

CLERK'S OFFICE

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Submitted by:

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the Request of the Mayor

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Department of Health and
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For reading:

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WJH/mka

ANCHORAGE, ALASKA
AO NO. 99-91(S)

AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE CHAPTER 16.60 AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS CHAPTER 16.60, "FOOD AND FOOD FACILITIES," AND RE-ENACTING ANCHORAGE MUNICIPAL CODE CHAPTER 16.60, "ANCHORAGE FOOD CODE," REGULATING FOOD CARE, FOOD HANDLING AND PROCESSING PROCEDURES, SANITATION, FACILITY REQUIREMENTS, EQUIPMENT, PERSONNEL, PERMIT REQUIREMENTS, AND COMPLIANCE PROCEDURES. IN ADDITION, THE ORDINANCE AMENDS ANCHORAGE MUNICIPAL CODE CHAPTER 14.20, "ADMINISTRATIVE HEARING OFFICER," RELATING TO JURISDICTION, ANCHORAGE MUNICIPAL CODE CHAPTER 14.60, "FINES," AND ANCHORAGE MUNICIPAL CODE OF REGULATIONS CHAPTER 15.05, "HEALTH & HUMAN SERVICES FEE REGULATIONS."

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. That Anchorage Municipal Code 16.60, Food and Food Facilities and Anchorage Municipal Code of Regulations 16.60, Food and Food Facilities, are hereby repealed and a new Anchorage Municipal Code chapter 16.60 is hereby re-enacted to read as follows:

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16.60.010. Purpose and Applicability

- A. The purpose of this chapter is to safeguard public health and require that consumers' food is safe and wholesome, is not adulterated, and is honestly presented within the Municipality. If an operator's activities involve interstate commerce, additional requirements of the United States Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA) may apply.
- B. Except as provided in subsections C and E of this section, the requirements of this chapter apply to premises, practices, and procedures of food establishments, including each type of operation under each category of food service, market, and food processing establishment.
- C. The requirements of this chapter do not apply to those portions of a food establishment subject to 18 AAC 32 (Dairy, Meat, and Poultry Inspection) or 18 AAC 34 (Fish Inspection).
- D. The following food establishments are not subject to this chapter, but shall obtain a permit through the Alaska Department of Environmental Conservation as required in 18 AAC 31:
1. A food processing establishment that bottles drinking water;
 2. The food service at an adult residential care facility.
- E. The operator of a bar or tavern shall obtain a food service permit under this chapter for service of beverages even if other food is not served.
- F. The following activities and facilities are not subject to this chapter, but are subject to the prohibitions set out in AS 17.20.290:
1. Custom processing of an individual's sport-caught fish or game;
 2. A business, such as a gas station, gift shop, video store, or student store, that sells only prepackaged, nonpotentially hazardous food from an approved source;
 3. A bake sale; for purposes of this paragraph, "bake sale" means the occasional sale to the public at a fundraising event or a seasonal event such as a fair or bazaar of packaged jams, jellies, or confections or bakery-type items such as fruit or berry pies and cobblers, cakes, cookies, donuts, and breads; potentially

hazardous food, including bakery-type items that contain potentially hazardous fillings or toppings such as custard, whipped cream, or meringue shall not be sold at a bake sale;

4. A food establishment or other business distributing or selling only popcorn, cotton candy, prepackaged ice cream novelties, black coffee with single-service items, or coffee offered with nondairy creamers and served with single-service items;
5. A school serving only snacks;
6. Continental breakfasts or breakfasts cooked and immediately served at a bed and breakfast homestay with or without a guesthouse;
7. The sale of homemade jam, jelly, fruit syrup, herb vinegar, dried herbs, or dried tea leaves, if sold by the person who prepared the food directly to the consumer at a bed and breakfast homestay, a farmers' market, a roadside stand, or a seasonal event, such as a fair or bazaar;
8. The extraction of raw honey;
9. The packaging or sale of extracted or unextracted raw honey;
10. The packaging and sale of raw, whole vegetables and fruit at a farmers' market, a roadside stand, or a seasonal event, such as a fair, if the vegetables and fruit are offered:
 - a. In their natural state; or
 - b. After rinsing, trimming of unnecessary parts, or separating greens from roots.
11. The harvesting and evaporation of tree sap; however, further processing of tree sap, including packaging, is subject to this chapter;
12. Food prepared and served at a portable field camp that is set up on a transient basis for no more than three days to support a single group of paying customers on an overnight expedition or recreational activity, such as backpacking, horseback riding, hunting, fishing, rafting, skiing, or dog mushing;
13. Food served in conjunction with the following activities if the food is prepared or provided by and for members of the group and their invited guests; however, nothing in this paragraph exempts fundraisers, promotional events, or other gatherings that are advertised or open to the public, if food is provided, with or without charge:
 - a. A meeting or an event of a private or charitable organization, association, or club;

- b. An activity of a church or other religious congregation;
 - c. A gathering, such as a party, picnic, or potluck held by a neighborhood, family, school, or office;
 - d. A traditional Native potlatch; or
 - e. The occasional food preparation as a part of a curriculum in a school.
- 14. A child care center licensed or permitted under chapter 16.55, which shall meet the requirements of chapter 16.70;
 - 15. Food prepared and served at a foster home, foster group home, child care home, and child care group home, as those terms are defined in section 16.60.990.A;
 - 16. Food prepared and served at an assisted living home with five or fewer residents; "assisted living home" has the meaning given in AS 47.33.990;
 - 17. The harvesting or cleaving of glacier ice if the glacier ice is exported from the state without further processing;
 - 18. A food establishment within a national park, federal military installation, or public health service hospital where inspections and regulatory oversight are provided by the federal government;
 - 19. Food service within a quasi institution that is covered in 16.80; or
 - 20. A public open house which serves commercially prepared, packaged, and ready-to-eat appetizers for self-service by the attendees of the open house; appetizers that contain potentially hazardous foods must be maintained at 45°F or below if a cold appetizer, or at 140°F or above if a hot appetizer.

G. Except for a fee required by section 16.60.050, the department may issue a permit waiver requested under subsection H of this section that exempts a food establishment listed in this subsection from one or more requirements of this chapter. A permit waiver does not exempt the operator from complying with any other provisions of the Anchorage Municipal Code or state law. Food establishments that may be eligible for a waiver are:

- 1. An institution, a labor camp, or a similar facility serving 10 or fewer residents;
- 2. A meal program serving 10 or fewer senior citizens; and
- 3. A food service with 10 or fewer seats that serves 10 or fewer persons each day.

H. A person who seeks a waiver described in subsection G of this section shall apply to the department, using a form provided by the department. The application shall:

- 1. Include the fee required by section 16.60.050; and
- 2. Describe the:

- a. Establishment's type, size, layout, and location;
- b. Types of meals, preparation methods, and source of food;
- c. Equipment used to maintain product temperature;
- d. Drinking water supply;
- e. Method of wastewater disposal; and
- f. Any other information requested by the director.

I. The department may issue a waiver if the information provided under subsection H of this section indicates that:

1. Food is from an approved source;
2. Food shall be prepared for immediate service;
3. Equipment supports the type of food and method of preparation and service;
4. Water is from an approved drinking water supply; and
5. Wastewater is disposed in an approved manner.

J. A waiver granted under subsection I of this section remains valid unless there is a significant change in any element of the operation described in subsection H.2, or a change in the law that affects the activity waived, in which case a new waiver application shall be submitted for department review, including the waiver fee required by section 16.60.050.

K. Frequently-used terms such as "food establishment," "food processing establishment," "food service," "market," "operation," and "operator" are defined at section 16.60.990 to assist an operator in determining if a requirement of this chapter is applicable. In addition, Table A of this subsection illustrates how the categories and types of operation are classified in this chapter.

1

TABLE A FOOD ESTABLISHMENTS		
Categories of Food Establishments		
FOOD SERVICE	MARKET	FOOD PROCESSING ESTABLISHMENT
Types of Operations Within Each Category		
restaurant delicatessen takeout caterer limited food service temporary food service mobile food service institution bar or tavern club or organization labor camp other similar operations	convenience store grocery grocery portion of a supermarket retail meat market retail seafood market retail bakery food bank warehouse food salvager other similar operations	acidifying curing dehydrating thermal processing, low-acid food reduced oxygen packaging bakery bottled beverage ice jam, jelly, syrup, confections other similar operations

2

3 **16.60.015 Confidentiality of Trade Secrets**

- 4 A. The department may require a person subject to this chapter to disclose a trade secret
5 to the department to assist the department in evaluating a permit application or in
6 determining compliance with this chapter. If the person disclosing the required
7 information certifies in writing that public disclosure of the information, including
8 information contained in a photograph taken by a department employee, would reveal
9 a trade secret as defined in AS 45.50.940, the department shall keep the information
10 confidential while it determines if the public interest that would be served by
11 disclosure is outweighed by the person's privacy interest. The department shall
12 continue to keep the information confidential if it finds the information is entitled to

protection. If the department finds that the information is not entitled to protection, the department shall notify the person disclosing the information in writing that the information shall be subject to disclosure after 10 days. Unless ordered by a court to disclose the information, the department shall keep the information confidential through the 10-day period, any administrative appeal of the department's finding initiated during the 10-day period, and any judicial appeal of the final agency decision.

B. The department may disclose information that is confidential under this section under a continuing restriction of confidentiality to other departments of the municipality, state or United States or to a court:

1. To protect against an imminent threat to public health or safety;
2. In a proceeding to deny, modify, suspend, or revoke a permit required under this chapter; or
3. In pursuit of an enforcement activity.

C. This section does not limit the department's authority to release confidential information during an emergency.

16.60.020. Permit Requirements

A. Unless a waiver is granted under subsection 16.60.010.I, a person may not operate a food establishment subject to this chapter unless:

1. The department has approved plans submitted under section 16.60.040;
2. The department has issued a permit under this section for each separate operation; and
3. That person has paid each applicable fee required by section 16.60.050.

B. A permit may not be transferred and shall be conspicuously posted in a public place in the establishment. In addition, the operator shall post a copy of this chapter at the food establishment in an area freely and easily accessible by employees for review by employees.

C. Each separate operation within a food establishment shall have a separate permit. Examples of operations that require a separate permit include the following:

1. A separate food processing establishment permit is required if a food service or market acidifies, cures, dehydrates, thermal processes low-acid food, or reduced oxygen packages;
2. A separate catering permit is required if a food service also caters outside the establishment;
3. A separate limited food service permit is required if a bar or tavern serving beverages also prepares or serves:

- a. Food that requires minimal handling, such as:
 - i. Raw vegetables and baked potatoes;
 - ii. Reheating of packaged foods such as canned chili, canned frozen concentrated soup; or
 - iii. Hotdogs or other fully cooked sausages; or
 - iv. Other packaged foods requiring only serving or heating and minimal handling.
 - b. Steaks that are cooked by the customer;
4. A separate full food service permit is required if a bar or tavern serving beverages also prepares or serves:
- a. Food made from scratch, such as chili, soup, sandwiches or salad;
 - b. Other foods requiring extensive food handling;
 - c. Poultry, fish, and meat other than steaks described in subsection C.3.b of this section;
5. A separate food establishment permit is required for a commissary that supports a mobile food unit, kiosk, limited food service, temporary food service, or vending machine if the commissary is not already permitted as a food establishment; and
6. A separate permit is required for each operation if two or more operations share some facilities, such as warewashing, refrigerator, freezer, or storage areas, but the preparation or processing area and the display or service area of each operation are segregated by distance or time; segregation by time occurs when different operations use the same areas at different times of the day.
7. A separate temporary food service or catering permit is required for a food demonstration operation that is not exempt under subsection 16.60.020.D.2.
- D. A separate food service permit is not required for:
1. A food establishment permitted under this chapter where:
 - a. Customers serve themselves with individual prepackaged foods that may be heated; and
 - b. Single service tableware and condiments are provided;
 2. Service of food at an auxiliary site, such as a banquet room, snack room at a labor camp, additional service area, or pushcart, if:
 - a. The auxiliary site:

- i. Is located on the same premises as the permitted food service; and
 - ii. Has the same operator as the permitted food service; and
 - b. Food preparation occurs at the permitted food service;
3. A food demonstration operation at a market if:
 - a. The market has a permitted food service within the market;
 - b. The demonstration station has the same operator as the permitted food service; and
 - c. All preparation occurs at the permitted food service except for final cooking or portioning at the demonstration station.
- E. A separate food processing permit is not required for:
 1. A food service establishment permitted under this chapter that is also manufacturing ice for use within the establishment or for onsite retail sale; or
 2. A seafood processor permitted under 18 AAC 34.
- F. A permit for a temporary food service, limited food service, kiosk, or mobile food unit is valid only for service of the food approved for that operation at the time of application.
- G. A temporary food service permit is valid for no more than 21 consecutive days. The department may grant an extension of up to seven days upon application and payment of an additional permit fee if the department inspects the establishment to confirm compliance with this chapter.
- H. A limited amount of processing, such as produce trimming, slicing of processed meat and cheese, and providing retail customer self-service, such as for juice squeezing or peanut grinding, is allowed at a grocery or supermarket without obtaining an additional permit.
- I. A separate market permit is not required for a sales counter or other display area located within a processing plant permitted under this chapter or 18 AAC 32 (Dairy, Meat and Poultry Inspection) or 18 AAC 34 (Fish Inspection) that is used for the retail sale of products processed within that plant.
- J. The operator of a food establishment shall obtain department approval before:
 1. Making any significant change to the types of food, methods of preparation, or style of service at a limited food service, temporary food service, kiosk, or mobile food unit; or
 2. Changing the commissary or approved food facility used to support the food service establishment.

- 1 K. The department may require more than one permit within one calendar year if:
- 2 1. There is a change in ownership, including a leasehold interest; or
- 3 2. The annual fee is prorated under subsection 16.60.050.I.

4 **16.60.030 Permit Application Requirements**

5 A. An applicant shall apply for a permit for each type of operation at a food
6 establishment subject to the permit requirements of section 16.60.020, using a form
7 provided by the department. A separate form is required for each type of operation.
8 The applicant may not begin operation until the department issues a permit for that
9 operation. To continue operating, a permittee shall renew a permit annually by
10 maintaining compliance with this chapter and paying the fee required by section
11 16.60.050.

- 12 1. Except as provided in subsections A.2 and A.3 of this section, an applicant
13 shall apply for a permit at least 30 days before the applicant begins operation
14 of a food establishment, except that an applicant may apply for a permit fewer
15 than 30 days prior to the date of operation only when:
- 16 a. The department determines resources are available to make the
17 necessary inspection; and
- 18 b. The applicant pays the applicable late fee.
- 19 2. For a change of ownership, an applicant shall apply for a permit not less than
20 14 days prior to the change of ownership. An applicant applying for a permit
21 less than 14 days prior to the change of ownership shall pay the applicable late
22 fee.
- 23 3. For a temporary food service establishment, an applicant shall apply for a
24 permit not less than 7 days prior to the date of operation, except that an
25 applicant may apply for a permit less than 7 days prior to the date of operation
26 only when:
- 27 a. The department determines the resources are available to make the
28 necessary inspection;
- 29 b. The department limits the menu to low hazard or exempt foods or
30 determines that operation of the establishment will not present a public
31 health hazard; and
- 32 c. The applicant pays the applicable late fee.

33 B. Except for a temporary food service subject to subsection C of this section, an
34 application:

- 35 1. Shall identify each type of operation within the food establishment;

2. Shall be accompanied by the permit fee and any applicable late fee for each type of operation required by section 16.60.050;
 3. Shall include a Hazardous Analysis Critical Control Point (HACCP) plan, if required by section 16.60.710;
 4. For thermally processed low-acid food, shall include a copy of the canning form submitted to FDA and the scheduled process from a recognized processing authority, such as the National Food Processors Association, or from a food science department of an accredited university;
 5. For a new food establishment, or one that is extensively remodeled, shall include a copy of the structural plans, the menu, and the volume and method of processing as required by section 16.60.040; for a food establishment in which the types of food, methods of preparation, or style of service is significantly changed, shall include a copy of the structural plans, the menu, and the volume and method of processing applicable to the change;
 6. May include a food label or representative copy of the label, to ensure compliance with section 16.60.060; and
 7. If applicable, shall include a statement that required plans have been submitted to the appropriate regulatory authority for review and approval for:
 - a. The drinking water supply and treatment under 18 AAC 80;
 - b. The wastewater disposal system under 18 AAC 72; and
 - c. Solid waste disposal under section 26.80; and
 8. Shall include a copy of operator training certification as required in section 16.60.920.
- C. An application for a temporary food service shall include:
1. Proposed dates of the event;
 2. A sketch of the booth or other enclosure, indicating:
 - a. Floor, wall, and ceiling finishes; and
 - b. Location and type of storage, equipment and furnishings;
 3. Menu items;
 4. Proposed methods of preparation and service;
 5. Verification of operator training as required in section 16.60.920; and
 6. The permit fee and any applicable late fee required by section 16.60.050;

7. If a commissary is used:

- a. A description of the food items to be prepared and methods of preparation at the commissary;
- b. A description of support services to be provided at the commissary;
- c. A description of the days and times the commissary will be used; and
- d. A letter from the commissary operator that confirms the information provided under subsections C.7.a, C.7.b, and C.7.c of this section.

D. In addition to the requirements of subsection B of this section, an application for a limited food service, kiosk, or mobile food unit shall:

1. Describe food items to be prepared and methods of preparation at the limited food service, kiosk, or mobile food unit; and

2. If a commissary is used:

- a. Describe food items to be prepared and methods of preparation at the commissary;
- b. Describe support services to be provided at the commissary; and
- c. Describe the days and times commissary will be used; and
- d. Include a letter from the commissary operator that confirms the information provided under subsections D.2.a, D.2.b, and D.2.c of this section.

3. Except for pushcarts as defined in 16.60.990, an applicant for a mobile food unit, shall submit proof of insurance acceptable to the department as follows:

a. A mobile food unit shall be insured by an insurance company authorized to do business in Alaska and shall maintain the following minimum policy limits:

- i. Bodily injury (each occurrence): \$100,000.00
- ii. Aggregate products (each occurrence): \$100,000.00
- iii. Property damage (each occurrence): \$100,000.00

b. Every insurance policy or certificate shall contain a clause obligating the insurer to give the department written notice no less than 30 days before the cancellation, expiration, nonrenewal or termination of such insurance coverage. A loss of insurance for any reason shall result in an automatic suspension of the permit to which it pertains until the insurance is restored and it shall be a violation of this chapter to operate a mobile food unit without the insurance required by this section.

4. If the application is for a kiosk, include a copy of a contract or agreement with a potable water hauler and wastewater hauler that indicates the operator will comply with 16.60.615.

E. In addition to the requirements of subsection B of this section, an application for a caterer shall describe the equipment used to protect food from contamination and to maintain product temperature during holding, transportation, and service and shall identify the permitted food establishment out of which the caterer will work.

F. In addition to the requirements of subsection B of this section, an application for an operation providing machines vending potentially hazardous food shall include:

1. Identification of the commissary or other approved facility from which the machine will be serviced; and
2. A sample label as required in subsection 16.60.630.B.9.

G. In addition to the requirements of subsection B of this section, an application for a permit for a mobile retail vendor selling seafood shall identify the source of seafood, including the source's name, address and, if applicable, the Alaska seafood processing number issued by the Alaska Department of Environmental Conservation under 18 AAC 34.

16.60.040 Plan Review and Pre-operation Inspection

A. A person may not operate a food establishment that is subject to the permit requirements of section 16.60.020 unless the department inspects the establishment to confirm compliance with this chapter.

B. The operator of a food establishment shall submit a plan review application accompanied by three copies of properly prepared plans and specifications and the applicable plan review fee required by section 16.60.050 to the department before beginning any construction or remodeling if:

1. A food establishment is to be constructed;
2. An existing structure is to be converted for use as a food establishment;
3. A minor addition or upgrade (i.e. adding or relocating salad bars, ice cream, or yogurt dispensers, sandwich bars, soft drink machines and ice makers) to an existing food establishment is proposed;
4. An existing food establishment is proposed to be extensively remodeled; or
5. A new type of operation is to be added to an existing food establishment.

