall mean the labeling, naming, branding, or advertising of any item of food or drink so as to mislead or deceive the purchaser or user.

(i) Cleansing and Bactericidal Process. Cleansing shall mean any approved process whereby any surface or article shall be chemically and/or mechanically cleaned so as to remove all items of food or drink or other substances not an integral part of the surface or article. Bactericidal process shall mean any approved method whereby any surface or article is freed from the presence of living microorganisms.

(j) Inspector. Inspector shall mean any person authorized by the Department of Public Health of the City of Grand Junction to inspect any foodhandling establishment located in, or whose product is used within the corporate limits of the City of Grand Junction or its police jurisdiction.

(k) Permit. A permit is the authorization from the Department of Public Health of the City of Grand Junction to engage in the business of processing, preparing, bottling, packaging, serving or selling of food or drink within the City of Grand Junction or its police jurisdiction or whose products are used for food or drink within the City of Grand Junction or its police jurisdiction.

(l) License. License shall mean a grant from the City of Grand Junction to conduct and/or operate a foodhandling establishment after a permit as defined in paragraph (k) above has been issued.

Section 2. EXAMINATION OF AND CONDEMNATION OF UNWHOLESOME OR ADULTERATED FOOD OR DRINK. Samples of food, drink or other substances may be taken for examination by an inspector of the Department of Public Health of the City of Grand Junction as often as is necessary to insure compliance with the terms of this ordinance or with any standard of food or drink as may be established by any future ordinance or regulation of the City of Grand Junction.

The health officer, director of public health or authorized

inspector may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

Section 3. SANITATION REQUIREMENTS FOR FOODHANDLING ESTABLISHMENTS. All foodhandling establishments shall comply with all of the following items of sanitation:

Item 1. Floors. The floors of all rooms in which food or drink is handled, processed, stored, prepared, or served, or in which utensils or equipment are washed or stored, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

Item 2. Walls and Ceilings. The 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 finished in light color. The walls of all rooms in which food or drink is processed or prepared or utensils and equipment are washed shall have a smooth washable surface up to the level reached by splash or spray.

Item 3. Doors and Windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing unless other effective means are provided to prevent the entrance of flies.

Item 4. Lighting. All rooms in which food or drink is stored, processed or prepared or in which utensils or equipment are washed shall be well lighted.

Item 5. Ventilation. All rooms in which food or drink is stored, processed, prepared or served, or in which utensils and equipment are washed shall be ventilated.

Item 6. Toilet Facilities. All foodhandling establishments shall be provided with adequate and conveniently located water-flushed toilet facilities. "Antifreeze" type of toilets are prohibited. Toilet facilities for restaurants, cafes and similar type establishments shall be located in the building wherein the restaurant or cafe is located. Separate toilet facilities for each sex shall be provided for use of the public in all restaurants, cafes or similar establishments. The use of a common toilet-room vestibule for both sexes is prohibited. Toilet rooms shall not open directly into any room in which food or drink is prepared, processed, served or where utensils and equipment are washed or stored. The doors to all toilet rooms and toilet-room vestibules shall be self-closing and shall completely close the entrance way or doorway when closed. The walls of all toilet rooms shall extend from floor to ceiling. Toilet rooms and all toilet equipment therein shall be kept in a clean, sanitary condition, in good repair and well lighted and shall not be used for any other purpose. All toilet rooms shall be separately vented to the outside air. Handwashing signs shall be posted in each toilet room

used by employees.

Item 7. Water Supply. Running water under pressure and of a safe, sanitary quality shall be easily accessible to all rooms in which food or drink is prepared or utensils and equipment are washed. Each sink or similar piece of washing equipment shall have available hot and cold running water.

Item 8. Lavatory Facilities. Adequate and conveniently located handwashing facilities shall be provided, including hot and cold running water, soap and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

Item 9. Construction of Utensils and Equipment. All multi-use utensils and equipment and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a foodhandling establishment shall be so constructed and placed as to be easily cleaned and inspected and shall be kept in good repair. All parts of utensils and equipment that food or drink comes in contact with shall be free of rough, corroded, dented, cracked or chipped areas, and all places where soldered or otherwise joined shall be smooth. Utensils containing or plated with cadmium or lead shall not be used; PROVIDED, that solder containing lead may be used for joining.

Where any food during the process of preparation or handling is transferred from one piece of equipment to another by pipe, the piping shall be of the "sanitary type" and shall not be of greater length than can easily be cleaned and subjected to an approved bactericidal process. All pipe and fittings for the handling of ice cream mix and similar products shall not be smaller than one and one-half (1 1/2) inch. Valves, tees, ells and similar fittings shall be of the "sanitary type" and shall not be soldered to any other fitting or pipe.