C. Whenever plans and specifications for construction, remodeling, altering, conversion or change of operation of a food establishment are submitted to the department, the department shall inspect the completed establishment prior to the start of operations to determine compliance with approved plans. No establishment operator shall begin

operation prior to such inspection. Approved plans shall be kept at the job site until the final pre-opening inspection. If a person opens or operates a food establishment which has been constructed or remodeled in a manner different from the plans approved by the department, or without first submitting such plans for review, and such construction or remodeling violates a provision of law, the department may;

1. Refuse to issue a permit; or
2. Suspend the permit for that food establishment as provided in section 16.60.905; or
3. Issue a notice of closure for that food establishment as provided in section 16.60.905; and
4. Impose civil penalties as set forth in 14.60.030.

D. The operator of a food establishment shall submit for prior department approval any proposed significant change to the types of food, methods of preparation, or style of service.

E. Except for a temporary food service subject to section 16.60.600, plans submitted under this section shall include:

1. A plot plan of the entire premises showing the location of buildings, refuse storage site, approved water supply, approved waste disposal system, and access for deliveries;
2. A detailed to-scale drawing of the food establishment showing the storage areas and type, model, and location of equipment, and plumbing fixtures, such as sinks and toilets;
3. A plumbing schematic that depicts hot and cold lines, wastewater lines, floor drains, and grease traps;
4. The construction and design specifications for equipment;
5. The finish materials specifications for floors, walls, and ceilings;
6. Types and location specifications for lighting and ventilation;
7. A description of food items to be served, projected volumes, methods of preparation, and styles of service;
8. The seating capacity;
9. A description of equipment used to maintain temperatures during transportation, display, and service; and
10. If applicable, a description of any support services to be provided by a commissary or other approved facility.

F. The department shall approve plans submitted under this section if they meet the requirements of this chapter.

16.60.050 Fees

A. Except as provided in subsections B, D, K, and L of this section, at the time of application for a new permit under section 16.60.030 or within 30 days after receiving notice that a fee is due for a permit renewal, the owner or operator of a food establishment subject to the permit requirements of section 16.60.020 shall pay to the department an annual permit fee for each separate type of operation at the food establishment as follows:

1. For a food service that:

a. Except for a food service listed in subsections A.1.b – A.1. f of this section, has:

No. of Seats	Limited Food Service	Full Food Service
0 – 25	Bar, non-alcohol \$170 Snack bar, limited food prep \$150 Snack bar, no food prep \$100	Restaurant \$340 Restaurant w/bar \$220
26 – 49	Bar, non-alcohol \$170 Snack bar, limited food prep \$150 Snack bar, no food prep \$100	Restaurant \$390 Restaurant w/bar \$280
50 – 100	Bar, non-alcohol \$170 Snack bar, limited food prep \$150 Snack bar, no food prep \$100	Restaurant \$450 Restaurant w/bar \$390
101 – 200	Bar, non-alcohol \$170 Snack bar, limited food prep \$150 Snack bar, no food prep \$100	Restaurant \$450 Restaurant w/bar \$390
more than	Bar, non-alcohol \$170	Restaurant \$450

b.	Is a hospital, institutional or school kitchen with:	
i.	Limited food service – Satellite school kitchen.....	\$150;
	School kitchen.....	\$375;
	Hospital kitchen.....	\$450;
	Institutional kitchen.....	\$450;
ii.	Full food service – School kitchen	\$375;
	Hospital kitchen.....	\$450;
	Institutional kitchen.....	\$450.
d.	Is a mobile food unit with:	
i.	Limited food service – Mobile, no food prep	\$100;
	Mobile multi-unit, no food prep	\$200;
	Mobile, limited food prep	\$200;
	Food cart.....	\$100;
ii.	Full food service – Mobile, full food prep.....	\$340.
e.	Is a caterer with:	
i.	Limited food service	\$340;
ii.	Full food service	\$340.
f.	Is a bar or tavern - Bar, alcohol.....	\$170.
For a food processing establishment that:		
a.	Is a wholesale bakery - Food processor	\$340;
b.	Bottled drinking water or other beverages – Bottling plant.....	\$170;
c.	Manufacturing ice plant - Food processor	\$340;
d.	Processes jam, jelly, syrup, or confections – Confectioner	\$170;
	Food processor	\$340;

- e. Smokes, cures, acidifies, dehydrates, or reduced oxygen packages food - Food processor.....\$340;
 - f. Is a thermal processor of low-acid food - Food processor.....\$340;
 - g. Processes other food - Food processor.....\$340.
3. For a market that is a:
- a. A convenience store.....\$150;
 - b. Grocery\$340;
 - c. Grocery portion of a supermarket.....\$340;
 - d. Retail bakery\$350;
 - e. Retail meat market – Meat market, retail.....\$150;
 - f. Retail seafood market – Fish market, retail\$150;
 - g. Warehouse, vending machine company, food bank or food salvager with:
 - i. 1 - 1000 square feet - Vending machine company ...\$170;
Warehouse.....\$310;
 - ii. 1001 - 4000 square feet - Vending machine company ...\$170;
Warehouse\$310;
 - iii. 4001 square feet or more - Vending machine company ...\$170;
Warehouse.....\$310;
 - h. Mobile retail vendor - Mobile, no food prep\$100.

B. Except as provided in subsections D, K, and L of this section, the applicant shall pay to the department the following permit fee at the time of application for:

1. A temporary food service permit for:
 - a. Limited food service – Temporary food facility (4 events).....\$50;
 - b. Full food service - Temporary food facility (4 events).....\$50; and
2. An extension of a temporary food service permit for
 - a. Limited food service\$0;
 - b. Full food service\$0;
3. A temporary food service - Seasonal permit for:
 - a. Limited food service – Temporary food facility (Saturday

Market).....\$50;

b. Full food service - Temporary food facility (Saturday Market)\$50.

C. In addition to the fee required by subsections A or B of this section, an operator shall pay a fee of \$0 for each enforcement inspection conducted according to subsection 16.60.900.D.3.

D. Prior to application for a plan review, a pre-consultation fee for food establishment planning and/or design consultation may be assessed at the hourly rate of \$150 per hour. The department may waive the plan review fee for minor additions or upgrades including a salad bar, ice cream or yogurt dispenser, sandwich bar, soft drink machine, ice maker or similar additions or upgrades. At the time of application for plan review under section 16.60.040, the owner or operator shall pay to the department a plan review fee as set forth below, for each separate type of operation of the food establishment subject to permit requirements of section 16.60.020:

1. For a food service that:

a. Except for a food service listed in subsections D.1.b through D.1.g of this section, has:

i. 0-50 seats\$200;

ii. 51-200 seats\$200;

iii. 200+ seats\$200;

b. Is a hospital, institutional or school kitchen with:

i. Limited food service\$200;

ii. Full food service\$200;

c. Is a mobile food unit other than a pushcart.....\$200;

d. Is a mobile food unit that is a pushcart\$200;

e. Is a caterer\$200;

f. Is a bar or tavern\$200;

2. For a Food Processing establishment that is:

a. 1 - 4000 square feet.....\$200;

b. 4001+ square feet.....\$200;

3. For a Market that is:

a. 1 - 4000 square feet.....\$200;

b. 4001+ square feet.....\$200.

- 1 E. Overtime inspections of a food establishment made at the operator's request will be
2 assessed hourly at the rate of \$60 per hour.
- 3 F. Department provided manager certification will be assessed as follows:
- 4 1. Training classes including examination:
- 5 a. 1-3 hour training\$0;
- 6 b. 4-7 hour training\$0;
- 7 c. 8-12 hour training\$0;
- 8 2. Challenge examination to meet requirements of:
- 9 a. 1-3 hour training.....\$0;
- 10 b. 4-7 hour training.....\$0;
- 11 c. 8-12 hour training.....\$0.
- 12 G. A person who seeks a waiver described in subsection 16.60.010.G or section
13 16.60.930 to exempt a food establishment from the requirements of this chapter shall
14 pay a waiver application review fee of \$0 at the time of application.
- 15 H. Within 14 days prior to a change in the operator of a food establishment with a permit
16 issued under this chapter, the new operator shall apply to the department for issuance
17 of a new permit in the new operator's name and shall pay a fee of \$150 for each new
18 permit issued.
- 19 I. A fee imposed under this section is nonrefundable. Nothing in this section precludes
20 the department from prorating an annual permit fee and billing more than once if
21 revised statutes or regulations change a fee amount or structure, fee type, or the time
22 frame during which a permit is required.
- 23 J. Unless stated otherwise, a fee required under this section is due within 30 days after
24 receiving notice that the fee is due. Except for good cause beyond the operator's
25 control, the department shall assess a late fee not to exceed 0% of the applicable fee
26 if payment is more than 30 days past due. A payment that is more than 60 days past
27 due shall be assessed a late fee not to exceed 0% of the applicable permit fee. Failure
28 to pay the fees within 60 days of the date of the notice that a fee is due shall constitute
29 cause for the departments issuance of a notice to close the food establishment.

1
2 K. Late fees shall be assessed as follows:

- 3 1. Except as provided in subsection K.2 and K.3 of this section, an applicant
4 applying for a permit fewer than 30 days prior to the date of operation shall
5 pay a late fee, not to exceed 0% of the annual permit fee;
6 2. An applicant applying for a permit as a result of a change of ownership less
7 than 14 days prior to the change of owner shall pay a late fee of \$0;
8 3. An applicant applying for a temporary food establishment permit less than 7
9 days prior to the date of operation shall pay a late fee of \$0.

10 L. An operator of an establishment who ceases to operate that establishment remains
11 responsible for past due fees incurred by that operator.

12 M. The following charitable operations and organizations are required to have a permit
13 under this chapter but the department may waive fees for inspection and service for
14 establishments meeting all of the following criteria:

- 15 1. Establishments that prepare and provide food to the public at no charge;
16 2. Establishments that are not funded by grants from local, state, or federal
17 governments; and
18 3. Establishments that are operated by nonprofit corporations organized under the
19 laws of Alaska whose purpose is to foster the general community welfare of
20 the municipality.

21 **16.60.060 Labeling and Placarding**

22 A. The operator of a food establishment shall label food products that are offered for sale
23 and that are enclosed in a package or container as required by this section, except for:

- 24 1. Individual portions of ready-to-eat food that are:
25 a. Prepared onsite; or
26 b. Dispensed onsite from a properly labeled master container of a food
27 prepared by a food processing establishment that is permitted or
28 certified by the local, state, or federal agency with jurisdiction; and
29 2. Distilled spirits, wine, or malt beverages; labeling requirements for these
30 products are in 27 C.F.R. and regulated by the United States Bureau of
31 Alcohol, Tobacco, and Firearms.

32 B. The operator of a market shall label bulk food that is displayed for self-service.

33 C. The operator of a food establishment shall ensure that each label contains

1. The common name of the product or the name under which a standard of identity has been adopted in 21 C.F.R. 130 - 21 C.F.R. 169, as amended through April 1, 1998, adopted by reference;
 2. The name and address of the processor or distributor;
 3. The name and address of the distributor shall be preceded by one of the following statements:
 - a. "Distributed by";
 - b. "Manufactured for"; or
 - c. "Packed by"; and
 4. The net contents of the package in terms of weight or measure;
 5. The common and usual name of each food ingredient in the order of its preponderance by weight in the product; spices, flavorings, and colorings may be so designated without naming each one, but each artificial coloring, artificial flavoring, or chemical preservative shall be specifically identified;
 6. A product holding statement as follows:
 - a. "KEEP FROZEN", if keeping the product frozen is required to prevent growth of infectious or toxigenic microorganisms or deterioration of the product; or
 - b. "KEEP REFRIGERATED", if keeping the product refrigerated is required to prevent growth of infectious or toxigenic microorganisms or deterioration of the product;
 7. The statement "PREVIOUSLY FROZEN" for meat, seafood, or poultry that has been previously frozen and thawed;
 8. A sell-by date in accordance with subsection 16.60.750.D if the product has been reduced oxygen packaged;
 9. A product code if required by subsection 16.60.700.E; and
 10. The information required by AS 03.58.020, if labeled as organic.
- D. In addition to the requirements of subsection C of this section, if evidence from a qualified laboratory demonstrates that a food is not potentially hazardous as described in subsection 16.60.200.C, the food shall be labeled with:
1. A sell-by date not to exceed the manufacturer's recommendations;
 2. The statement "This product is prepared using a specialized recipe that allows room temperature display. Refrigerate after purchase."; and

3. A manufacturer's code that identifies the product as the standard formulation approved by the department or the FDA for room temperature display.

E. In addition to the requirements of subsections C and H of this section, mushrooms picked in the wild and sold or used in a food establishment permitted under this chapter shall be identified by a label, placard, or menu notation that states:

1. The common and usual name of the mushroom; and

2. The statement "Wild mushrooms; not an inspected product."

F. The operator of a food establishment shall ensure that the following foods are conspicuously and specifically identified as raw on the menu, on a label affixed to a food container, or on a sign that is clearly visible to the consumer:

1. Meat, eggs or seafood that has not been cooked and that is offered for immediate consumption or sold as ready-to-eat, including sushi or sashimi; and

2. Meat or eggs that are cooked to temperatures less than those listed in Table B in section 16.60.230.

G. The owner or operator shall ensure that:

1. Raw oysters are identified by harvest area; and

2. Raw oysters harvested from Alabama, Florida, Louisiana, or Texas are further identified with the following warning: "Eating raw oysters may cause severe illness or death in persons with certain health conditions such as liver disease, cancer, or another chronic illness that weakens the immune system. If you eat raw oysters and become ill, you should immediately seek medical attention. If you are unsure if you are at risk, contact your physician."; and

3. If processed food that contains a sulfiting agent is used, or served, notice is provided to consumers by means of:

a. A conspicuous notice placed adjacent to the food item listing on the menu in a food service that states: "This food contains sulfiting agents. Persons allergic to sulfiting agents shall avoid consumption of this food."; or

b. Conspicuous notices on menus, table placards, produce placards, salad bars, or bulk food display containers that state: "Sulfiting agents were used on _____ [specify the food item] served or sold by this establishment. Persons allergic to sulfiting agents shall avoid consumption of this food."

H. The operator of a food establishment shall ensure that labeling and notice information required by this section is printed:

1. Legibly in type of sufficient size and prominence to be easily read under normal conditions of sale and display;
2. On the main part of the label or notice in a color that contrasts with its background; and
3. In English, except that duplicate labeling in other languages is allowed.

I. The operator of a food establishment may submit an example of a label or notice intended for use under this chapter for department approval before use.

J. A food is misbranded if it does not comply with this section or AS 17.20.040.

Editor's note: Copies of the federal regulations adopted by reference in this section may be viewed at the department.

ARTICLE 2 FOOD CARE

Section

16.60.200 Food condition and source

16.60.205 Traditional wild game, seafood, plants, and other food donated to an institution or a nonprofit program

16.60.210 Prohibited food

16.60.220 Food protection

16.60.230 Temperature control

16.60.240 Display and service

16.60.250 Food Transportation

16.60.200 Food Condition and Source

A. The operator of a food establishment shall ensure that food used in the food establishment is wholesome, not adulterated, safe for human consumption, and from an approved source. For purposes of this chapter "adulterated" has the meaning given in section 16.60.990. In addition, a food is adulterated if it contains:

1. An unapproved food additive or an additive in an amount that exceeds an amount allowed in 21 C.F.R. 170 - 21 C.F.R. 180, as amended and adopted by reference;
2. A substance sanctioned by FDA, or a substance generally recognized as safe by FDA, in an amount that exceeds an amount allowed in 21 C.F.R. 181 - 21 C.F.R. 186, as amended and adopted by reference; or
3. A pesticide residue in an amount that exceeds an amount set out in 40 C.F.R. 185, as amended and adopted by reference.

- 1 B. In addition to the requirements of subsection A of this section, the operator of a food
2 establishment shall:
- 3 1. Use or sell only:
- 4 a. Clean, whole eggs with shell intact;
- 5 b. Pasteurized liquid, frozen, or dry eggs; or
- 6 c. Egg substitutes;
- 7 2. Ensure that hermetically sealed food is from a food processing establishment
8 that is permitted or certified by the local, state, or federal agency with
9 jurisdiction;
- 10 3. Obtain raw fish from a seafood processor with a current permit issued under
11 18 AAC 34 or another approved source, unless:
- 12 a. Fish sport-caught by a client of a sportfishing enterprise is prepared and
13 served to that client;
- 14 b. The fish is donated to a food service at an institution or nonprofit
15 program, subject to department approval, under section 16.60.205;
- 16 c. Salmon from a hatchery permitted by the Alaska Department of Fish
17 and Game is donated to a food bank;
- 18 4. Ensure that shellfish is from a facility listed in the FDA Interstate Certified
19 Shellfish Shippers List or a facility with a current permit issued under 18 AAC
20 34, and that:
- 21 a. Fresh or frozen shucked shellfish in a single-use container is legibly
22 labeled with the processor's name, address, permit number, and either
23 the sell-by date or the date shucked;
- 24 b. Each container of fresh or frozen shellstock is identified by a tag or
25 label that:
- 26 i. Is securely fastened to the container and bears the shipper's
27 permit number, name, and address, the consignee's name and
28 address, the type and amount of shellstock in the container, and
29 the harvest area;
- 30 ii. Remains on the container until it is empty; and
- 31 iii. Is kept on file at the food establishment for at least 90 days;
- 32 5. Obtain game meat from a state or federally inspected processing plant, except
33 for traditional wild game meat described in section 16.60.205, reindeer for
34 retail sale at a market described in section 16.60.820 or meat imported from

a foreign country with a program for the inspection of game meat approved by the USDA or the FDA;

6. Ensure that fluid milk and fluid milk products meet the Grade A quality standards set in 18 AAC 32; the operator of a food service may reconstitute with potable water, Grade A powdered milk or an equivalent milk; and

7. Ensure that reconstituted powdered milk is used within 24 hours after reconstitution and only for cooking purposes.

C. If evidence from a qualified laboratory demonstrates that rapid growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum* will not occur with respect to food that would otherwise be classified as a potentially hazardous food, the operator of a food processing establishment shall:

1. Provide to the department:

a. A copy of the laboratory data regarding:

i. pH, water activity, additives to control growth, such as nitrite, salt, chemical preservatives, and antimicrobial compounds; and

ii. Results of challenge studies using infectious or toxigenic microorganisms associated with the food;

b. Written assurance that a standardized processing formula is used consistently;

c. A copy of the FDA approval, if any, of the specific product, including any restrictions or required labeling; and

2. Ensure that the packaged product is labeled with a sell-by date, holding statement, and manufacturer's code as required by subsection 16.60.060.D.

Editor's note: Copies of the federal regulations adopted by reference in this section may be viewed at the department.

16.60.205 Traditional Wild Game, Seafood, Plants, and Other Food Donated to an Institution or a Nonprofit Program

A. Except for food prohibited under section 16.60.210, traditional wild game, seafood, plants, and other food may, upon approval of the department, be donated to the food service of an institution or a nonprofit program if the operator of the food service:

1. Ensures that the food is received whole, gutted, gilled, as quarters, or as roasts, without further processing;

2. Makes a reasonable determination that:

a. The animal was not diseased;

- b. The food was butchered, dressed, transported, and stored to prevent contamination, undesirable microbial growth, or deterioration; and
 - c. The food will not cause a significant health hazard or potential for human illness;
3. Conducts any further preparation or processing of the food at a different time or in a different space at the food service from the preparation or processing of other food to prevent cross-contamination;
 4. Cleans and sanitizes food-contact surfaces of equipment and utensils after processing the food;
 5. Labels donated seafood and game with the name of the food and stores it separately from other food through storage in a separate freezer or refrigerator or a separate compartment or shelf in the freezer or refrigerator; and
 6. Meets all other applicable requirements of this chapter.

16.60.210 Prohibited Food

- A. Because of significant health hazards and the potential for human illness, the operator of a food establishment may not allow the following food in a food establishment under any circumstance:
1. Shellfish, unless the operator complies with subsection 16.60.200.B.4;
 2. Fox meat including organs;
 3. Polar bear meat including liver;
 4. Bear meat or walrus meat;
 5. Fermented meat, such as beaver tail, whale flipper, and seal flipper, fermented muktuk, and fermented seafood products, such as salmon eggs or fish;
 6. Seal oil or whale oil, with or without meat;
 7. Hermetically sealed low-acid food, unless the food is obtained from a food processing establishment that is permitted or certified by the local, state, or federal agency with jurisdiction;
 8. Reduced oxygen packaged food, unless the food is obtained from a food processing establishment permitted under this chapter and is packaged as required by section 16.60.750 or from a source approved by State of Alaska, Department of Environmental Conservation, USDA or FDA; and
 9. Smoked or dried seafood products, unless those products are prepared in a seafood processing facility permitted under 18 AAC 34 or are from another approved source.

16.60.220 Food Protection

A. The operator of a food establishment shall take measures to prevent contamination of food, food ingredients, utensils, equipment, and packaging materials and shall:

1. Provide adequate space for receiving, preparation, processing, packaging, and storage;
2. Separate types of operations or other preparation or processing that might be a source of contamination or cross-contamination by partition, location, time, or another effective means;
3. Provide conditions and controls necessary to minimize the potential for growth of pathogenic or spoilage microorganisms, toxin formation, deterioration, or contamination;
4. Inspect raw materials and ingredients to ensure that they were received at required temperatures, are in sound condition, and are free from spoilage, filth, or other contamination;
5. Segregate food, including raw materials and ingredients, that have not been cooked or held at required temperatures, are not in sound condition, or are not free from spoilage, filth, or other contamination;
6. Wash and clean raw ingredients as required to remove soil or other contamination; and
7. Insure that customer self-service areas are monitored to discourage tampering or contamination of foods.

B. The operator of a food establishment shall ensure that:

1. Food meets the temperature requirements of section 16.60.230 at all times, including while being prepared, processed, packaged, stored, loaded, transported, displayed, or served;
2. Food and containers of food are stored and displayed at least six inches above the floor on storage or display shelving or equipment, except that:
 - a. Food in cases, or large containers of packaged food, such as flour and sugar, may be stored on dollies, skids, or open-ended pallets if that equipment is easily movable by hand or with the use of pallet-moving equipment that is available on the premises at all times;
 - b. Large, impervious, covered containers of food, metal beverage containers, and cased food packaged in cans, glass, or other sealed, waterproof containers need not be elevated if the container is not exposed to floor moisture;

- c. Upon approval by the department, food and food containers may otherwise be stored or displayed in such a manner that prevents contamination from splash and other sources of adulteration.
3. Food, containers and single-use items are not stored in a toilet room or under an exposed sewer line, a leaking refrigeration condenser, or a leaking or dripping waterline;
4. Food is covered during storage except during necessary cooling periods for potentially hazardous food; quarters, sides, or large cuts of meat may be hung uncovered on clean hooks if no part of the meat touches walls, floors, boxes, or shelving, and food is not stored under the meat;
5. Food that does not require further washing or cooking before display or service is protected from cross-contamination by food that shall be washed or cooked;
6. Food is prepared with the least possible hand contact by utilizing where practicable:
 - a. Utensils, such as tongs, ladles, and scoops; or
 - b. Single-use gloves or food-grade tissues;
7. Single-use gloves, if used, are used for only one task, such as working with ready-to-eat food or with raw meat, poultry, or seafood; the gloves may not be used for any other purpose and shall be discarded when damaged or soiled or if an interruption occurs during the task;
8. Cloth and slash-resistant gloves are used in direct contact with food only if that food will be subsequently cooked at the food establishment or by the consumer;
9. Food is prepared on surfaces that have been washed, rinsed, and sanitized;
10. Sinks used for warewashing are not used directly for preparation or processing; however, upon approval by the department, a colander or other container may be used inside the sink if:
 - a. Food preparation that requires washing, trimming, rinsing, or draining is limited;
 - b. The use of the colander or other container does not interfere with normal warewashing; and
 - c. The food does not come in direct contact with the sink, undrained water, or residue;
11. Raw fruits and vegetables are thoroughly cleaned with potable water before preparing, processing, cooking, or serving;
12. Packaged or potentially hazardous food is not stored in water or undrained ice;

13. Raw eggs are not broken and pooled unless the eggs are used immediately or cooked to 140°F or above within 30 minutes after breaking;
14. Egg-breaking procedures keep egg shells separate from eggs; use of an egg breaking machine is prohibited;
15. Whole eggs stored on or adjacent to cooking equipment are used within one hour or discarded; and
16. Ice used to cool food, food containers, or utensils is not served to consumers.

C. In addition to the other requirements of this section, the operator of a food service or market shall ensure that:

1. Food with a sulfiting agent is not stored on the premises unless packaged, clearly labeled, and offered for retail sale;
2. A sulfiting agent is not applied to food in the food service or market;
3. Food, except shellfish subject to subsection 16.60.200.B.4, removed from its original container is stored in a clean, covered container and is labeled unless its identity is unmistakable;
4. Except as provided in subsection 16.60.400.B, unfinished wood or wicker is not used to hold food unless lined with an impervious single-service liner; dry bread products or chips may be served in unfinished wood or wicker if the container is lined with a single-service liner or a clean napkin; and
5. Containers and covers are nonabsorbent, except a clean and dry napkin or linen may be used to line or cover dry bread products or chip containers and a clean, sanitary moist cloth may be used to cover raw produce to help retain moisture.

16.60.230 Temperature Control

A. The operator of a food establishment shall ensure that:

1. Product thermometers are provided and used to measure the temperature of potentially hazardous food during cooking, reheating, hot-holding, cooling, and cold-holding;
2. Numerically-scaled, indicating thermometers, accurate to within 3°F, are installed on cold-holding and hot-holding equipment, unless exempted under subsection A.3 of this subsection, so that the thermometers are easily seen and measure:
 - a. The upper one-third of cold-holding equipment; and
 - b. The lower one-third of hot-holding equipment;

3. If, due to the nature of the equipment, it is not practical to install an indicating thermometer on cold-holding or hot-holding equipment, such as an insulated transport container, a salad bar, or steam table, a product thermometer shall be used to check food temperatures;
4. Equipment used to cook, cool, reheat, hot-hold, cold-hold, store, or transport potentially hazardous food is adequate for each menu item, method of preparation, style of service and volume of food;
5. Potentially hazardous food is:
 - a. Free of evidence of previous temperature abuse when received at the food establishment; and
 - b. Received and maintained during cold-holding at 45°F or below, except as otherwise provided in this chapter; the requirements of this subparagraph do not apply to synthetic custards and cream fillings, nondairy creaming, whitening, or whipping agents, or similar products if:
 - i. The product does not require refrigeration and is so labeled by the manufacturer; or
 - ii. The operator provides the department with documentation from a qualified laboratory showing that the product will not support the rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*;
6. The internal temperature of potentially hazardous food during hot-holding is 140°F or above, except rare beef, which shall be kept at an internal temperature of 130°F or above;
7. Frozen food is kept frozen and stored at 0°F or below;
8. Potentially hazardous food is thawed:
 - a. In a refrigeration unit at a temperature of 45°F or below;
 - b. Under running potable water at 70°F or below until thawed and then is immediately cooked or refrigerated, provided that:
 - i. The velocity of the running water is sufficient to agitate and float loose food particles into the overflow;
 - ii. The temperature of ready-to-eat portions which become thawed do not rise above 45°F; or
 - iii. The temperature of raw animal foods which require cooking do not rise above 45°F for more than four (4) hours including the time food is exposed to running water and the time needed for

preparation for cooking or the time it takes under refrigeration to lower the food temperature to 45°F.

- c. In a microwave oven and then immediately transferred to a conventional cooking unit as part of a continuous cooking process or when the entire uninterrupted cooking process takes place in the microwave oven; or
 - d. As part of a continuous cooking process.
9. Potentially hazardous food used as an ingredient for food that is in a form to be consumed without further cooking, such as salad, sandwiches, filled pastry, and reconstituted food, is chilled to 45°F or below before preparation;
 10. All parts of potentially hazardous food that require cooking are cooked with no interruption in the cooking process to the minimum internal temperature, and held at that temperature for the time shown in Table B of this section;

TABLE B
MINIMUM INTERNAL TEMPERATURES

ITEM	TEMPERATURE	TIME
Poultry; stuffed meat, seafood, or poultry; stuffing containing meat, seafood, or poultry; traditional wild game; and casseroles containing potentially hazardous food	165°F	15 seconds
Pork; game meat; ground or restructured meat or seafood; and injected meat; however, ground beef may be cooked to a temperature below 155°F if ordered by an adult consumer	158°F	1 second
	or 155°F	or 15 seconds
Other potentially hazardous food requiring cooking; however, eggs may be cooked to a temperature below 145°F if ordered by the consumer	145°F	15 seconds
Rare roast beef and rare beef steak; however, beef steak may be cooked to a temperature below 130°F if ordered by the consumer	130°F	15 seconds

11. Smoking of meat or poultry is done during cooking or, if done after cooking, the meat is kept at a temperature of 140°F or above during the smoking process;
 12. Potentially hazardous food that requires cooling or cold-holding after preparation or processing is cooled from a temperature of 140°F or 130°F for rare beef to 70°F or below within two hours, and from a temperature of 70°F or below to 45°F or below within four additional hours as follows:
 - a. Place the container in an ice bath or cold running water and stir frequently;
 - b. Separate the food into smaller or thinner portions and refrigerate;
 - c. Place the food in a shallow pan, refrigerate, stirring occasionally if needed;
 - d. Use rapid chilling equipment;
 - e. Modify the recipe by adding ice or cold water in final stages of preparation; or
 - f. Use another approved method that will result in compliance with this section; and
 13. Food containers in which food is being cooled are clearly marked with the date and time the cooling process began. However, alternative tracking systems demonstrated to be effective by the operator may be used upon approval by the department.
- B. In addition to subsection A of this section, the operator of a food service shall ensure that:
1. If potentially hazardous food that has been cooked and then refrigerated is reheated, it is reheated:
 - a. With no interruption in the reheating process;
 - b. Within one hour or less to the following temperature:
 - i. For food prepared in a food service, except rare beef: 165°F or above;
 - ii. For rare beef prepared in a food service: 130°F or above;
 - iii. For food prepared and packaged at a food processing establishment: 140°F or above;
 - c. With frequent stirring for liquid or semi-solid potentially hazardous food; and

d. In equipment designed to meet the performance standards of this section.

2. Hot-holding equipment such as steam tables and food warmers are not used to reheat food.

C. Raw potentially hazardous foods cooked or reheated in a microwave oven shall be:

1. Rotated or stirred throughout or midway during cooking to compensate for uneven heat distribution;

2. Covered to retain surface moisture;

3. Heated 25°F above cooking temperatures otherwise required in this chapter to compensate for the shorter cooking time; and

4. Allowed to stand covered for two minutes after cooking to obtain temperature equilibrium.

16.60.240 Display and Service

A. The operator of a food establishment shall ensure that seafood shells used as serving or display containers are not used more than once.

B. The operator of a food service or market shall ensure that:

1. After food has been served or sold to a consumer, leftover food is not re-served or resold unless it is nonpotentially hazardous food in an unopened package;

2. Potentially hazardous food is displayed and served at the internal temperature required by section 16.60.230;

3. Cream, half-and-half, dairy, and nondairy creaming or whitening agents are served in individual packages or covered pitchers, or are drawn directly from a refrigerated dispenser;

4. Condiments and seasonings for self-service use are served in individual packages or dispensers with lids;

5. Food is protected from consumer contamination during display by wrapping, by use of a display case, or by use of a sneeze guard or shield that intercepts the direct line between the consumer's mouth and the food on display;

6. Ice is served to consumers only with a scoop or other utensil dedicated to ice dispensing, or with automatic, self-service equipment;

7. Dispensing utensils for self-service of nonpotentially hazardous food are stored between uses in the food, with the handle extended out of the food, or on a clean surface;

8. Dispensing utensils for potentially hazardous food are stored between uses:

- a. In the food with the handle extended out of the food;
 - b. Clean and dry;
 - c. In running potable water; or
 - d. In potable water at a temperature of 45°F or below or 140°F or above;
9. Liquid heat is not used for hot-holding, except when:
- a. Displaying food at a banquet or similar event for a limited time; and
 - b. The units can effectively hold the food at a temperature of 140°F or above.
10. Soiled tableware is not re-used by self-service consumers who return to the service area for more food or beverage, except that cups and glasses may be reused if refilling is by an automatic dispensing device designed to prevent contact between the device and the lip-contact surface of the cup or glass.
11. A toothpick or similar instrument placed in food shall be conspicuously marked by non-toxic/non-poisonous colored material.

16.60.250 Food Transportation

- A. Food shall be transported only in covered containers, a secure wrapping or packaging which protects it from contamination and in accordance with the requirements in section 16.60.220. All delivery vehicles shall be clean at all times that food or food containers are in the vehicle. Vehicles utilized for food or utensil transportation shall not be used in activities incompatible with safe and sanitary food service operations. During all transportation, food shall meet the requirements of this chapter relating to food protection and food storage.

ARTICLE 3 PERSONNEL.

Section

16.60.300 Disease transmission

16.60.310 Personal cleanliness

16.60.315 Employee practices and training

16.60.300 Disease Transmission

- A. A person with a skin infection, infected wound or a disease communicable by food may not work in a food establishment in any capacity that might contaminate food or a food-contact surface of clean equipment or utensils with an infectious or toxigenic microorganism, or that might transmit disease to others.

1. Any employee who has any reason to believe that he or she has or is a carrier of a disease or condition which can be transmitted by or through foods shall notify the operator of such disease or condition. These diseases and conditions include but are not limited to the following: E. coli O157:H7, salmonellosis, shigellosis, campylobacteriosis, cholera, and other infections causing vomiting or diarrhea; parasitic infections (e.g., amebiasis, tapeworms, giardiasis); hepatitis; staphylococcal skin disease, streptococcal skin disease.

2. An operator who suspects or is notified that an employee has a disease or condition listed in subsection A.1, or is a carrier of such disease or condition in a communicable form or suspects a foodborne illness outbreak, shall immediately notify the department.

3. No person shall work in a food establishment in any capacity, that might contaminate food or a food contact surface of equipment or utensils, with a lesion containing pus such as a boil or infected wound that is open or draining and is:

- a. On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover;
- b. On exposed portions of the arms, unless the lesion is protected by an impermeable cover; or
- c. On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage.

B. An employee with persistent sneezing, coughing, or a runny nose may not work in any capacity that might contaminate food or a food-contact surface of clean equipment or utensils.

C. If the department believes a food establishment or an employee might be the source of a foodborne illness, the department may take action as required to control disease transmission, including:

1. Suspend the food establishment's permit until the department finds that the danger of further disease transmission no longer exists;
2. Secure an illness history from each employee suspected of transmitting the illness;
3. Restrict a suspect employee's services to an area of the food establishment where there is no danger of transmitting disease;
4. Require medical or laboratory examination of a suspect employee;
5. Secure records or other information that might assist in the positive identification of persons potentially exposed to the disease; and

6. Obtain samples of food for laboratory analysis.

D. The department may release to the public the name of a food establishment found to be the source of a foodborne illness if the release will assist in the diagnosis, prevention, or treatment of the disease or if otherwise required by law.

16.60.310 Personal Cleanliness

A. The operator of an establishment shall ensure that employees thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work and during work as often as needed to keep hands and arms clean. Employees shall also wash their hands before preparing ready-to-eat food, after handling raw eggs, raw meat, raw poultry, raw seafood, soiled utensils, chemicals, or garbage, and after smoking, eating, using the toilet, or any other unhygienic act.

B. Bacteriocidal and viricidal hand rinses or hand dips may be:

1. Located only adjacent to an employee handwash sink; and
2. Used in addition to handwashing but not as a substitute for handwashing.

C. Employees who work in food preparation, processing, or warewashing areas shall:

1. Maintain a high degree of personal cleanliness and conform to hygienic practices while on duty;
2. Keep outer clothing clean;
3. Remove unsecured jewelry and other objects that might fall into food;
4. Use a hair restraint such as a hat, hair covering, or net that:
 - a. Prevents hair from falling into or contacting food; and
 - b. Minimizes hand contact with hair;
5. Keep fingernails clean and trimmed; and
6. Cover hand wounds and bandages with single-use gloves.

D. For purposes of this section, hairspray shall not be considered a proper hair restraint.

16.60.315 Employee Practices and Training

A. The operator of a food establishment shall ensure that employees do not eat in preparation, processing, service, or warewashing areas except:

1. To taste food for culinary purposes, using a utensil once;
2. A food establishment employee may drink from a closed beverage container if it is handled to prevent contamination of the employee's hands, the container and exposed food, clean equipment, utensils and linens and unwrapped single-service articles.

- B. Employees may not use or store tobacco in any form in a preparation, processing, display, service, or warewashing area.
- C. The requirements of this section do not bar an employee from eating in the dining area, or smoking in an area of a dining room designated as a smoking area under AS 18.35.320.
- D. The operator of a food establishment shall train employees concerning proper hygienic practices to be used while on duty to prevent food contamination and promote sanitary food handling, storage, preparation and serving conditions.
- E. Operators shall ensure all employees have a clear knowledge and understanding of food safety and sanitation practices in general and specific to their assigned duties.

ARTICLE 4 EQUIPMENT AND UTENSILS

Section

- 16.60.400 Materials
- 16.60.410 Design and construction
- 16.60.415 Equipment installation and location
- 16.60.420 Cleaning and sanitizing
- 16.60.425 Storage and handling

16.60.400 Materials

- A. The operator of a food establishment shall ensure that:
 1. Materials used in the construction of utensils and food-contact surfaces of equipment are:
 - a. Safe, durable, corrosion resistant, and nonabsorbent;
 - b. Sufficient in weight and thickness to withstand repeated washing and sanitizing;
 - c. Finished to have a smooth and easily cleanable surface; and
 - d. Resistant to pitting, chipping, scratching, scoring, distortion, and decomposition including leaching;
 2. Solder is safe and corrosion resistant;
 3. Only a safe food-grade lubricant is used on equipment or food-contact surfaces. No other type of lubricant may be used on any equipment surface, part or mechanism not designed, constructed or operated to prevent non-food grade lubricants from coming into contact with food or food handlers;
 4. Plastic liners or containers used for food storage are made of safe materials;

5. Cast iron is used only:
 - a. As a cooking surface; or
 - b. In utensils for serving food if the utensils are used only as part of an uninterrupted process from cooking through service;
6. Ceramic, china, crystal, and decorative utensils, including hand-painted ceramic and china that contact food, are lead-free or contain levels of lead that do not exceed the limits set in Table C of this subsection; the operator shall purchase utensils specified as lead-free, or use a commercial lead test kit to test the food-contact surfaces of utensils;

TABLE C MAXIMUM LEAD CONTENT	
UTENSIL CATEGORY	MAXIMUM LEAD (milligrams per liter - mg/l)
Coffee or other hot beverage mugs	0.5
Bowls larger than 1.1 liter (1.16 quart)	1.0
Bowls smaller than 1.1 liter	2.0
Plates, saucers, and other flat utensils	3.0

7. Copper and copper alloys, such as brass,
 - a. Are not used for fittings or tubing between a backflow prevention device and a carbonator; and
 - b. Except as noted in subsection c of this subsection, do not contact food with a pH below 6, such as vinegar, fruit juice, or wine;
 - c. May be used in contact with beer brewing ingredients that have a pH below 6 in the pre-fermentation and fermentation steps of a beer brewing operation such as a brew pub or microbrewery; and
8. Enamelware, pewter, zinc, or galvanized metal shall not be used as a food-contact surface.

B. Hard maple or an equally non-absorbent material may be used for cutting blocks, cutting boards, salad bowls, and baker's tables. Wood may be used for single-service articles, such as chopsticks, stirrers, or ice cream spoons. Use of wood as a food-contact surface under any other circumstance is prohibited except:

1. Wooden paddles approved by the department such as pizza oven paddles or those used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of 230°F or above;
 2. Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the wood shipping containers in which they were received, until the fruits, vegetables, or nuts are used;
 3. If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:
 - a. Untreated wood containers; or
 - b. Treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 C.F.R. 178.3800 Preservatives for wood.
- C. Repeated use of safe plastic, rubber, or rubberlike materials is allowed if the materials are resistant under normal use to pitting, chipping, scratching, scoring, distortion, and decomposition, and are of a weight and thickness that allows repeated washing, rinsing, and sanitizing by normal warewashing methods.
- D. Utensil or equipment handles made of wrapped, absorbent, or hard-to-clean materials are prohibited.
- E. Product thermometer or temperature measuring devices required for immersion into food or cooking media shall be constructed to eliminate contamination of food and shall not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in shattered proof coating such as a candy thermometer may be used in preparation of confections. Temperature measuring devices shall be clearly readable and accurate to within 2°F.
- F. The provisions of this section shall constitute minimum standards. National Sanitation Foundation (NSF) standards for the subjects of this section, provide additional guidelines for equipment and utensils and, except as otherwise provided in this section, shall constitute acceptable minimum standards to the extent applicable to the type of food service performed by the operator. Meeting NSF or this section's standards shall not operate to relieve an operator or employee from any liability or responsibility otherwise incurred or required by this chapter.