Item 10. Cleaning and Bactericidal Treatment of Utensils and Equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks shall be kept clean and free from dust, dirt, grease, insects, and other contaminating material. All cloths used by any employee shall be clean. Tablecloths when used in restaurants shall be clean and any napkins used shall be used only once between laundering. Single-service containers shall be used once only.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils and equipment used in the preparation, processing, delivery, or serving of food and drink shall be thoroughly cleansed and effectively subjected to an approved bactericidal process immediately following the days operation or oftener if necessary to prevent contamination of food or drink. Meat grinders, meat

saws, sanitary pipe and similar pieces of equipment shall be dismantled prior to the cleansing process. When extremely perishable foods or drinks are prepared, the utensils and equipment shall be thoroughly cleansed and effectively subjected to an approved bactericidal treatment immediately before and between each use. Drying cloths, if used, shall be clean and shall be used for no other purpose.

No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for cleaning or polishing of utensils or equipment.

The term "approved bactericidal process" includes the following methods: PROVIDED, that nothing contained in this paragraph shall be construed as disbarring any other process which has been demonstrated to be equally efficient and is approved by the City Health Department.

(a) Immersion for at least two (2) minutes in clean, hot water at a temperature of at least one hundred seventy degrees (170°) Fahrenheit or for one-half (1/2) minute in boiling water. Unless actually boiling water is used, an approved thermometer shall be available and convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance. The hot water method shall be used only after thorough washing and rinsing.

(b) Immersion for at least two (2) minutes in a lukewarm chlorine bath containing at least fifty (50) parts per million of available chlorine if hypochlorites are used, or a concentration of equal bactericidal strength if chloramines are used. Where chlorine treatment is used, the process shall consist of three operations: (1) thoroughly cleanse the utensil or piece of equipment; (2) rinse in or with clear, clean water; and (3) immerse in the chlorine bath.

(c) Exposure in a steam cabinet equipped with an indicating thermometer located in the coldest zone to steam at least one hundred seventy degrees (170°) Fahrenheit for at least fifteen (15) minutes, or to steam at least two hundred degrees (200°) Fahrenheit for at least five (5) minutes. Steam cabinets shall be provided with a valve to permit the discharge of cold air when steam is admitted. The steam method shall be used only after thorough washing and rinsing.

(d) Exposure in a properly designed oven or hot air cabinet equipped with an indicating thermometer located in the coldest zone to hot air at a temperature of at least one hundred eighty degrees (180°) Fahrenheit for at least twenty (20) minutes. The hot air method shall be used only after thorough washing and rinsing.

Item 11. Storage and Handling of Utensils and Equipment.  
After bactericidal treatment, utensils and parts of equipment

shall be stored in a clean, dry place, protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. The placing of fingers inside glasses or other drinking utensils after bactericidal treatment is prohibited. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

Item 12. Disposal of Wastes. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such a manner as not to become a nuisance. All garbage receptacles shall be thoroughly cleansed after removal of garbage.

Item 13. Refrigeration. All readily perishable food and drink shall be kept at or below fifty degrees (50°) Fahrenheit except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of. When bottled drinks are placed in water for cooling, the water shall at all times contain sufficient available chlorine to maintain the water in a safe condition.

Item 14. Wholesomeness of Food and Drink. All food and drink shall be clean, wholesome, free from spoilage or adulteration, and so processed or prepared as to be safe for human consumption. The misbranding of food and drink is prohibited.

All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used or sold in the containers in which they were placed at the shucking plant.

Ice served in foods or drinks shall be from an approved source and shall be so handled as to avoid contamination.

All custard-filled and cream-filled pastries shall be rebaked after filling, at an oven temperature of at least four hundred twenty-five degrees (425°) Fahrenheit for at least twenty (20) minutes and cooled to fifty degrees (50°) Fahrenheit or less within one hour after rebaking and maintained thereat until served or sold; or the filling has been heated before the pastry shells are filled, so that every particle of the mix is held at a temperature of at least one hundred ninety degrees (190°) Fahrenheit for at least ten (10) minutes and cooled, either before or after filling the pastry shells, to fifty degrees (50°) Fahrenheit or less within one hour after heating and maintained thereat until served or sold.

Item 15. Storage, Display, and Serving of Food or Drink. All foods and drink shall be so stored, displayed, served or sold as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage and other contamination. Food in open containers shall not be stored on the floors of "walk-in" refrigerators or

cold storage rooms. No animals or fowls shall be kept or allowed in any room in which food or drink is processed, prepared, served or sold. All means necessary for the elimination of flies, roaches, and rodents shall be used.

Item 16. Cleanliness of Employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is processed or prepared.

Item 17. Separation of Processes. Any item of food or drink which during the handling, processing, preparation, distribution, storage or sale may contaminate or adulterate any other item of food or drink shall be handled, processed, prepared, stored or delivered in such a manner as to prevent contamination or adulteration of other foods or drinks. No equipment shall be used or installed in any foodhandling establishment whereby any food or drink of a lesser grade is handled or processed in, or moved through, any room in which products of a higher grade are being handled, processed or produced unless authorized in writing by the city health officer or director of public health.

Item 18. Miscellaneous. The premises of all foodhandling establishments shall be kept clean and free of litter or rubbish. None of the operations connected with a foodhandling establishment shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Toilet rooms or toilet room vestibules shall not be used for dressing rooms or for the storage of clothing, equipment or other items. Soiled linen, coats, aprons and similar items shall be kept in containers provided for this purpose.