16.60.410 Design and Construction

- A. The operator of a food establishment shall ensure that:
1. Multi-use food-contact surfaces are
 - a. Smooth and easily cleanable;

- b. Free of breaks, open seams, and hard-to-clean internal corners and crevices;
 - c. Finished to have smooth welds and joints; and
 - d. Easily accessible for cleaning;
 2. Tubing carrying beverage ingredients to dispensing heads does not contact ice that is to be consumed unless the tubing is grommeted at entry and exit points of the ice bin to prevent condensation from entering the ice bin;
 3. Equipment intended for in-place cleaning is made so that:
 - a. Washing, rinsing, and sanitizing solutions can be circulated throughout the closed system and contact all interior food-contact surfaces; and
 - b. The system is self-draining or capable of complete evacuation by mechanical means;
 4. Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling, or that require frequent cleaning are:
 - a. Constructed of a corrosion resistant, nonabsorbent, and smooth material;
 - b. Free of unnecessary ledges, projections, or crevices; and
 - c. Easily accessible for cleaning;
 5. Ventilation intake and exhaust air ducts are designed and installed to prevent entry of dust, dirt, insects, vermin and other sources of contamination and hood filters are easily cleanable and readily removable for cleaning; and
 6. Shelving used in a refrigeration or freezer unit is slotted or perforated to enhance air circulation; the use of unfinished wood shelving in a refrigeration or freezer unit is prohibited.
 7. Equipment manufactured specifically for domestic use (home-type) shall not be considered approved equipment except as allowed by the department.
- B. Except for a specific food service operation listed in subsection 16.60.525.B, the operator of a food service shall provide at least one handwash sink which is accessible to workers during all work hours:
 1. In the food preparation area, except as provided in section B.2 of this subsection;
 2. In the warewashing area if the same employee who handles soiled utensils also handles cleaned utensils; the department may allow the installation of a single handwash sink to satisfy the requirements of subsections 1 and 2 of this subsection if the sink is convenient to the food preparation and the

warewashing area. For purposes of this section, employee handwashing sinks shall be separate from warewashing sinks; however, upon approval by the department, the pre-wash sink may be used as an employee handwashing sink if it meets the requirements of subsection D of this section; and

3. In or next to the exit of each toilet room;

C. The operator of a market or food processing establishment shall provide at least one handwash sink:

1. In the processing area; and

2. In or next to the exit of each toilet room.

D. The operator of an establishment shall ensure that each handwash sink has:

1. Hot and cold running water under pressure that can be tempered to a temperature between 100 - 120°F by a mixing valve or combination faucet;

2. Self-dispensing or metering faucets that provide a flow of water for at least 15 seconds; and

3. Installed in conjunction with each sink either sanitary towels in a dispenser or a hand-drying device that provides heated air.

E. The operator of a food service shall ensure that at least one three-compartment sink is installed in the warewashing area. The operator of a bar or tavern shall ensure that a separate sink is installed for dumping drinks and handwashing, in addition to those required for washing, rinsing, and sanitizing. The department may allow the installation of a two-compartment sink at a limited food service as provided in subsection 16.60.610.B.4. Upon approval by the department, a food service establishment may be exempt from the required three-compartment or two-compartment sink if:

1. The establishment has and uses a mechanical warewash machine or another approved mechanism to adequately wash, rinse and sanitize all equipment and utensils;

2. The operation and maintenance of the mechanical warewash machine is in accordance with subsection 16.60.420.F;

3. The operator of the establishment can ensure repairs and maintenance of the warewash machine will be provided within 4 hours of service requested and that:

a. All warewashing activities will be suspended until the machine is operating in accordance with subsection 16.60.420.F; or

b. In establishments where the department has approved a three compartment sink for use as a food preparation sink, the three compartment sink may be used under emergency situations for manual warewashing as provided in subsection G.2 of this section.

4. Manual washing of equipment and utensils is prohibited.

F. The operator of a food processing establishment or market that uses multi-use utensils, or equipment that must be disassembled for cleaning shall ensure that at least one three-compartment sink is installed in the warewashing area. The department may allow the installation of a two-compartment sink at a market if only nonpotentially hazardous food is processed and very few utensils are used for processing or display. Upon approval by the department, a food processing establishment or market may be exempt from the required three-compartment or two-compartment sink if:

1. The establishment has and uses a mechanical warewash machine or another approved mechanism to adequately wash, rinse and sanitize all equipment and utensils; and

2. Manual washing of equipment and utensils is prohibited.

G. Except as provided in subsection 16.60.220.B.10, the operator of a food establishment shall install a separate preparation sink if the menu or method of preparation or processing requires soaking, rinsing, culling, or cleaning of raw ingredients or produce. The sink shall be considered a food contact surface and shall be cleaned and sanitized before and after each use. In establishments where a mechanical warewasher is used, the department may approve the three-compartment sink for use as a food preparation sink provided:

1. It is not plumbed through a grease trap and is indirectly drained and;

2. A sign stating "For Food Preparation Only" is conspicuously posted immediately above or adjacent to the sink; and

3. Emergency situations requiring the three-compartment sink to be used for manual warewashing do not exceed forty-eight hours. During such time food preparation activities and warewashing activities shall not be done concurrently and shall be kept completely separate.

H. The operator of a food establishment shall ensure that the establishment has at least one utility sink, or curbed cleaning unit with a floor drain, for cleaning mops, filling mop buckets, and disposing of mopwater and similar liquid waste.

I. A utility sink or curbed cleaning unit with a floor drain is prohibited in a preparation, processing, or warewashing area, or any other location that could cause it to be a source of contamination to food, clean utensils, single-service items, or equipment.

J. The operator of a food establishment shall ensure that:

1. Sinks are self-draining;
2. Warewashing sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils, with each compartment supplied with hot and cold potable running water under pressure; and
3. Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary equipment and utensil holding before cleaning and after sanitizing; this requirement does not preclude the use of additional easily movable dishtables for the storage of soiled utensils or for the storage of clean utensils after sanitization and air-drying. Drainboards or tables used to air dry cleaned items shall be self draining.

K. The provisions of this section shall constitute minimum standards. National Sanitation Foundation (NSF) standards for the subjects of this section, provide additional guidelines for equipment and utensils and, except as otherwise provided in this section, shall constitute acceptable minimum standards to the extent applicable to the type of food service performed by the operator. Meeting NSF or this section's standards shall not operate to relieve an operator or employee from any liability or responsibility otherwise incurred or required by this chapter.

16.60.415 Equipment Installation and Location

A. The operator of a food establishment shall ensure that:

1. Equipment, including ice makers and ice storage equipment, is not located under exposed sewer lines, nonpotable waterlines, stairwells, or another potential source of contamination;
2. Equipment placed on tables or counters is installed for easy cleaning of the equipment and adjacent table or counter surfaces, walls, and equipment and, unless portable, is:
 - a. Flush with and sealed to the table or counter;
 - b. Mounted on legs at least four inches high; or
 - c. Mounted in such a manner so as to ensure proper cleaning and sanitizing, subject to approval by the department.
3. Aisles and working spaces between equipment and walls are unobstructed and adequate for employees to perform their duties without contaminating food or food-contact surfaces;
4. Floor-mounted equipment, unless readily movable, is:
 - a. Flush with and sealed to the floor;

b. Installed on a raised platform of concrete, smooth masonry or other material approved by the department in a way that prevents liquids or debris from seeping or settling under, around, between, or behind the equipment or the raised platform in spaces that are not fully open for easy cleaning and inspection;

c. Elevated on legs at least six inches high, except that vertically mounted floor mixers may be no less than four inches off the floor if no part of the floor under the mixer is more than six inches from cleaning access; or

d. Mounted in such a manner so as to ensure proper cleaning and sanitizing, subject to approval by the department.

5. The space between floor-mounted equipment, adjoining equipment, and adjacent walls is closed; if exposed to seepage, floor-mounted equipment shall be flush with and sealed to the adjoining equipment or adjacent walls; the requirements of this paragraph do not apply if at least six inches is provided for cleaning between and behind each unit of floor-mounted equipment or spaced in such a manner so as to ensure proper cleaning and sanitizing, subject to approval by the department.

B. The operator of a bar or tavern who prepares food described in subsections 16.60.020.C.3 and 16.60.020.C.4 shall provide an adequate preparation area and warewashing equipment in addition to that provided to support the bar or tavern.

C. A semi-automated espresso machine using liquid milk shall be located on the same premises as, and operated in conjunction with, a permitted food establishment.

D. In this section, "portable" means that the equipment:

1. Is small and light enough to be moved easily by an average person; and
2. Has:
 - a. No utility connection;
 - b. A utility connection that disconnects quickly; or
 - c. A flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

16.60.420 Cleaning and Sanitizing

A. The operator of a food establishment shall ensure that:

1. Except as otherwise specified in this section, utensils, including tableware, and food-contact surfaces of equipment are washed, rinsed, and sanitized after each use;

2. Fixed equipment or equipment too large to be cleaned in sinks is washed, rinsed, and sanitized by hand or by pressure spraying;
3. Food-contact surfaces of equipment and utensils are washed, rinsed, and sanitized or replaced with clean and sanitized equipment and utensils after each time there is a change in processing between raw egg, raw beef or other red meats, raw pork, raw poultry, raw game, or raw seafood, or a change in processing from raw to ready-to-eat food;
4. Food-contact surfaces of equipment and utensils used in portioning or baking nonpotentially hazardous bakery foods are washed, rinsed, and sanitized at least every 24 hours;
5. Food-contact surfaces of equipment and utensils used to prepare potentially hazardous food on a continuous or production-line basis:
 - a. Are washed, rinsed, and sanitized at least every four hours during production or replaced with clean and sanitized equipment and utensils; or
 - b. If preparation is conducted in a refrigerated room maintained at 50°F or below, equipment and utensils shall be washed, rinsed, and sanitized at least every 24 hours;
6. Temperature probes or thermometers used in a food product are cleaned and sanitized:
 - a. Before the internal food temperature is taken;
 - b. After use, and prior to storage; and
 - c. Between use with raw and with ready-to-eat foods;
7. Food-contact surfaces of grills and griddles are cleaned at least once each day;
8. The cavities and door seals of microwave ovens are cleaned at least once each day;
9. Nonfood-contact surfaces of equipment are kept free of dust, dirt, food particles, grease, and other debris;
10. Cloths used to wipe food spills on tableware such as plates or bowls are clean, dry, and used for no other purpose; and
11. Moist cloths:
 - a. Used to wipe utensils and food-contact surfaces of equipment are clean and rinsed frequently in an approved sanitizing solution, and are used for no other purpose;

- b. Used to clean nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves are clean and rinsed frequently in an approved sanitizing solution, and are used for no other purpose;
 - c. When not in use, are stored in an approved sanitizing solution;
 - d. Are laundered at least daily.
 12. Food-contact surfaces and utensils shall be cleaned and sanitized at any time during the operation when contamination may have occurred;
 13. Nonpotentially hazardous beverage dispensers and consumer self-service utensils such as tongs, scoops and ladles are cleaned and sanitized at least every 24 hours;
 14. Consumer self-service equipment and utensils such as condiment dispensers and display containers are cleaned and sanitized prior to each restocking;
 15. Equipment such as ice bins, beverage dispensing nozzles and similar equipment and enclosed components of equipment such as ice makers, beverage dispensing lines and tubes, coffee bean grinders, water vending equipment and similar equipment shall be cleaned and sanitized in accordance with and at least at intervals specified by the manufacturer, provided such cleaning and sanitizing is accomplished in such a manner and with a frequency necessary to preclude the accumulation of soil or mold;
 16. Dry cleaning by brushing, scraping, vacuuming or other dry cleaning method shall contact only surfaces that are soiled with non-hazardous, dry food residues, provided dry cleaning equipment used for cleaning food contact surfaces shall not be used for any other purpose;
 17. Sinks used to wash, rinse and sanitize equipment and utensils may not be used for handwashing or dumping mop water.
- B. For manual washing, rinsing, and sanitizing of utensils and equipment, the operator of a food establishment shall:
1. Clean and sanitize the sinks;
 2. Pre-rinse, scrape, or soak the utensils and equipment as necessary to remove large food particles;
 3. Wash thoroughly in the first compartment of the sink with a hot detergent solution that is changed frequently to maintain cleanliness, provided that the wash solution temperature shall be maintained at not less than 120°F or the temperature specified by the manufacturer in the cleaning agent's instructions;
 4. Rinse thoroughly in the second compartment in warm water that is running or is changed frequently to maintain cleanliness;

5. Sanitize in the third compartment as described in subsection C of this section; and

6. After sanitizing, equipment and utensils shall not be rinsed, except as provided under subsection C.2.c of this section, and shall be air-dried in a self draining position before being stored or shall be drained and stored in a self draining position on suitably located hooks or racks. Towel drying is prohibited.

C. For manual washing, rinsing and sanitizing the operator of a food establishment shall ensure that food-contact surfaces of equipment and utensils are sanitized by:

1. Immersion for at least 30 seconds in clean water at a temperature of 170°F or above;

2. Immersion for at least 30 seconds in a clean sanitizing solution at a temperature of 75°F or above when using one of the following sanitizing solutions:

a. 50 parts per million (ppm) of available chlorine as hypochlorite;

b. 12.5 - 25 ppm of available iodine with a pH no higher than 5.0;

c. Quaternary ammonium compound at a concentration specified by the manufacturer on the label, with a pH no less than 6.0, water hardness no greater than 500 ppm, and following the manufacturer's recommendations regarding use of a final rinse after sanitization; or

d. Any other sanitizing agent approved by the department that will provide the same bactericidal effect as the solutions described in subsections C.2.a through C.2.c of this section;

3. Treatment for at least 30 seconds with steam that is free from harmful substances; or

4. Rinsing, spraying, or swabbing with a clean sanitizing solution described in subsection C.2 of this section if the equipment is too large for immersion.

D. If chemicals are used for sanitizing, the operator of a food establishment shall ensure that a test kit, test strips, or another device, such as a product thermometer, is provided and used often to ensure compliance with the concentration and temperature requirements of subsection C of this section. If a detergent-sanitizer is utilized and there is no distinct water rinse between washing and sanitizing, the same detergent-sanitizer shall be used in both the washing and sanitizing steps.

E. For manual washing, rinsing and sanitizing, if hot water is used for sanitizing, the operator of a food establishment shall ensure that:

1. An integral heating device is installed that will keep the water at a temperature of 170°F or above;

2. A numerically-scaled, indicating thermometer accurate to within 3°F is provided and readily accessible for frequently measuring the sanitizing water temperature; and

3. When dish baskets are used they shall permit complete immersion of tableware, kitchenware, and equipment in the hot water.

F. For mechanical washing, rinsing, and sanitizing, the operator of a food establishment shall ensure that:

1. A machine or device that automatically washes, rinses, and sanitizes equipment and utensils is used, properly installed, maintained in good repair, and operated in accordance with the manufacturer's recommendations regarding matters, such as cycle temperatures, cycle times, and conveyor speed;

2. Equipment and utensils washed by machine are exposed to all cycles;

3. A one-quarter inch iron pipe size (IPS) valve is installed immediately upstream from the fresh hot water sanitizing rinse control valve of a warewashing machine to ensure that the pressure is between 15 and 25 pounds per square inch during the sanitizing rinse;

4. Machine-mounted or waterline-mounted, numerically-scaled, indicating thermometers, accurate to within 3°F, are installed to continuously measure the water temperature in each tank and immediately upstream of the final rinse water entering the manifold;

5. Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary equipment and utensil holding before cleaning and after sanitizing; this requirement does not preclude the use of additional easily cleanable dishtables for the storage of soiled utensils or for the storage of cleaned utensils after sanitization and air drying, provided, the operator shall provide sufficient drainboards, utensil racks or dishtables to separately accommodate all soiled and cleaned/sanitized utensils accumulated at any one time during the operator's hours of operation. Drainboards or tables used to air dry cleaned items shall be self draining;

6. Large food particles and soil are removed by pre-rinsing, soaking, or scraping before equipment or utensils are washed in a warewashing machine, unless a prewash cycle is used;

7. Equipment and utensils are placed in racks, trays, baskets, or conveyors;

8. Machines using chemicals for sanitizing are used only if:

a. The temperature of the wash water is 120°F or above;

b. The wash water is clean;

- 1 c. The sanitizer is automatically dispensed;
- 2 d. Utensils and equipment are exposed to the sanitizing solution according
- 3 to the manufacturer's instructions;
- 4 e. The sanitizing solution temperature is at least the temperature specified
- 5 by the manufacturer; and
- 6 f. A test kit, test strip, or another device to measure the concentration of
- 7 the sanitizing solution accurately is provided and used often to ensure
- 8 compliance with the concentration requirements of subsection C.2 of
- 9 this section;
- 10 9. Machines using hot water for sanitizing are used only if the wash water and
- 11 rinse water are clean, the temperature on the surface of the plate or utensil is
- 12 raised to 160°F or above by the end of the sanitizing cycle, and the
- 13 temperatures of the wash and rinse waters are maintained as required by Table
- 14 D of this section;

1

TABLE D TEMPERATURE REQUIREMENTS FOR MACHINES USING HOT WATER FOR SANITIZING	
Single-tank, stationary-rack, dual-temperature machine: Wash temperature Final rinse temperature	150°F 180°F
Single-tank, stationary-rack, single-temperature machine: Wash temperature Final rinse temperature	165°F 165°F
Single-tank, conveyor machine: Wash temperature Final rinse temperature	160°F 180°F
Multi-tank, conveyor machine: Wash temperature Pumped rinse temperature Final rinse temperature	150° F 160°F 180°F
Single-tank, pot, pan, and utensil washer: Wash temperature Final rinse temperature	140°F 180°F

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10. Warewashing machines are cleaned thoroughly at least once each day; and

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11. After sanitizing, equipment and utensils shall not be rinsed, except as provided under subsection C.2.c of this section, and shall be air-dried in a self draining position before being stored or shall be drained and stored in a self draining position on suitably located hooks or racks. Towel drying is prohibited.

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G. Utensils that have been air dried may be polished with cloths that are kept clean and dry.

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10 **16.60.425 Storage and Handling**

11 A. The operator of a food establishment shall ensure that:

12 1. Clean equipment and utensils are:

- 1 a. Adequately protected from contamination; and
- 2 b. Stored at least six inches above the floor in a clean, dry location and in
- 3 a manner that protects equipment and utensils from contamination, but
- 4 allows for regular, thorough cleaning of the floor;
- 5 2. Food-contact surfaces of fixed equipment are protected from contamination;
- 6 3. Equipment and utensils, including single-service items, are not stored in toilet
- 7 rooms or under exposed sewer lines; and
- 8 4. Ice-dispensing tools are stored:
- 9 a. On a clean surface, protected from contamination; or
- 10 b. In the ice with the handle extended out of the ice.
- 11 B. The operator of a food establishment shall ensure that:
- 12 1. Employees:
- 13 a. Touch clean spoons, knives, and forks only by the handles; and
- 14 b. Handle cups, glasses, bowls, plates, and similar items without touching
- 15 inside surfaces or surfaces that ordinarily touch the user's mouth;
- 16 2. Glasses, cups, and other stored utensils are stored inverted or covered;
- 17 3. Unless knives, forks, and spoons, either multi-use or single service, are
- 18 prewrapped at self-service locations,
- 19 a. The container adequately protects the eating surface from
- 20 contamination; and
- 21 b. The knives, forks, and spoons are presented handle-first to the
- 22 consumer.
- 23 4. Single-service articles are stored at least six inches above the floor in closed
- 24 containers that protect them from contamination and in a manner that protects
- 25 such articles from contamination, but allows for regular, thorough cleaning of
- 26 the floor.

ARTICLE 5 SANITATION AND PHYSICAL FACILITIES

Section

- | | |
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| 16.60.500 | Water supply |
| 16.60.510 | Wastewater |
| 16.60.515 | Plumbing |
| 16.60.520 | Toilet facilities |

- 16.60.525 Handwash facilities
- 16.60.530 Garbage and refuse
- 16.60.535 Insect and rodent control
- 16.60.540 Floors
- 16.60.545 Walls and ceilings
- 16.60.550 Cleaning
- 16.60.555 Lighting
- 16.60.560 Ventilation
- 16.60.565 Dressing rooms and locker areas
- 16.60.570 Poisonous or toxic materials
- 16.60.575 Premises

16.60.500 Water Supply

- A. Except for a food establishment described in subsection F of this section, the operator of a food establishment shall:
- 1. Provide an adequate supply of potable water from a source constructed and operated as required by 18 AAC 80;
 - 2. Ensure that potable water that is not piped to the food establishment is transported, delivered, and stored as required by 18 AAC 80; and
 - 3. Ensure that steam used in contact with food or food-contact surfaces is free from harmful substances and is from a potable water source.
- B. The operator of a mobile food unit or kiosk shall ensure that potable water tanks, plumbing, and hoses that come in contact with potable water on the unit:
- 1. Consist of materials approved for that use by the National Sanitation Foundation (NSF), FDA, or an organization recognized as equivalent by the department;
 - 2. Are used for no purpose except to hold, carry, or dispense potable water; and
 - 3. Are protected from contamination during storage.
- C. The operator of a mobile food unit or kiosk shall ensure that:
- 1. The potable water inlet of the mobile food unit is capped and cannot be contaminated by waste discharge, road dust, oil, or grease; and
 - 2. Potable water tanks supply a sufficient amount of water between refilling and hold at least one day's supply.

1 D. The operator of a mobile food unit or kiosk shall:

2 1. Take the following actions at least annually and before seasonal startup:

3 a. Superchlorinate each potable water tank for at least two hours with 50
4 ppm chlorine solution;

5 b. Drain, thoroughly rinse, and refill the tank; and

6 c. Submit water samples to a certified laboratory for coliform analysis

7 i. Before initial startup and before seasonal startup; and

8 ii. Every three months during operation; and

9 iii. Obtain and forward a copy of the coliform analysis report to the
10 department immediately upon receiving the results of such
11 analysis.

12 2. Take the following actions if notified that a water sample exceeds the
13 maximum contaminant level for coliform bacteria as listed in 18 AAC 80:

14 a. Immediately superchlorinate the tank as described in subsection D.1.a
15 and D.1.b of this subsection;

16 b. Submit another water sample to a certified laboratory for coliform
17 analysis within 24 hours after superchlorination; and

18 c. Obtain and forward a copy of the coliform analysis report to the
19 department immediately upon receiving the results of such analysis.

20 E. The operator of a food establishment placed under a boil water notice under 18 AAC
21 80, other than a mobile food unit or kiosk subject to subsections C or D of this
22 section, shall take the applicable actions listed in Table E of this subsection as
23 directed by the department:

TABLE E**REQUIREMENTS FOR OPERATING UNDER A BOIL WATER NOTICE**

	Total Coliform Exceedance	Fecal Coliform Exceedance
Water supply	Use boiled water or an alternate potable water supply	Use boiled water or an alternate potable water supply
Food, drink, ice.	Use food, drink, and ice prepared prior to notice	Destroy food, drink, and ice prepared prior to notice. Limit menu and type of food preparation depending on volume available from alternate potable water supply
Water use equipment	Disconnect equipment. Clean and sanitize before reuse	Disconnect equipment. Clean and sanitize before reuse
Wiping cloths	Rinse in 100 ppm chlorine solution	Rinse in 100 ppm chlorine solution
Tableware	Continue to use	Use single-service
Other utensil washing	Use automatic warewasher or add sanitizer to all sinks	Use automatic warewasher or add sanitizer to all sinks
Handwashing stations	Use existing handwash sinks	Set up temporary handwash sinks using alternate water source

F. The requirements of this section do not apply to a:

1. Temporary food service subject to section 16.60.600;
2. Limited food service that dispenses only prepackaged food and that meets the requirements of subsection 16.60.610.C;
3. Kiosk that dispenses only prepackaged food and that meets the requirements of subsection 16.60.615.C;

4. Mobile food unit that dispenses only prepackaged food and that meets the requirements of subsection 16.60.620.G; or
5. Mobile retail food vendor that sells only prepackaged food and that meets the requirements of subsection 16.60.625.B.

16.60.510 Wastewater

- A. Except for a food establishment described in subsection C of this section, the operator of a food establishment shall ensure that wastewater from the establishment is discharged into a public sewer or a wastewater disposal system built and operated as required by 18 AAC 72 and this chapter.
- B. In addition to the requirements of A of this section, the operator of a mobile food unit or kiosk shall ensure that:
 1. Except as provided in subsection B.1.a and B.1.b of this section, wastewater is stored in a tank with a volume at least 15 percent larger than that of the water supply tank, unless otherwise approved by the department.
 - a. The department may approve use of portable wastewater tanks used in conjunction with a limited food service at a kiosk located inside a building or on a cart;
 - b. The department may approve wastewater tanks with a volume equal to or less than 15 percent larger than that of the water supply tank for operations where a large percentage of their potable water is consumed in the products they distribute.
 2. Wastewater is not discharged from the retention tank when the mobile food unit is in motion; and
 3. The wastewater discharge connection is lower than the potable water inlet connection.
- C. The requirements of this section do not apply to a:
 1. Temporary food service subject to section 16.60.600;
 2. Limited food service that dispenses only prepackaged food and that meets the requirements of subsection 16.60.610.C;
 3. Kiosk that dispenses only prepackaged food and that meets the requirements of subsection 16.60.615.C;
 4. Mobile food unit that dispenses only prepackaged food and that meets the requirements of subsection 16.60.620.G; or

5. Mobile retail food vendor that sells only prepackaged food and that meets the requirements of subsection 16.60.625.B.

16.60.515 Plumbing

- A. Except for a food establishment described in subsection E of this section, the operator of a food establishment shall ensure that plumbing is sized, installed, and maintained as required by applicable state and local plumbing codes and is consistent with good public health practices.
- B. Cross-connections between potable and nonpotable water, chemical feed lines, or similar devices are prohibited.
- C. The operator of a food establishment shall ensure that:
1. Any nonpotable water system is used only for fire protection, air conditioning, heating, or flushing toilets;
 2. Each outlet on a nonpotable water line is posted: "DANGER-UNSAFE WATER";
 3. Hot and cold running water under pressure is provided to all plumbing fixtures with faucets, including handwash, warewashing, preparation, processing, utility and janitorial sinks;
 4. A potable water system is equipped with devices to prevent backflow and back-siphonage at fixtures and equipment unless a permanent air gap at least twice the diameter of the water supply inlet separates the water supply inlet and the equipment or fixture's flood level rim and is installed in accordance with the Uniform Plumbing Code;
 5. A hose is not attached to a faucet unless a backflow prevention device is installed on the faucet or a permanent air gap at least twice the diameter of the water supply inlet is maintained and is installed in accordance with the Uniform Plumbing Code;
 6. Grease traps, if used, are accessible for cleaning and kept clean;
 7. Warewashing machines are not directly connected to the sewage system; if a warewashing machine is located next to a floor drain with a trap, the warewasher's waste outlet may be connected directly on the inlet side of the floor drain trap;
 8. Drain lines from equipment do not discharge wastewater directly on a floor; and
 9. Potable water supply to carbonators shall be protected by a listed backflow preventer as approved by administrative authority for the specific use.

D. The operator of a food establishment shall ensure that fixtures or equipment in which food or drink is stored, prepared, or served, such as refrigerators, steam kettles, potato peelers, ice storage bins, and preparation sinks, are not directly connected to a drainage system. The operator shall ensure that this equipment is drained by means of indirect waste pipes and that the drained wastes discharge through an air gap into an open floor sink or another approved receptor that is properly connected to the drainage system. The requirements of this subsection do not apply to a warewashing sink in a preparation area unless the sink is used to soak, wash, or prepare ready-to-eat food.

E. The requirements of this section do not apply to a:

1. Temporary food service subject to section 16.60.600;
2. Limited food service that dispenses only prepackaged food and that meets the requirements of subsection 16.60.610.C;
3. Kiosk that dispenses only prepackaged food and that meets the requirements of subsection 16.60.615.C;
4. Mobile food unit that dispenses only prepackaged food and that meets the requirements of subsection 16.60.620.G; or
5. Mobile retail food vendor that sells only prepackaged food and that meets the requirements of subsection 16.60.625.B.

16.60.520 Toilet Facilities

A. Except for a food establishment described in subsection F of this section, the operator of a food establishment shall ensure that toilet facilities and lavatories are installed and maintained as required by the Uniform Plumbing Code and local amendments thereto, as adopted under section 23.05.010 and chapter 23.25. The minimum number of toilet fixtures, urinals, and lavatories in the establishment shall conform to the Uniform Building Code.

B. If a food establishment does not seat consumers on the premises, the operator of the establishment shall provide toilet facilities and lavatories for employees on the premises or as provided in subsection D of this section.

C. Employees and consumers may use the same toilet facilities if consumers can do so without entering a food preparation, food storage, warewashing, or utensil storage area.

D. Consumers and employees may use the same public toilets in a multiple activity area, such as a shopping mall or sports center, if those facilities:

1. Meet the requirements of subsection A of this section;
2. Are available when the food establishment is operating;

3. Are located within 200 feet of the food establishment, or conveniently located so they are readily accessible during all work hours, subject to approval by the department; and

4. Are in the same building on the same floor.

E. The operator of a food establishment shall ensure that:

1. Toilet fixtures are kept clean and in good repair;

2. Toilet rooms are completely enclosed and have tight-fitting, self-closing doors that remain closed except during cleaning or maintenance. The requirement of this subsection E.2 does not apply to toilet rooms outside the premises of a food establishment and which do not open directly into the premises of the food establishment, such as conforming toilet rooms provided by a shopping mall.

3. Toilet tissue in a wall-hung or protected container is provided at each toilet; and

4. Easily cleanable waste containers are provided and emptied at least once each day.

F. The requirements of this section do not apply to a:

1. Temporary food service subject to section 16.60.600;

2. Limited food service that dispenses only prepackaged food and that meets the requirements of subsection 16.60.610.C;

3. Kiosk that dispenses only prepackaged food and that meets the requirements of subsection 16.60.615.C;

4. Mobile food unit that dispenses only prepackaged food and that meets the requirements of subsection 16.60.620.G; or

5. Mobile retail food vendor that sells only prepackaged food and that meets the requirements of subsection 16.60.625.B.

Editor's note: A copy of the Uniform Plumbing Code referred to in this section may be obtained from the International Conference of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, CA 90032, or may be viewed at the department.

16.60.525 Handwash Facilities

A. Except for a food establishment described in subsection B of this section, the operator of a food establishment shall ensure that:

1. Handwash sinks are provided as required by subsection 16.60.410.B and are:

a. Used exclusively for handwashing except that a pre-wash sink may also be used for employee handwashing and a bar/tavern may use its

1 separate sink or fourth compartment for dumping drinks and employee
2 handwashing; or

3 b. Supplied with soap and sanitary towels in a dispenser or a hand-drying
4 device that provides heated air; common towels are prohibited;

5 c. Accessible at all times; and

6 d. Kept clean and in good repair.

7 2. A sign is posted at each handwash sink in or immediately adjacent to toilet
8 rooms directing employees to wash their hands with soap and water after using
9 the toilet; and

10 3. Employees and consumers do not wash their hands at sinks used for food
11 preparation or warewashing.

12 B. The requirements of this section do not apply to a:

13 1. Temporary food service subject to section 16.60.600;

14 2. Limited food service that dispenses only prepackaged food and that meets the
15 requirements of subsection 16.60.610.C;

16 3. Kiosk that dispenses only prepackaged food and that meets the requirements
17 of subsection 16.60.615.C;

18 4. Mobile food unit that dispenses only prepackaged food and that meets the
19 requirements of subsection 16.60.620.G; or

20 5. Mobile retail food vendor that sells only prepackaged food and that meets the
21 requirements of subsection 16.60.625.B.

22 **16.60.530 Garbage and Refuse**

23 A. Except for a mobile food unit, the operator of a food establishment shall provide
24 sufficient containers and large enough areas inside and outside the facility to hold
25 garbage and refuse; the operator of a mobile food unit shall provide sufficient
26 containers inside or next to the mobile unit while the unit is operating.

27 B. Garbage and other refuse shall be disposed of often enough to prevent odor or the
28 attraction of insects, rodents, or other pests.

29 C. When storing garbage:

30 1. Except as described in subsection D of this section, the operator shall ensure
31 that garbage that is stored inside the food establishment is stored in durable,
32 easily cleanable, insect-proof, and rodent-proof containers that do not leak or
33 absorb liquid and that are kept clean; plastic bags and wet-strength paper bags
34 may be used to line these containers or for short-term storage inside the
35 establishment, not to exceed one day;

2. Containers used to store garbage outside the food establishment, including dumpsters, compactors, and compactor systems, shall be easily cleanable, have tight-fitting lids, doors, or covers, and shall be kept covered and reasonably clean; drain plugs shall be in place except during cleaning; and

3. Rooms used to store garbage shall be:

- a. Made of easily cleanable, nonabsorbent, washable, insect-proof, and rodent-proof materials;
- b. Large enough to store all garbage and refuse containers;
- c. Kept clean; and
- d. Used for no other purpose.

D. Cardboard boxes or other packaging material that does not contain food waste may be stored in a protected enclosure before removal.

E. The operator of a food establishment shall ensure that disposal of garbage and refuse is in compliance with section 26.70.050.

16.60.535 **Insect and Rodent Control**

A. The operator of a food establishment shall utilize all means possible to ensure that insects, rodents, and other pests are eliminated from the premises. The department may require the operator to hire a certified commercial pest control service to handle an insect, rodent, or other pest problem if the operator does not adequately control the problem with pesticides and/or traps, or if an imminent health hazard exists. Pest harborage shall be eliminated.

B. The operator of a food establishment shall ensure that insect light traps and flypaper, if used in the establishment, are:

1. Located so that dead insects cannot fall on food, food-contact surfaces, or clean equipment or utensils; and
2. Changed often enough to prevent a heavy accumulation of insects in the traps or on the flypaper.

C. The operator of a food establishment shall ensure that:

1. Food, utensils, and food-contact surfaces are completely protected while pesticides are used;
2. Pesticides and pesticide use comply with 18 AAC 90;
3. Pesticides are not stored:
 - a. Next to or above food; or

- b. Over a working surface, a food-contact surface, utensils, an ice maker, or other food equipment; and
4. Automatic dispensing aerosol units, if used, are:
 - a. Prohibited in areas where food is prepared or served;
 - b. Installed and used only in areas beyond the influence of a ventilation system; and
 - c. At least 20 feet from any processing, preparation, food or utensil storage, or warewashing area.

D. The operator of a food establishment shall ensure that openings to the outside are effectively protected against the entrance of rodents, insects, and other pests by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screening material shall be tight-fitting, free from breaks, and not less than 16 mesh to the inch.

16.60.540 Floors

A. Except for a temporary food service subject to section 16.60.600, the operator of a food establishment shall ensure that:

1. Floors and floor coverings of preparation, processing, display, storage, and warewashing areas, walk-in refrigeration units, dressing rooms, locker rooms, and toilet rooms are:
 - a. Made of smooth, durable, nonabsorbent material; and
 - b. Kept clean and in good repair;
2. Floors in warehouses and storage rooms used to store case lots, large containers of food, packaging materials, and excess equipment or utensils are made of a material that is cleanable; the floors may be of unsealed wood if cleaning methods do not require the use of water or other liquid and if other activities are not likely to cause discharges of water or other liquid onto the floor;
3. Floors that are water flushed for cleaning, that receive discharges of water or other liquid waste from equipment, or that are in an area where equipment is cleaned using a pressure spray method, slope uniformly at a minimum of one-quarter inch per foot to a properly trapped drain;
4. Carpeting is not used in preparation, processing, produce display, warewashing, and food storage areas, or in toilet rooms; carpeting, if used in other areas, shall be durable and tightly woven, with appropriate cleaning equipment provided and regularly used;

5. Sawdust, wood shavings, peanut shells, or similar material are not used on floors in preparation, processing, display, storage, or warewashing areas, or toilet rooms;
6. Mats, duckboards and nonslip floor coverings are made of nonabsorbent and grease-resistant materials;
7. The floor and wall junction in preparation, processing, display, storage, and warewashing areas, walk-in refrigerators, locker rooms, and toilet rooms is sealed and is coved or has concave molding installed; and
8. Exposed utility service lines and pipes do not obstruct floor cleaning.

16.60.545 Walls and Ceilings

A. The operator of a food establishment shall ensure that:

1. Walls, ceilings, partitions, wall coverings, doors, and windows, including light fixtures, vent covers, decorative material, and wall-mounted fans or other equipment attached to walls and ceilings, are kept clean and in good repair and do not contaminate food, food containers, or food-contact surfaces;
2. Walls and ceilings in walk-in refrigerators, freezers, preparation, processing, and warewashing areas, toilet rooms, and janitorial rooms are light-colored, smooth, easily cleanable, and nonabsorbent;
3. Walls and ceilings in other areas are cleanable, in good repair, and do not contaminate food, containers, equipment, or utensils;
4. Studs, joists, and rafters are not exposed in preparation, warewashing or processing areas or toilet rooms; if studs, joists, or rafters are exposed in other areas, they shall be clean and in good repair, and
5. Exposed utility service lines and pipes do not obstruct the cleaning of walls and ceilings.

16.60.550 Cleaning

A. The operator of a food establishment shall ensure that:

1. Cleaning required by sections 16.60.540 through 16.60.545 is conducted when the least amount of food is exposed, except for emergency cleaning of floors;
2. Cleaning is performed by a dustless method; and
3. Wastewater from cleaning required by sections 16.60.540 through 16.60.545 is not disposed of in a food preparation sink or a sink used to wash, rinse or sanitize utensils or equipment.

16.60.555 Lighting

A. The operator of a food establishment shall ensure that:

1. Permanently installed artificial light sources provide:
 - a. At least 50 foot candles of light, evenly distributed, measured 30 inches from the floor and at the work surface, on preparation, processing, and warewashing surfaces and equipment; and
 - b. At least 20 foot candles of light, evenly distributed, measured 30 inches from the floor, in other areas; dining areas shall meet this standard only during cleaning activities; or
 - c. Adequate lighting as approved by the department.
2. Protective shielding is provided for breakable artificial lighting fixtures located:
 - a. Over equipment used to hold or display food;
 - b. In refrigerators or freezers;
 - c. Over any area where food or food-contact surfaces are exposed such as preparation, service, and display areas; and
 - d. Over equipment and areas where utensils and equipment are cleaned or stored.

16.60.560 Ventilation

- A. The operator of a food establishment shall ensure that:
1. Equipment that produces excessive heat, steam, condensation, vapors, obnoxious odor, smoke, or fumes is adequately vented to the outside air through a hood and filter system that complies with sections 16.60.400 through 16.60.420, and that prevents grease, condensation, or other filth from collecting on walls and ceilings or from dripping onto food or food-contact surfaces;
 2. Equipment that produces grease-laden vapors is vented through a hood and grease collection system designed and installed in accordance with the Uniform Mechanical Code; Section 507 – Commercial Kitchen Hoods and Kitchen Ventilation Systems, as adopted by section 23.05.010 and maintained as required in the Uniform Fire Code; Section 1006 – Protection of Commercial Cooking Equipment, as adopted by section 23.05.010;
 3. Fire prevention or extinguishing equipment installed in a hood does not obstruct cleaning or cause grease to collect;
 4. A system vented to the outside does not create a discharge that violates section 15.30 or AMCR 15.35; and
 5. Intake and exhaust air ducts in the ventilation system are maintained to prevent entry of dust, dirt, insects, vermin and other sources of contamination.

Editor's note: A copy of the Uniform Mechanical Code, section 507 – Commercial Kitchen Hoods and Kitchen Ventilation Systems, and the Uniform Fire Code, section 1006 – Protection of Commercial Cooking equipment may be viewed at the department.

16.60.565 Dressing Rooms and Locker Areas

- A. The operator of a food establishment shall ensure that dressing rooms, lockers, or other suitable facilities are:
 - 1. Provided for the orderly storage of employee clothing, outer garments, and other belongings;
 - 2. Not located in a preparation, processing, food storage, or warewashing area; and
 - 3. Located in an area where contamination of food, equipment, utensils, linens and single-service and single use articles cannot occur.
- B. Employees may hang outer garments on a coat rack in a storage room containing food, utensils, or other food supplies if the food, utensils, and supplies are completely packaged.