Section 4. ITINERANT RESTAURANTS. Itinerant restaurants shall be constructed and operated in an approved manner. They shall be located in clean surroundings and kept in a clean sanitary manner. They shall be so constructed and arranged that food, drink, utensils and equipment will not be exposed to insects, dust or other contamination. Only food which is clean, wholesome, and free from adulteration shall be sold or served. Only hot coffee or bottled drinks obtained from an approved source shall be sold or served. Single-service eating utensils including cups, spoons, forks and plates shall be used for the serving of food or drink.

An adequate supply of water for the washing of utensils and equipment shall be easily available.

Garbage and refuse shall be kept in tightly covered containers until removed and shall be disposed of in a place and manner approved by the Department of Public Health. Dishwater and other liquid wastes shall be disposed of so as not to create a nuisance.

Such other sections of this ordinance as are applicable to itinerant restaurants shall be observed.

Section 5. PERMITS AND LICENSES.

(a) It shall be unlawful for any person to operate any food-handling establishment as defined in this ordinance within the City of Grand Junction or its police jurisdiction who does not possess a permit from the Department of Public Health of the City of Grand Junction. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. The permit may be suspended by the Department of Public Health for such period of time as may be necessary for any foodhandling establishment to effect compliance with the terms of this ordinance. The permit may be revoked by the Department of Public Health for the continued violation of any of the terms of this ordinance after an opportunity for a hearing by the health officer and city manager.

(b) The annual city license fee for all foodhandling establishments shall be Two Dollars and Fifty Cents (\$2.50) per year or fraction thereof: PROVIDED, that when a foodhandling establishment is licensed under the terms of other ordinances of the City of Grand Junction, a license shall not be required under this ordinance. Said license fee shall be payable to the city treasurer, and the license shall expire on the thirty-first (31st) day of each December.

Section 6. FUTURE FOODHANDLING ESTABLISHMENTS. All foodhandling establishments, from which food or drink are supplied within the City of Grand Junction, which are hereafter constructed, reconstructed or extensively altered shall submit proper plans of the construction, reconstruction, or alteration to the Department of Public Health for approval prior to the construction, reconstruction or alteration.

Section. 7. PERSONNEL, HEALTH.

Item 1. The city health officer or physician authorized by him shall examine and take a careful morbidity history of every person or employee connected with every foodhandling establishment holding a "permit" under the terms of this ordinance from the date of passage of this ordinance, or prior to employment, whose work brings them in contact with food or drink during the handling, preparation, processing, serving or sale, or the washing of utensils and equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or any other communicable disease likely to be transmitted through food or drink he shall secure appropriate specimens of body discharge and cause them to be examined in a laboratory approved by the State Health Authority for such examinations. X-ray or similar studies shall be made of any person who may be suspected of having contracted tuberculosis or similar disease. If the results of any examination justify, such person



shall be barred from such employment. The costs of said examination shall be borne by the person on whom the examination is made. Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection. Re-examination of any or all persons shall be made whenever deemed necessary by the health officer.

Item 2. No person owning or operating any food-handling establishment shall hire or otherwise obtain the services of any person without the employee first having submitted himself for physical examination as required in Section 7, Item 1, above. Upon the satisfactory completion of said examination, a certificate will be issued to the person concerned by the Department of Public Health of the City of Grand Junction. Upon the employment of any person, the aforesaid certificate will be retained by the employer during the period the person is employed.

Item 3. Notice shall be sent to the Department of Public Health of the City of Grand Junction, by the owner or operator of any foodhandling establishment when sickness or illness occurs among the personnel of the establishment.

Item 4. When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of food or drink, the Department of Public Health is authorized to require any or all of the following measures: (1) The immediate exclusion of that person from food or drink handling; (2) The immediate exclusion of the foodhandling establishment concerned from distribution, serving or sale of the products handled; (3) Adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

Section 8. ACCESS TO RECORDS. The Department of Public Health of the City of Grand Junction shall have access to such records of any foodhandling establishment as may be necessary to determine the source of any food or drink product used in the preparation, processing, serving or sale of food or drink, and for the control of physical examinations of employees.

Section 9. PENALTIES. Any person violating any of the provisions of this ordinance shall upon conviction thereof be fined not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00) for each offense.

Section 10. REPEAL AND DATE OF EFFECT. This ordinance shall take effect six (6) months after the date of its passage, until which time the present ordinances shall be and remain in full force and effect, and from and after six (6) months from the passage of this ordinance, all other ordinances and parts of ordinances in conflict herewith shall be repealed.

Section 11. UNCONSTITUTIONALITY CLAUSE. Should any section,

paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Passed and adopted this 18th day of September, A. D. 1946.

/s/ Porter Carson  
President of the City Council

Attest:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 713, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 4th day of September A. D. 1946, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said city at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said city, this 18th day of September, A. D. 1946.

/s/ Helen C. Tomlinson  
City Clerk