16.60.570 Poisonous or Toxic Materials

- A. Poisonous or toxic materials are prohibited on the premises of a food establishment except those materials needed to clean the establishment, to clean and sanitize equipment and utensils, or to control insects and rodents. This section does not apply to packaged, poisonous, or toxic materials that are for retail sale.
- B. The operator of a food establishment shall ensure that:
 - 1. Commercially filled containers of poisonous or toxic materials are labeled as required in 18 AAC 90 and other applicable municipal, state, or federal law, except that a small container filled or taken from a properly labeled master container may be used if:
 - a. The smaller container is labeled with the common name of the material;
 - b. The directions for use are reviewed with employees; and
 - c. The master container is retained onsite;
 - 2. Poisonous or toxic materials are not stored with food, equipment, linens or utensils, except that washing, rinsing, and sanitizing compounds may be stored in a warewashing area;
 - 3. Pesticides and pesticide containers are segregated from other chemicals;
 - 4. Sanitizing compounds do not leave a toxic residue on or contaminate food, equipment, or utensils; and

1 5. Medications and first-aid supplies are stored to prevent contamination of food
2 or food-contact surfaces and:

3 a. Only those medicines that are necessary for the health of employees or
4 for retail sale shall be allowed in a food establishment;

5 b. Medicines and first aid supplies that are in a food establishment for
6 employees' use shall be located to prevent the contamination of food,
7 equipment, utensils and linens, and shall bear a legible manufacturer's
8 label;

9 C. The operator of a food establishment shall ensure poisonous or toxic materials are
10 stored and used:

11 1. In accordance with applicable federal and state law and this chapter;

12 2. In accordance with the manufacturer's label requirements;

13 3. In a manner preventing contamination of food, food contact services, utensils,
14 linens, and single-service and single use articles;

15 4. In such a way that food service workers and other persons are protected from
16 potential health and safety hazards.

17 D. A container previously used to store poisonous or toxic materials may not be used to
18 store, transport, or dispense food.

19 E. Rodent bait shall be contained in a covered, tamper-resistant bait station.

20 F. A toxic tracking powder pesticide may not be used in a food establishment. If used,
21 a nontoxic tracking powder such as talcum or flour may not contaminate food,
22 equipment, utensils, linens, and single-service and single-use articles.

23 **16.60.575 Premises**

24 A. The operator of a food establishment shall ensure that:

25 1. The grounds in the immediate vicinity of the establishment are well drained
26 and free of conditions, such as uncut weeds or grass or materials, equipment,
27 or refuse stored in a manner that might attract or harbor insects, rodents, or
28 other pests;

29 2. Access to preparation, processing, and warewashing areas is restricted to
30 employees or to persons who own, manage, service, repair, maintain, or
31 regulate the establishment;

32 3. The establishment is separated from any living or sleeping quarters by
33 complete partitioning or solid, self-closing doors, and that no part of any
34 operation is conducted in living or sleeping quarters;

4. Laundry activities are restricted to washing and drying linens, cloths, uniforms, and aprons and take place only in dressing or locker rooms, in storage rooms where food, equipment, or utensils are packaged or covered, or in a separate laundry room;
5. Clean clothing and linens are stored in a clean place and protected from contamination;
6. Soiled clothing, linens, and wiping cloths are stored in nonabsorbent containers or washable laundry bags;
7. Storage of maintenance tools and cleaning equipment cannot contaminate food, utensils, equipment, or linen and will not obstruct cleaning;
8. Live animals are not in the establishment, except for edible fish, crustacea or shellfish, fish in aquariums, patrol dogs accompanying police officers, or service animals accompanying persons with disabilities; and
9. Service animals are controlled by the disabled person, kept off seats, and prevented from contaminating food, food-contact surfaces, or utensils.

ARTICLE 6 TEMPORARY AND LIMITED FOOD SERVICE, KIOSK, MOBILE FOOD UNITS, AND VENDING MACHINES.

Section

- 16.60.600 Temporary food service
- 16.60.610 Limited food service
- 16.60.615 Kiosk
- 16.60.620 Mobile food units
- 16.60.625 Mobile retail vendors
- 16.60.630 Machines vending potentially hazardous food

16.60.600 Temporary Food Service

- A. In addition to the other applicable requirements of this chapter, the operator of a temporary food service shall comply with this section.
- B. Food shall be prepared at the temporary food service unless the department approves prior preparation at an approved commissary or another facility under subsection C.5 of this section.
- C. For a temporary food service, depending on the adequacy of facilities, equipment, and utensils for the types and volume of food and methods of preparation and service,

1 based on information provided by the operator on an application form provided by the
2 department, the department may:

- 3 1. Limit the food items to be prepared and sold;
- 4 2. Limit preparation steps;
- 5 3. Prohibit the sale of potentially hazardous food;
- 6 4. Except for the fee required by section 16.60.050, waive a requirement of this
7 chapter if the waiver will not threaten public health; and
- 8 5. Authorize prior preparation of food at an approved commissary or another
9 approved facility if:
 - 10 a. That commissary or facility has adequate equipment for the type and
11 volume of food and methods of preparation;
 - 12 b. A letter of agreement signed by the operator of the commissary or
13 facility:
 - 14 i. Is attached to the temporary food service application;
 - 15 ii. Specifies the food, and the dates and times the food will be
16 prepared and stored; and
 - 17 iii. Confirms that the commissary or facility has adequate
18 equipment and utensils for the type and volume of food and
19 methods of preparation and storage; and
 - 20 c. Food is maintained at temperatures required by section 16.60.230 and
21 protected from contamination during transportation to the temporary
22 food service.

23 D. The operator of a temporary food service shall provide documentation that they:

- 24 1. Are a certified food protection manager or certified limited food protection
25 manager in accordance with 16.60.920; or
- 26 2. Have successfully completed an equivalent food safety examination for food
27 service employees, approved by the department, within 36 months prior to the
28 event. For the purposes of this section, to be approved as an equivalent food
29 safety examination, at a minimum, the exam must include questions regarding,
30 food condition and source, food protection, temperature control, display and
31 service of food, personal cleanliness, employee practices, and equipment and
32 utensil cleaning and sanitizing.

33 E. In addition to the other requirements of this chapter, including the temperature
34 requirements in section 16.60.230, the operator of a temporary food service shall
35 ensure that:

1. After being cooked or hot-held, potentially hazardous food is not reused;
2. Mechanical refrigeration units are provided to keep potentially hazardous food at 45°F or below except that:
 - a. Ice cream may be stored on dry ice; and
 - b. At events of one to three days' duration, if approved by the department, foods such as hamburger patties, pre-cooked meat, raw seafood, and ready-to-eat packaged, potentially hazardous food, such as milk and sandwiches, may be stored in an insulated container using a coolant, such as blue ice or drained ice, to keep the temperature of food at 45°F or below;
3. Fully pre-cooked commercially produced sausage products containing nitrate preservatives may be stored in properly insulated containers using a coolant, such as blue ice or drained ice, to keep the temperature of food at 45°F or below;
4. Wet storage of packaged food in undrained ice or iced water does not occur except for pressurized containers of nonpotentially hazardous beverages if the water or ice:
 - a. Contains at least 10 ppm of available chlorine; and
 - b. Is changed frequently to keep the water and container clean;
5. Only single-service articles are provided for use by consumers;
6. A handwashing facility is provided for employees, including:
 - a. A container with a minimum capacity of two gallons, equipped with a faucet-type spigot, and filled with warm water; if a container is uninsulated, a means to heat water shall also be provided;
 - b. A container to catch wastewater from handwashing; and
 - c. Soap and single-service towels;
7. At least three basins, deep enough for immersion of utensils and equipment, and a means to heat water are provided on site to wash, rinse, and sanitize utensils and equipment that will be reused or used on a production-line basis, or this activity shall be performed at an approved commissary or other approved facility; the requirements of this paragraph do not apply for an event of one-day duration when adequate extra utensils are provided;
8. A supply of potable drinking water from an approved source adequate to meet preparation, handwashing, warewashing, and cleaning needs is provided;

9. If water is from a:

- a. Class B public drinking water source, coliform samples are current;
- b. Class C water source, a water sample for coliform analysis is submitted to a certified laboratory at least 30 days before the event;

10. A container used to haul or store potable drinking water is made of materials approved for that use by the National Sanitation Foundation (NSF), FDA, or an organization recognized as equivalent by the department, is used for no other purpose, and is protected from contamination during storage.

F. The operator of a temporary food service shall ensure that wastewater is disposed of into an approved wastewater disposal system, and that holding tanks and direct connections to disposal systems are constructed, maintained, and operated as required in 18 AAC 72. The department may approve a manual hauling system if limited amounts of wastewater are generated and an approved wastewater disposal system is in the vicinity and used by the operator. The operator shall keep wastewater containers covered and label them "For Wastewater Only."

G. For an event of one to three days duration, a temporary food service may have a floor consisting of grass, gravel graded to drain, sawdust, or a similar material if dust and mud are controlled. For an event of 4 to 21 days duration, concrete, asphalt, tight-fitting wood, or another cleanable material shall be used.

H. The operator of a temporary food service shall ensure that walls and ceilings are constructed to protect the interior of the temporary structure from the elements and to restrict access, are cleanable, and are kept clean.

I. The operator of a temporary food service shall ensure that public toilets and handwashing facilities are provided at events open to the public for two hours or longer and ensure that:

1. The number of toilets furnished is adequate based on the peak crowd anticipated and they are conveniently located and available to employees during work hours;

2. If running water is not practically available:

- a. Privies or portable toilets are provided instead of flush toilets; in determining the number of portable toilets required, the operator shall use the *Sanitarian & Health Official Guide, Portable Restroom Requirements at Special Events & Crowd Gatherings, Determination of Portable Sanitation Requirements at Large Public Events*, published by The Center for Business and Industrial Studies, University of Missouri-St. Louis, as amended through April 14, 1997, adopted by reference; and

- b. Lavatories are supplied for washing hands from a storage tank approved by the department, or from an insulated container with a minimum capacity of two gallons each, equipped with a faucet-type spigot and filled with warm water;
3. Privies, if used, are of a design and construction approved by the department and are located so there is no danger in contaminating groundwater; and
4. Privies and portable toilets, if used:
 - a. Have cleanable interior surfaces, screened openings for ventilation, self-closing doors, and otherwise prohibit the entrance of insects and rodents; and
 - b. Are serviced as often as necessary to remove accumulated wastes, are kept clean, and are supplied with toilet paper.

J. Event organizers/producers:

1. Shall not interfere with and shall cooperate with the enforcement of this chapter by the department. An event organizer/producer shall not knowingly allow any food operator who has been ordered to close by the department to continue to operate.
2. Shall provide the department with a list of all food facilities and operators participating in the planned event at least seven (7) days prior to the event. In addition, the event organizers/producers shall provide a map indicating proposed sites of each food establishment and all public toilets, privies, or portable toilets and handwash facilities at least forty-eight (48) hours prior to the event. The event organizer/producer shall inform all temporary food service operators participating in the event of the requirement for a food establishment permit from the department.

Editor's note: A copy of the *Sanitarian & Health Official Guide* referred to in this section may be obtained from The Center for Business and Industrial Studies, University of Missouri, St. Louis, MO 63121, (314) 553-5857, and is on file and may be viewed at the department.

16.60.610 Limited Food Service

- A. In addition to the other applicable requirements of this chapter, the operator of a limited food service shall comply with this section.
- B. At a limited food service, depending upon the adequacy of facilities, equipment, and utensils for the types and volume of food and methods of preparation and service, and based on information provided by the operator on the application form by the department, the department may, in its discretion:
 1. Limit the number and type of food items to be prepared and sold;

2. Limit preparation steps;
3. Allow the use of an approved commissary or other approved facility located in the same structure or within a reasonable distance to resupply food and single-service items; and
4. Allow the installation of a sink with at least two compartments and one drainboard for air drying clean utensils, in place of the sinks and drainboards required by subsections 16.60.410.E and 16.60.410.J, if:
 - a. Only single-service items are provided for use by consumers;
 - b. All or most menu items are prepackaged or nonpotentially hazardous food; and
 - c. Very few utensils are used to store, prepare, or dispense food;

C. The operator of a limited food service need not provide sanitary facilities required under sections 16.60.500 through 16.60.525 if:

1. Only prepackaged food that meets the requirements of this chapter is served; except that non-prepackaged, nonpotentially hazardous beverages may be served if prepared at an approved commissary or other approved facility and dispensed from equipment that protects the beverage from contamination;[.]
2. An approved facility or commissary is located within a reasonable distance within the same building that provides hot and cold running water for cleaning of non-food contact surfaces; and
3. Toilet facilities and lavatories, for employees and for consumers if seating is provided, are available within 200 feet of the limited food service.

16.60.615 Kiosk

- A. In addition to the other applicable requirements of this chapter, the operator of a kiosk shall comply with this section.
- B. The operator of a kiosk shall ensure that:
1. The type of food operation is either a limited food service or convenience store;
 2. Potable water tanks are filled as frequently as necessary to prevent the water tanks from being less than $\frac{1}{4}$ full at any given time. For a kiosk structure located outdoors, potable water that is not piped to the food establishment shall be transported, delivered, and stored as required by 18 AAC 80;
 3. The wastewater tank is pumped at a frequency that will prevent the tank from being more than $\frac{3}{4}$ full at any given time;

4. The kiosk provides take-out or drive-up food service only, and seating is not provided for the patrons; and
5. Food is not cooled or reheated within the kiosk, this does not apply to an iced beverage.

C. The operator of a kiosk need not provide sanitary facilities required under sections 16.60.500 through 16.60.525 if:

1. O[o]nly prepackaged food that meets the requirements of this chapter is served; except that non-prepackaged, nonpotentially hazardous beverages may be served if prepared at an approved commissary or other approved facility and dispensed from equipment that protects the beverage from contamination; and[.]
2. Toilet facilities and lavatories for employees are available within 200 feet of the kiosk.

16.60.620 Mobile Food Units

A. In addition to the other applicable requirements of this chapter, except as otherwise provided in this section, the operator of a mobile food unit shall comply with this section.

B. At a mobile food unit, depending upon the adequacy of facilities, equipment, and utensils for the types and volume of food and methods of preparation and service, and based on information provided by the operator on the permit application form provided by the department, the department may:

1. Limit the number and type of food items to be prepared and sold;
2. Limit preparation steps; and
3. Approve the use of a commissary or other approved facility to support the mobile food unit if:
 - a. The necessary support services can be provided to the mobile food unit without compromising the commissary's operation; and
 - b. The mobile food unit operates within a reasonable distance of the commissary or other approved facility so that the mobile food unit can return daily for servicing as required by subsection C of this section.

C. The operator of a mobile food unit, except a self-contained mobile food unit described in subsection D of this section, shall:

1. Ensure that the unit is taken at least once each day to the approved commissary for support services such as cleaning the unit, equipment, and utensils; servicing potable water and wastewater tanks; and restocking food and supplies;

2. Provide to the department a letter of agreement between the operator and the commissary that outlines:
 - a. The days and hours the commissary will be used; and
 - b. The extent of support services to be provided at the commissary;
3. Describe the method used to return the mobile food unit to the commissary each day for support services; and
4. Advise the department in writing immediately, but not later than 72 hours, if use of the commissary is discontinued or the commissary used is changed.

D. The operator of a self-contained mobile food unit is not required to work out of an approved commissary as described in subsection C of this section if the unit has:

1. Installed on the unit water and wastewater holding tanks, handwashing, and warewashing facilities, and a utility sink; and
2. Adequate storage facilities on the unit for all food, equipment, utensils, including single-service items, and supplies used in the operation.

E. The operator of a mobile food unit shall:

1. Provide only single-service articles to consumers; and
2. Ensure that toilet facilities for employees are available within 200 feet of the unit or conveniently located and available to employees during work hours.

F. In addition to the requirements of subsections A, B, C, and E of this section, the operator of a pushcart shall ensure that:

1. Street cart size is limited to three feet wide by six feet long excluding extensions from the ends of the cart. The overall length of the street cart with extensions shall not exceed ten feet. Indoor food cart size is limited to three feet wide by ten feet long, with or without extensions;
2. A food cart is limited to serving non-potentially hazardous foods, prepackaged potentially hazardous foods, except milk for espresso beverages, fully pre-cooked commercially produced sausage products containing nitrate preservatives such as hot dogs, and soda type beverages. Other foods may be served from carts if they meet the published administrative guidelines as approved by the department;
3. Mechanical refrigeration is optional with nonpotentially hazardous foods and required for potentially hazardous foods;
4. Sufficient food, utensils, paper products, cleaning supplies, potable water supply, and wastewater holding capacity necessary for daily operations are contained on or within the cart, except that the operator of the pushcart may provide:

- a. One additional ice chest; and
- b. For street carts only, one additional barbecue grill;
5. Water tanks installed for handwashing only are at least a five-gallon capacity;
6. Pre-preparation of food, including washing, slicing, peeling, cutting, and assembly, occurs at the approved commissary; and
7. Cooling or reheating of leftovers does not occur.

G. The operator of a mobile food unit need not provide sanitary facilities required under sections 16.60.500 through 16.60.525 if:

1. T[t]he unit serves only prepackaged food that meets the requirements of this chapter is served; except that non-prepackaged, nonpotentially hazardous beverages may be served if prepared at an approved commissary or other approved facility and dispensed from equipment that protects the beverage from contamination; and[.]
2. The operator ensures toilet facilities and lavatories are available within 200 feet of the unit while operating as required in 16.60.620.E.

16.60.625 Mobile Retail Vendors

A. In addition to the other applicable requirements of this chapter, a mobile retail vendor selling:

1. Only prepackaged food shall:
 - a. Store excess food and supplies at an approved commissary or other approved facility;
 - b. Provide refrigeration and freezer units if needed to maintain potentially hazardous food at the temperatures required by section 16.60.230; and
 - c. Keep the unit clean;
2. Gutted and gilled fish that has not been further processed:
 - a. Shall obtain raw fish from a seafood processor permitted under 18 AAC 34;
 - b. Shall provide to an inspector during an inspection or spot check:
 - i. The vendor's Alaska seafood processing permit number issued under 18 AAC 34; or
 - ii. An invoice with the type, amount, source of the product, and the seafood processor's permit number;

- c. Shall provide adequate refrigerator, freezer, or ice chests of adequate capacity to store all seafood products and maintain refrigeration temperatures of 45°F or below or freezer temperatures of 0°F or below;
 - d. Shall drain, wash, rinse, and sanitize refrigerators and ice chests after each day's operation or as approved by the department;
 - e. Shall use single-service gloves, tongs, tissues, or other utensils to minimize hand contact with the unpackaged product;
 - f. May not process seafood at the mobile unit; and
 - g. Shall keep the unit clean.
3. Unpackaged processed seafood shall:
- a. Operate out of an approved commissary;
 - b. Return to the commissary daily for cleaning and sanitizing of equipment and utensils;
 - c. Provide approved and adequate handwashing; this may include, at a minimum:
 - i. A container with a minimum capacity of two gallons, equipped with a faucet-type spigot, and filled with warm water; if a container is uninsulated, a means to heat water shall also be provided;
 - ii. A container to catch wastewater from handwashing; and
 - iii. Soap and single-service towels.
 - d. Use single-service gloves, tongs, tissues, or other utensils to minimize hand contact with the unpackaged product;
 - e. Shall obtain unpackaged processed seafood from a seafood processor permitted under 18 AAC 34 and shall provide to an inspector during an inspection or spot check:
 - i. The vendor's Alaska seafood processing permit number issued under 18 AAC 34; or
 - ii. An invoice with the type, amount, and source of the product, and the seafood processor's permit number.
- B. A mobile retail vendor need not provide sanitary facilities as required under sections 16.60.500 through 16.60.525 if the unit serves only prepackaged food that meets the requirements of this chapter.

16.60.630 Machines Vending Potentially Hazardous Food

- A. In addition to the other applicable requirements of this chapter, a person who offers potentially hazardous food for sale in a vending machine shall meet the requirements of this section.
- B. The operator of an establishment providing machines vending potentially hazardous foods shall ensure that:
1. Each machine vending potentially hazardous food is supported by an approved storage and servicing area or is supplied and serviced from an approved commissary;
 2. Each machine is designed, constructed, and operated in a way that equals or exceeds NSF's ANSI/NSF International Standard 25 - 1990, *Vending Machines for Food and Beverages*, as amended through April 14, 1997, or the National Automatic Merchandising Association's (NAMA) *Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines*, as amended through April 14, 1997, both of which are adopted by reference;
 3. Water used in each machine is obtained from a source constructed and operated as required by 18 AAC 80;
 4. Employees wash their hands immediately before loading the machine or use single-use gloves;
 5. Potentially hazardous food is dispensed to the consumer in the individual, original container or package into which it was placed at the commissary;
 6. Milk and fluid milk products are dispensed only in individual, original containers;
 7. Fluid milk products, and fluid nondairy products such as creaming agents, are not dispensed in a vending machine as an ingredient in hot liquid beverages or other food;
 8. The temperature of potentially hazardous food is kept at 45°F or below or 140°F or above except during the time required to load or service the machine and no more than 30 minutes after loading or servicing; and
 9. A conspicuous label shall be affixed to the front panel of the machine identifying the name, address and phone number of the food establishment providing and servicing the vending machine.
- C. A semi-automated espresso machine that uses liquid milk and that, upon activation of a switch or insertion of a coin, dispenses a beverage into a container placed under the dispenser by an employee or a consumer is not considered a vending machine for purposes of this chapter.

- A. **Editor's note:** A copy of *Vending Machines for Food and Beverages*, referred to in this section may be obtained from NSF International, 3475 Plymouth Road, P.O. Box 130140, Ann Arbor, MI 48113-0140, (313) 769-8010. A copy of *Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines*, referred to in this section may be obtained from the National Automatic Merchandising Association, 20 N. Wacker Drive, Suite 3500, Chicago, IL 60606-3102 (312) 346-0370. Both documents may be viewed at the department.

ARTICLE 7 FOOD PROCESSING

Section

- 16.60.700 Food processing establishment design and control
- 16.60.710 Hazard analysis critical control point (HACCP)
- 16.60.720 Thermal processing and acidified food
- 16.60.730 Glacier ice and ice manufacturing
- 16.60.740 Bottled drinking water
- 16.60.750 Reduced oxygen packaging at food services or markets

16.60.700 Food Processing Establishment Design and Control

- A. In addition to the other applicable requirements of this chapter, the operator of a food processing establishment shall comply with this section.
- B. The operator of a food processing establishment shall ensure that:
1. Areas and equipment used to process food for human consumption are not used to process animal feed or inedible products unless the food intended for human consumption is protected from contamination; and
 2. Contaminated food and ingredients are rejected or reprocessed to eliminate the contamination.
- C. The operator of a food processing establishment shall ensure that when routine testing is needed to identify sanitation failures or food contamination or to assure product quality, testing facilities and procedures are provided at the facility or at a qualified laboratory.
- D. The operator of a food processing establishment may not use a packaging process or material that:
1. Transmits a contaminant or objectionable material to the food;
 2. Imparts additives;
 3. Fails to prevent food contamination; or

4. Allows the rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of *Clostridium botulinum*.

E. In addition to the labeling requirements listed under 18 AAC 31.060, the owner or operator of a food processing establishment shall ensure that food products made by the processor are labeled:

1. With a lot number or other code that will allow production lots to be identified in the event the food is recalled, contaminated, or otherwise found to be unfit for human consumption. The operator shall keep lot records for a period that exceeds the shelf life of the product by six months, or for two years, whichever is less; and

2. So that known allergens, including fish, tree nuts, mollusks, wheat, milk crustacea, eggs, and legumes (particularly peanuts and soybeans) used in food product formulations are declared on the label, even if a processing or incidental additive. The name of the ingredient may be accompanied by a parenthetical statement such as "processing aid" for clarity.

F. The operator of a food processing establishment shall develop and maintain procedures for notifying the department and consumers of a product recall and shall implement those procedures for any product for which the operator or the department knows or has reason to believe might cause illness, injury, or gross consumer deception.

16.60.710 Hazard Analysis Critical Control Point (HACCP)

A. Unless otherwise provided in this section, and except as provided in subsection 16.60.750.B the operator of a food processing establishment where smoking, curing, acidifying, dehydrating, thermally processing low-acid food, reduced oxygen packaging, or other processes are used that allow the rapid and progressive growth of infectious or toxigenic microorganisms, or the slower growth of *Clostridium botulinum*, shall develop and follow a HACCP plan that includes:

1. The name and position of each person with primary responsibility for quality assurance and production, including the name and position of each person who decides whether a product or a package can be reworked or shall be destroyed;

2. A process flow diagram that outlines each processing step from the acceptance of raw materials to the production and packaging of the finished product for each product or group of related products;

3. Specific critical control points in the process where monitoring of practices or physical parameters such as temperature, pH, water activity, or packaging defects will occur, including:

a. The schedule for monitoring;

- b. The monitoring procedure; and
- c. Corrective action that will be taken if a process deviation occurs;
4. A description of analysis methods used to evaluate raw materials, finished products, food ingredients, and packaging materials;
5. The frequency of testing, such as for pH, water activity, sodium nitrite and salt concentration;
6. The frequency of culturing for infectious or toxigenic bacteria;
7. A list of specifications for materials used in processing and packaging;
8. Product codes that identify the food processing establishment and production data;
9. A manual identifying the procedures and frequencies for sanitary maintenance of facilities and equipment, and hygienic practices of employees;
10. A procedure for maintaining monitoring records that allows for review and evaluation, including the HACCP program results;
11. Procedures for a self-inspection program to be used at a frequency that shall give reasonable assurance that the establishment will be maintained in a sanitary condition that meets the requirements of this chapter; and
12. A description of the method used to evaluate the condition of product packages and the integrity of seals.

B. The department may require the operator to submit a copy of the HACCP plan for department review and comment for a new product or a change in processing procedures if necessary to determine compliance with this chapter.

16.60.720 Thermal Processing and Acidified Food

A. An operator of a food establishment who thermally processes low-acid foods packaged in hermetically-sealed containers shall:

1. Comply with this chapter;
2. Meet the requirements of 21 C.F.R. 113, as amended through April 14, 1997, adopted by reference; and
3. Ensure that water used to cool a product thermally processed in a retort is chlorinated or otherwise sanitized, using a sanitizing solution listed in subsection 16.60.420.C.2 to provide a measurable residual of free available chlorine or its equivalent at the discharge of the cooling system.

B. An operator of a food establishment who processes acidified foods shall:

1. Comply with this chapter; and

2. Meet the requirements of 21 C.F.R. 114, as amended through April 14, 1997, adopted by reference.

Editor's note: Copies of the federal regulations adopted by reference in this section may be viewed at the department.

16.60.730 Glacier Ice Processing and Ice Manufacturing

A. Except for a person who exports glacier ice without further processing, in addition to the other applicable requirements of this chapter, the operator of a food establishment where glacier ice is processed or ice is manufactured shall comply with this section.

B. The operator of a food establishment where glacier ice is processed or ice is manufactured shall ensure that:

1. Food-contact surfaces of equipment are washed, rinsed, and sanitized at least weekly; and
2. Utensils are washed, rinsed, and sanitized at least once each day.

C. For glacier ice, the operator of a food establishment shall ensure that:

1. Contamination of glacier ice is minimized during harvesting, transportation, and storage;
2. Glacier ice is transported in clean containers or vehicles;
3. Floors in receiving and processing rooms are sloped one-quarter inch per foot to floor drains with traps;
4. In addition to the requirements of section 16.60.545, walls in receiving and processing rooms are impervious to water to a height of at least four feet;
5. Before processing, glacier ice is cleaned with potable water to remove surface debris and contaminants; and
6. After glacier ice has been cleaned, cleanable equipment, such as a belt or slide, is provided to transport the ice from the receiving room into the processing room.

D. For manufactured ice, the operator of a food establishment shall ensure that ice manufacturing is separated by space or enclosure from any source of contamination.

E. Glacier or manufactured ice may not exceed the maximum contaminant levels set for drinking water in 18 AAC 80. If the operator finds or suspects that a maximum contaminant level has been exceeded, the operator shall submit samples of the glacier or manufactured ice to a certified laboratory for analysis of the contaminants of concern listed in 18 AAC 80, at a frequency necessary to assure that the water quality meets the requirements of this subsection. Samples submitted shall produce a minimum of 100 ml of water when melted.

16.60.740 Bottled Drinking Water

An operator of a food processing establishment who bottles drinking water shall obtain a permit through the Alaska Department of Environmental Conservation and shall meet the requirements of 18 AAC 31. An operator who bottles drinking water for interstate commerce may also be subject to 21 C.F.R. 129 and shall contact FDA.

16.60.750 Reduced Oxygen Packaging at Food Services or Markets

A. In addition to the other applicable requirements of this chapter, the operator of a food service or market who uses reduced oxygen packaging shall comply with this section.

B. The operator of a food service or market may reduce oxygen package the following without developing a HACCP plan under section 16.60.710:

1. Nonpotentially hazardous food;
2. Meat and poultry products received in intact packages and cured at a processing plant regulated by the USDA;
3. Food with high levels of nonpathogenic competing organisms such as raw meat, raw poultry, and fermented natural hard or semi-soft cheese containing live starter culture organisms;
4. Food that is received frozen and kept frozen until use, subject to subsection B.5 of this section; and
5. Food that is rapidly frozen prior to or as part of a reduced oxygen packaging process and stored frozen until reheated or thawed for immediate use; food described in subsections B.4 and B.5 shall meet the following continuous cooling and freezing requirements:
 - a. The food shall be cooled from 140°F to 70°F or below within two hours;
 - b. The food shall be cooled from 70°F to 45°F or below within four hours; and
 - c. The food shall be frozen completely to below 10°F within 24 hours.

C. Except as provided in subsection E of this section, the operator of a food service or market may reduce oxygen package food in addition to the food described in subsection B of this section if the food has characteristics that will present a barrier to the growth of infectious or toxigenic microorganisms and *Clostridium botulinum*, and a HACCP plan is developed and followed as required in section 16.60.710. Food subject to this subsection includes:

1. Food with a water activity that measures below 0.93;
2. Food with a pH of 4.6 or less; and

3. Food cured onsite using a standard recipe approved by the department with an initial sodium nitrite concentration of 120 ppm and 3.5 percent water phase salt concentration as demonstrated by the operator.

D. Except for seafood subject to 18 AAC 34, if food is reduced oxygen packaged under subsection C of this section, the operator of a food service or market shall:

1. Sell the food within 14 days after packaging;
2. Ensure that the shelf life on the label of the reduced oxygen packaged food does not exceed any original processor's shelf life; and
3. Attach the following labels:
 - a. "Keep refrigerated at 45°F or below and use within 7 days of purchase, unless frozen."; and
 - b. "Sell by month/day/year," with the date specified being no more than 14 days after packaging.

E. The following food products may not be reduced oxygen packaged at a food service or market:

1. Uncured meat or poultry cooked at a food service or market;
2. Ricotta cheese, cottage cheese, cheese spread, or combinations of cheese and other ingredients, such as vegetables or meat;
3. Seafood products that are acidified, dehydrated, smoked, or thermally processed unless the food service or market also has a current permit issued under 18 AAC 34; and
4. Other seafood products unless they meet requirements in subsections B.4 or B.5 of this section.

F. In addition to the requirements in subsections A through E of this section, the operator of a food service or market shall ensure that:

1. Conspicuous signs are posted in the packaging area that list products that may be reduced oxygen packaged and warn against packaging any other product;
2. All aspects of a reduced oxygen packaging process are conducted in an area completely separated by partition or space from areas used for raw or fully-cooked products, except those raw or fully-cooked products being packaged, and that the dedicated packaging area is not used for any other purpose;
3. Only persons who are trained regarding use of the equipment, procedures, and concepts required for safe packaging are allowed to use reduced oxygen packaging equipment;

4. Potentially hazardous food approved for reduced oxygen packaging is refrigerated at a temperature of 45°F or below or frozen at a temperature of 0°F or below, as appropriate, at all times except during short periods of processing not to exceed 30 minutes;

5. Gases, if used in packaging, are of food grade; and

6. Packaging material is appropriate and adequate for the food, associated pathogens, and method of processing, including the type of gas, if any.

G. In addition to the labeling requirements of this section, the operator of a food service or market shall ensure that reduced oxygen packaging meets the applicable requirements of section 16.60.060.

ARTICLE 8 MARKETS

Section

16.60.800 Bulk food

16.60.810 Retail seafood products

16.60.820 Reindeer for retail sale to or at a market

16.60.800 Bulk Food

A. In addition to meeting the other applicable requirements of this chapter, the operator of a market who displays bulk food for self service shall ensure that:

1. Display units are properly labeled as required by section 16.60.060;

2. Labels and marking pens are available to consumers to identify bulk items purchased;

3. Food containing sulfiting agents is conspicuously labeled as required by section 16.60.060;

4. Bulk food display units are separated from any containers of bulk chemicals and bulk pet food by distance, such as separate aisles, or partitions;

5. An employee is assigned to monitor the area to discourage tampering and consumer contamination; to restock; to label; to clean spills; and to wash, rinse, and sanitize containers and utensils;

6. Scoops, tongs, or other utensils are readily available to minimize hand contact, and are stored in the food with the handle up or in a protective enclosure or holder;

7. Tongs, scoops, and other utensils used by customers are washed, rinsed, and sanitized at least once each day or more frequently if needed; and

8. Display units and lids are washed, rinsed, and sanitized before restocking, when soiled, or at more frequent scheduled intervals, depending on the amount and type of food accumulation.

16.60.810 Retail Seafood Products

A. In addition to the other applicable requirements of this chapter, an operator of a market who offers seafood products for retail sale shall comply with this section.

B. The operator shall ensure that, in addition to the applicable requirements of section 16.60.060, labels on packaged seafood include:

1. The date of packing;
2. The name of the seafood product for which a definition and standard of identity is included in *The Seafood List, FDA's Guide to Acceptable Market Names for Seafood Sold in Interstate Commerce* 1993, as amended through April 14, 1997, adopted by reference, or the usual name of the seafood product for which a definition and standard of identity is not included in that document; and
3. For an imitation seafood product, the word "imitation", followed by the name of the product, with the labeling in letters as large as the name of the product.

C. In addition to the requirements of subsections A and B of this section, the operator of a market:

1. Shall ensure that during storage or display:
 - a. Frozen seafood products are kept frozen until sold or thawed for sale or use;
 - b. Seafood products that are thawed before sale or use are thawed according to subsections 16.60.230.A.8.a or 16.60.230.A.8.b; and
 - c. A reduced oxygen packaged seafood product that is not thermally processed to be sterile or frozen is kept at 38°F or below;
2. May display packaged products directly in clean, drained ice from an approved source; and
3. May store or display raw products in clean, drained ice from an approved source, except that if ice is the sole method of maintaining product temperature, the product depth may not exceed:
 - a. The thickness of a whole fish;
 - b. A single layer of fillets, roasts, or steaks; and
 - c. Two inches of shellfish, crustaceans, or other seafood products.

D. In addition to the requirements of subsections A and C of this section, the operator of a market shall ensure that:

1. Refrigerated display cases or ice-cooled display cases or bins:

- a. Are durable and able to withstand the weight of seafood products and display ice;
- b. Have a drain system adequate to remove fluids from condensation, melting ice, and the product;
- c. If permanently installed, are indirectly plumbed to the sewer;
- d. With condenser coils or cooling fans located at the top of the case, have catchment covers that remove any possible condensation or drippage above the product; and
- e. Are cleaned of ice, and washed, rinsed, and sanitized at least three times each week, or more often if needed to control odor;

2. Storage pans are perforated;

3. Systems for holding live shellfish:

- a. Have tanks that:
 - i. Have smooth, cleanable surfaces;
 - ii. Are durable and accessible for washing, rinsing, and sanitizing;
 - iii. Have plumbing and spray nozzles that are cleanable and made from safe materials; and
 - iv. Hold at least 100 gallons of water per 75 pounds of shellfish.
- b. Have plumbing that:
 - i. Shall not be a source of contamination;
 - ii. Does not have dead-end pipes or hoses that can fill with stagnant water; and
 - iii. Has a backflow prevention device to protect the potable water supply;
- c. Have a recirculation system that includes:
 - i. Filtration to remove particulate matter and ammonia;
 - ii. A disinfection system to remove coliform bacteria from the water; and
 - iii. A refrigeration unit to maintain water at 40 - 60°F; and
- d. Have UV lights for disinfection:

- i. That are cleaned at least every 6-8 weeks; and
- ii. The bulbs for which are replaced at least yearly.

4. Employees:

- a. Do not mix molluscan shellfish with crustacean shellfish;
- b. Do not co-mingle different lots of shellfish in the tank;
- c. Use vertical dividers or mesh bags for separating lots;
- d. Wash shellfish free of mud or other debris and cull dead, broken, or weak shellfish before placing shellfish in the tank;
- e. Cull shellfish at least daily to remove dead or weak shellfish;
- f. Wash, rinse, and sanitize the tank and recirculation system at least once each week;
- g. Ensure that tanks and recirculation systems that have been used for other species are washed, rinsed, and sanitized before use for mollusks;
- h. Ensure that defoamers, if used, are of food-grade quality; and
- i. Follow the manufacturer's guidelines for maintaining the salinity of the water in the tanks.

Editor's note: "The Seafood List" referred to in this section is on file at the Office of the Lieutenant Governor, available from the United States Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington D.C. 20402-9328, or may be viewed at the department.

16.60.820 Reindeer for Retail Sale to or at a Market

- A. An owner or a herder of reindeer may sell meat from slaughtered and dressed reindeer to a market only if the reindeer have been slaughtered in an approved facility or if:
 - 1. The reindeer are slaughtered and dressed only when the outdoor temperature is 32°F or below and there is adequate snow cover on the ground to protect the carcasses from contamination;
 - 2. Slaughtered carcasses are covered by the person who is slaughtering before moving the carcasses, to protect the meat from contamination;
 - 3. Carcasses are frozen immediately after slaughter and are kept frozen during transportation, storage, and display; and
 - 4. Carcasses are visibly clean.
- B. The operator of a retail meat market permitted under this chapter may process frozen reindeer shoulders, saddles, legs, or whole carcasses into smaller portions or cuts if:
 - 1. The processing is kept separate from other processing by time or space;

2. Equipment used to process reindeer is washed, rinsed, and sanitized before and after processing as required by section 16.60.420;
3. The meat is kept frozen during processing, storage, and display; and
4. In addition to the labeling requirements of section 16.60.060, retail packages are conspicuously labeled as follows: "NOT AN INSPECTED PRODUCT. REINDEER MUST BE COOKED TO AN INTERNAL TEMPERATURE OF 165°F OR ABOVE."

ARTICLE 9 COMPLIANCE PROCEDURES AND GENERAL PROVISIONS

Section

- | | |
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16.60.900 **Inspections**

- A. The department may conduct inspections to determine compliance with this chapter.
- B. The operator of a food establishment shall allow an employee or agent of the department, after proper identification, to enter and have free access to the establishment during reasonable hours in order to determine compliance with this chapter. Failure to grant access shall constitute cause for the food establishment operating permit to be suspended or revoked pursuant to subsections 16.60.905.A.5 and 16.60.905.G.3. The department may:
 1. Inspect all or any portion of the establishment, including each type of operation required to have a permit under section 16.60.020;
 2. Inspect all or any portion of any commissary, servicing area, or other facility supporting or operating in conjunction with the food establishment, including areas supporting vending machines;

3. Examine records relating to food and supplies purchased, received, or used;
4. Examine employees' illness or absenteeism if investigating a possible foodborne outbreak; and
5. Examine food, observe procedures, obtain samples, or conduct tests to assure compliance with this chapter.

C. During an inspection, the inspector shall record the findings on a form developed by the department. The description of a violation shall include the number on the form associated with the category under which the violation occurred, a brief statement of the specific problem and required correction, and a time period for the correction of the violation. A separate form shall be used for each type of operation inspected.

D. The department shall conduct inspections as follows:

1. Regular Inspections. The department shall make a reasonable effort to inspect every food establishment at least once per year. When a regular inspection is made, the inspector shall complete an inspection form in its entirety.
 - a. The department shall conduct additional inspections of food establishments based upon the potential risk of foodborne illness transmission as determined by the following:
 - i. Types of food served;
 - ii. Methods of food preparation and service;
 - iii. Number of meals served;
 - iv. Typical population group served; and
 - v. Past history of compliance with this chapter.
 - b. A reinspection may be scheduled subsequent to a regular inspection according to subsection D.2 of this section;
 - c. An enforcement inspection may be scheduled subsequent to a regular inspection according to subsection D.3 of this section.
2. Reinspections. When a reinspection is made, the inspector shall complete an inspection form in its entirety, including those items found in violation during the previous inspection.
 - a. A reinspection may be conducted by the department as needed subsequent to a regular inspection where violations were noted and a compliance schedule was developed and documented, or to monitor correction of items listed on the last regular inspection form. If violations are noted as follows during any regular inspection, a

reinspection may occur within thirty (30) calendar days of the initial inspection:

- i. Three or more critical violation categories; or
- ii. Two or more critical violation categories and three or more of the noncritical violation categories listed in subsection G.1.b of this section; or
- iii. If a rating form is used and the rating is 84 or below.

b. Any new violations found during a reinspection shall be discussed and a correction time shall be established according to subsection H of this section;

c. An enforcement inspection may be scheduled subsequent to a reinspection according to subsection D.3 of this section.

3. Enforcement inspections. When an enforcement inspection is made, the inspector shall complete an inspection form in its entirety, including those items found in violation during the previous inspection.

a. An enforcement inspection may be made:

- i. When a reinspection reveals continued critical violations that have not been corrected; or
- ii. When a subsequent regular inspection reveals that critical violations identified during the previous regular inspection have not been corrected.

b. During an inspection that results in the need for an enforcement inspection:

- i. The permit holder shall receive written notice on the inspection form that an enforcement inspection shall be made on a specific date, which shall be within fifteen (15) days of the current inspection date;
- ii. Notice shall be given on the inspection form that should the operator fail to correct the identified violation(s) by the time of the enforcement inspection, regulatory action may be initiated to suspend or revoke the food establishment permit in accordance with section 16.60.905;

c. The food establishment operator shall be assessed a fee for such enforcement inspection(s) at the current department rate set forth in section 16.60.050.

d. Should an enforcement inspection reveal that critical violations

identified on the previous inspection continue to exist:

- i. Regulatory action may be initiated to suspend or revoke the permit in accordance with section 16.60.905; or
- ii. The department may schedule additional enforcement inspections. Should additional enforcement inspections be necessary subsection 16.60.900.D.3 shall apply to each enforcement inspection made.

4. Change of ownership inspections. A change of ownership inspection shall be conducted by the department following receipt of an application for permit indicating a change of ownership. The inspection will check for compliance with this chapter.

5. The department may conduct additional inspections of food:

- a. Subsequent to extensive remodeling of a food establishment;
- b. In response to a complaint;
- c. Prior to issuance of a permit and to opening of a new food establishment;
- d. After fire, flood, extended interruption of potable water or electrical service or other emergency in the food establishment which may affect food safety; or
- e. As needed to protect public health or assure compliance with this chapter.

6. The department may, at any reasonable time, conduct an inspection of a structure for which plans have been approved by the department to monitor compliance with this chapter.

E. If a rating form is used, violations will be grouped in categories as follows:

1. Each critical violation category will be assigned a value of 4 or 5 points, regardless of the number of violations in that category;
2. Each noncritical violation category will be assigned a value of 1 or 2 points, regardless of the number of violations in that category; and
3. The point value of each category in which there is a violation will be added together, then subtracted from 100 to determine the final rating.

F. If a rating form is used:

1. The operator shall correct violations as follows:
 - a. 4- or 5-point valued items represent critical violations and must be corrected immediately; if the department agrees that immediate

correction is not possible and that interim measures can be initiated to satisfy the purpose of the requirement and protection of public health, the department will, in its discretion, designate a correction period of up to 15 days on the form;

- b. If the rating is 85 or above, violations of 1- or 2-point valued violations must be corrected within 90 days unless otherwise noted in the report;
- c. If the rating is between 70 and 84, all 1- or 2-point valued violations must be corrected within 30 days unless otherwise noted in the report; and
- d. If the rating is less than 70, the department will immediately suspend the permit; and

- 2. If the rating is 84 or below, the department will, in its discretion, depending on its budget and the staffing needs of its other projects, conduct a reinspection.

G. If a nonrating form is used:

- 1. The operator shall correct violations as follows:
 - a. Critical violations must be corrected immediately; if the department agrees that immediate correction is not possible and that interim measures can be initiated to satisfy the purpose of the requirement and protection of public health, the department will, in its discretion, designate a correction period of up to 15 days on the form;
 - b. Noncritical violations in the following categories must be corrected immediately; if the department agrees that immediate correction is not possible and that interim measures can be initiated to satisfy the purpose of the requirement and protection of public health, the department will, in its discretion, designate a correction period of up to 30 days on the form:
 - i. Thawing;
 - ii. Food protected from contamination;
 - iii. Construction of food-contact surfaces;
 - iv. Accurate thermometers and test strips;
 - v. Wiping cloths; and
 - vi. Clean food-contact surfaces; and
 - c. Violations in other noncritical violation categories must be corrected by the deadline set in the report; and

2. If violations are noted as follows during any one inspection, the department will, in its discretion, conduct a reinspection:

- a. Three or more critical violation categories; or
- b. Two or more critical violation categories and three or more of the noncritical violation categories listed in G.1.b of this section.

3. The operator of a food establishment shall notify the department in writing when the operator has corrected 4- or 5-point valued violations noted on a rating form or critical violations noted on a nonrating form. The department may conduct an inspection to confirm correction.

4. The operator of a temporary food service shall correct any violation(s) by the deadline set and noted on the inspection report. If the violation cannot be corrected, the department will immediately suspend the operator's temporary food service permit.

H. The director shall review noncompliance findings if the operator of a food establishment submits a written request within fifteen (15) days after receiving the finding. The review will be conducted under section 16.60.940.

I. If a food establishment is required to cease operation, the operator may not resume operations until the department confirms the conditions that caused the suspension no longer exist. The department may, if public health is protected and the purpose of this chapter is otherwise satisfied, enter into a compliance agreement with the operator that establishes a schedule for correcting deficiencies.

J. The operator shall post for review by employees a copy of the most recent inspection report together with a copy of this chapter as required in subsection 16.60.020.B.

K. The completed inspection report is a public record and is available for public review. The department may publish individual inspection reports or ratings, summaries or trend data extracted from groups of inspection reports.

16.60.905 Permit Suspension or Revocation; Notice of Closure

A. Suspension. The department may, in its discretion, and without prior warning, notice, or hearing, suspend a permit and require that the food establishment cease operating if:

1. An imminent health hazard exists;
2. A rating form was used to record the results of an inspection and the rating is less than 70;
3. A nonrating form was used to record the results of an inspection, and the same type of critical violations are noted in three or more critical violation

categories during:

- a. A reinspection or enforcement inspection under subsection 16.60.900.D; or
 - b. A second inspection of the establishment during a 12-month period;
4. The operator has failed to comply with the conditions of a waiver;
 5. The operator or an employee interferes with an inspector in the performance of their official duties;
 6. A food establishment is placed under a boil water notice under 18 AAC 80 because of violations of the maximum contaminant level for coliform bacteria and the operator fails to take the actions required by subsection 16.60.500.E; or
 7. The department or food establishment is advised that under 18 AAC 80 one or more check samples of the food establishment's public drinking water supply are positive for fecal coliforms;
 8. The food establishment has been constructed or remodeled in a manner different from the plans approved by the department and such construction or remodeling violates this chapter or other provisions of law.

B. Effect of suspension. The food establishment shall cease all preparation and service of food immediately after written notice of permit suspension has been received by the operator.

C. Notice of suspension. The notice of suspension shall state:

1. That the permit is suspended immediately upon receipt of the notice of suspension by the operator and that all preparation and service of food shall immediately cease;
2. That no food preparation or service shall occur at the food establishment after a notice of suspension has been delivered to the operator until the department notifies the permittee that the suspension has been retracted;
3. An itemized list of the reasons for the suspension;
4. A timetable for correction of the deficiencies and the date of the next inspection;
5. That the operator may request a hearing by filing a written request with the administrative hearing office within ten (10) days after delivery of the suspension notice as provided in section 16.60.950.

D. Retraction of suspension. The department may retract a suspension at any time, so long as the reason for the suspension has been remedied. After a suspension order has been issued by the department, the food establishment shall not prepare or

1 serve food until such time as the department has retracted the suspension. At the
2 request of the operator of a suspended permit, the department may conduct a
3 reinspection or enforcement inspection to confirm correction of the items listed on
4 the notice of suspension.

5 E. Closure. The department may issue a Notice of Closure to a food establishment
6 requiring the operator to immediately cease operation if the operator has:

7 1. Failed to submit plans or receive department approval of plans as required
8 by section 16.60.040, or an inspection indicates construction or renovation
9 at the establishment is not in substantial compliance with;

10 a. The plans approved by the department; or

11 b. All requirements of this chapter.

12 2. Failed to submit a permit application or receive department approval of a
13 permit application for a food establishment or failed to submit a change of
14 ownership application as required by section 16.60.030; or

15 3. Failed to pay a permit fee or any other applicable fee required by section
16 16.60.050.

17 F. Notice of closure. The notice of closure shall state:

18 1. That the food establishment shall close immediately upon receipt of the
19 notice of closure by an operator and that all preparation and service of food
20 shall immediately cease;

21 2. That no food preparation or service shall occur at the food establishment
22 after a notice of closure has been received by the operator;

23 3. The reason(s) for the notice of closure;

24 4. That the operator may request a hearing by filing a written request with the
25 administrative hearing office within ten (10) days after delivery of the
26 closure notice as provided in section 16.60.950.

27 G. Revocation. The department may, in its discretion, revoke a permit if:

28 1. Serious and repeated violations of any requirement of this chapter occur;

29 2. A food establishment permit is suspended three times within any twelve
30 month period and any inspection in the subsequent twelve months reveals
31 repeated critical violations where a health hazard is likely to exist and a
32 rating form was used to record the inspection, and the rating is less than 70;
33 or

34 3. Repeated interference with, or assault upon, an inspector in the performance
35 of their official duties.

- 1 H. Notice of revocation. The department shall notify the permittee of the pending
2 revocation by providing written notice to the address provided on the permit
3 application and by delivering a second copy of that notice to the operator at the
4 food establishment. The notice of pending revocation shall state:
- 5 1. That the permit shall be revoked on the 11th day following delivery of a
6 revocation notice to the operator at the food establishment, in the absence
7 of a request for a hearing;
 - 8 2. The reason(s) for the pending revocation; and
 - 9 3. That the permittee may request a hearing by filing a written request with the
10 administrative hearing office within ten (10) days after receipt of the
11 revocation notice as provided in section 16.60.950.
- 12 I. Application for permit following revocation. The holder of a revoked permit shall
13 not be granted a new permit for at least six (6) months after revocation, and then
14 only if satisfactory evidence is provided to the department demonstrating that the
15 conditions causing the revocation have been corrected.
- 16

17 **16.60.910 Examination, Embargo, and Destruction of Food**

- 18 A. The department may, in its discretion, examine and obtain samples of food offered or
19 displayed for sale to the public.
- 20 B. The department may, applying its enforcement discretion, detain a product if it finds,
21 or has cause to believe, the food product or food ingredient is adulterated,
22 misbranded, or processed or harvested in violation of this chapter. Detention under
23 this subsection is subject to the following procedures:
- 24 1. The department will:
 - 25 a. Order affixed in a conspicuous place to the food product or food
26 ingredient a "detained" tag or other appropriate marking that gives
27 notice that the food product or food ingredient has been detained, and
28 warn against the removal or disposal of the food product or food
29 ingredient without permission from the department or a court; a person
30 may not move, reprocess, relabel, destroy, or otherwise terminate
31 detention of the food product or food ingredient without the
32 department's written consent;
 - 33 b. Issue a notice of detention and inform the immediate custodian or
34 owner of conditions under which the detention can be terminated; and
 - 35 c. Notify the immediate custodian or owner of the results of any
36 laboratory analysis conducted by the department;

2. The immediate custodian or owner may request a hearing within 30 days after receipt of the notice of detention; the department will hold a hearing within five working days after receipt of a request and will issue its final decision within five working days after the hearing, or within 35 days after the date of the notice of detention, whichever is later;
3. If, after issuing a notice of detention, the department finds that the food product or food ingredient is not adulterated, misbranded, or processed or harvested in violation of this chapter, the department will notify the immediate custodian or owner and order the detention terminated; and
4. If the department finds that the food product or food ingredient is adulterated, misbranded, processed, or harvested in violation of this chapter, the department will notify the immediate custodian or owner by personal service or certified mail of the corrective action necessary, which may include destruction of the food product or food ingredient.

16.60.920 Food Protection Manager Certification

- A. The operator of a full food service shall have at least one certified food protection manager for each location who is an active on-site person responsible for the day to day operation of the establishment.
- B. The operator of a food establishment, other than full food service, shall have at least one certified limited food protection manager for each location who is an active on-site person responsible for the day to day operation of the establishment.
- C. The department may require that the operator of a food establishment have a certified food protection manager or limited food protection manager present during each shift if there is a documented inability to maintain safe and sanitary food handling practices as demonstrated by:
 1. Foodborne illness;
 2. Serious and repeated violations of this chapter; or
 3. Other factors that significantly increase risk to consumers.
- D. An individual will be considered a certified food protection manager if they provide documentation that they successfully completed the food safety examination for food managers from one of the following:
 1. The National Restaurant Association;
 2. Professional Testing, Inc.;
 3. Experior Assessments;
 4. Dietary Manager's Association; or

5. A food safety examination approved by the department.

E. An individual will be considered a certified limited food protection manager if they provide documentation that they successfully completed a food safety examination for limited food managers approved by the department. To be approved by the department, successful completion of the examination must demonstrate an individual has achieved a basic competency level of skills and knowledge of food safety and sanitation adequate to meet the needs based on the highest level of food handling practices performed at the type of food establishment.

F. The operator of all food establishments shall ensure employees are trained in food safety and sanitation practices commensurate to each employee's responsibility.

G. If more than one food establishment is being operated by the same person and is located on the same property, only one certified food protection manager or certified limited food protection manager shall be required. The level of certification shall be adequate to meet the highest level of food service at the site.

H. A copy of the certified food protection manager certificate or certified limited food protection manager certificate shall be forward to the department within ten (10) days of receipt of the certificate, to be kept on file by the department. All copies of certificates forwarded to the department shall include the name and permit number of the establishment where the certificate holder is currently employed.

I. The permit holder of a food establishment shall:

1. Promptly notify the department when the certified food protection manager or certified limited food protection manager terminates employment with the food establishment; and

2. Supply the department with the name and a copy of the certificate of the new certified person within thirty (30) days after the termination date of the previous certified person.

J. For certification purposes, the certificate date shall be the date the individual successfully completed the examination.

K. The certificate:

1. Shall expire three years from the date of the original issuance;

2. Shall be prominently displayed at the food establishment at all times; and

3. May be renewed if the certified person successfully completes recertification requirements approved by the department.

L. The department may cancel the approval of a training course or programs at any time if investigation reveals the criteria established by the department are not being met.

Editors Note: The companies noted under subsection D of this section can be contacted

as follows:

1. The ServSafe Serving Safe Food Certification Examination
National Restaurant Association
250 South Wacker Drive, Suite 1400
Chicago, IL 60606
(800) 765-2122
2. Professional Testing, Inc.
National Registry of Food Safety Professionals
1200 E. Hillcrest Street, Suite 300
Orlando, FL 32803-4737
(407) 228-0909 FAX (407) 894-8164
3. Experior Assessments
600 Cleveland Street, Suite 1000
Clearwater, FL 34615
(727) 449-8525 FAX (727) 461-2746
4. Dietary Manager's Association, Certified Food Protection Professional Credential
406 Surrey Woods Drive
St. Charles, IL 60174
(630) 587-6336 FAX (630) 587-6308

16.60.930 Waiver of Requirements

- A. Except for a fee required by section 16.60.050, the department may, waive a requirement of this chapter if it finds that public health is protected and the purpose of the requirement is otherwise satisfied.
- B. An application for a waiver shall be submitted in writing to the department, and shall:
 1. Specify the requirement for which the waiver is sought;
 2. State the reason why the requirement cannot be met; and
 3. Describe the alternate method proposed to meet the purpose of the requirement.
- C. The department may grant or deny a waiver application, with or without conditions, in writing within 30 days after it is received.

16.60.940 Right to Appeal Noncompliance Decision

- A. The operator of a food establishment subject to this chapter may appeal a department decision regarding that operator's noncompliance with this chapter; except, however, the denial, suspension or revocation of a permit, a food embargo order issued pursuant to section 16.60.910 or a closure order issued pursuant to section 16.60.905 shall be appealed pursuant to section 16.60.950. An appeal

under this section shall be made to the director, or the director's designee, in writing within 15 days after the operator receives the department decision being appealed and shall include:

1. The operator's name, mailing address, telephone number and facsimile number;
2. A description of the decision being appealed;
3. A clear and concise statement of the reason for the appeal, including:
 - a. A statement of the nature and scope of the operator's disagreement with the decision;
 - b. The proposed alternatives the operator believes would adequately address the operator's and the department's concerns; and
 - c. Any other information the operator believes would assist the department in reviewing the decision being appealed.

B. An appeal under this section shall be personally served on the director or sent by certified mail to the director. If the matter being appealed involves a fee under this chapter, that fee shall be held in abeyance without interest pending the decision of the director, or the director's designee.

C. The director, or the director's designee, shall issue a written decision on the matter being appealed within fifteen (15) working days after receiving the appeal request. The decision shall be sent by certified mail to the operator. The decision of the director, or the director's designee, is a final agency decision for purposes of judicial review. Any fee that may then be due shall be paid within thirty (30) days from the date of the department's decision. Nothing in this section affects an operator's rights under section 16.60.950.

16.60.950 Hearings and Appeal Procedures.

A. A person aggrieved by the denial, suspension or revocation of a permit by the department pursuant to this chapter, by a food embargo order issued pursuant to section 16.60.910, by a closure order issued pursuant to section 16.60.905, or by any other noncompliance order under this chapter, may apply, in writing, for a hearing before an administrative hearing officer under Title 14 of this Code.

B. A request for an administrative hearing permitted under this chapter shall be initiated by the filing of a written application for such administrative action with the administrative hearing office. A copy of the request shall be sent to the director. A request for an administrative hearing under this section shall be made in writing within ten (10) days from the date the operator receives the department decision being appealed.

C. The request for administrative hearing shall include:

1. The operator's name, mailing address, telephone number, and facsimile number;
2. A description of the decision being appealed;
3. A clear and concise statement of the reason for the appeal, including:
 - a. A statement of the nature and scope of the operator's disagreement with the decision;
 - b. The specific nature of the right, authority, license, permit or privilege desired by the applicant;
 - c. Any legal authority in support of the operator's position;
 - d. The proposed alternatives the operator believes would adequately address the operator's and the department's concerns.
4. Any other information the operator believes would assist the department in reviewing the decision being appealed.

D. A hearing shall be held no later than five (5) working days following receipt of a timely request for appeal of:

1. An order providing for suspension or revocation of a food establishment permit pursuant to section 16.60.905;
2. An order providing for closure of a food establishment pursuant to section 16.60.905; or
3. An order embargoing food pursuant to section 16.60.910.

E. A hearing shall be held no later than thirty (30) days following receipt of a timely request for appeal of:

1. A denial of a permit by the director pursuant to this chapter; or
2. Any other noncompliance order under this chapter.

F. The time periods set forth in subsections 16.60.950.D and 16.60.950.E may be extended with the agreement of all parties to the action and the approval of the administrative hearing officer.

G. The administrative hearing officer shall conduct all administrative hearings in accordance with the provisions of Title 14.

H. All decisions of the administrative hearing officer shall be in writing and shall include separately designated findings of fact and conclusions of law explaining the disposition of each ultimate fact or ruling on each element of the violation or area of noncompliance. A decision shall also include a concise disposition statement either prescribing the fine imposed, dismissing the charging document, or declaring such other specific relief ordered by the administrative hearing officer.

A decision shall also indicate that it is a final decision for purposes of appeal and set forth the method and timing for such appeal.

1. The decision shall be mailed to the record address of all parties. A copy of any decision imposing an obligation to pay a fine or other costs shall be sent to the municipal treasurer.

2. A decision should, to the extent possible, be issued within ten working days of completion of the hearing.

I. A decision of the administrative hearing officer may be reconsidered or reheard pursuant to section 14.30.120.

J. An operator may appeal a decision of the administrative hearing officer by filing for such review before the superior court for the Third Judicial District of the state pursuant to section 14.40.010. The court's review shall be limited to a determination that the decision of the administrative hearing officer is or is not supported by substantial evidence in the record.

16.60.990 Definitions

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

1. "accessible" means easily and readily exposed for cleaning or inspection with or without simple tools such as those used by maintenance personnel and reached without moving panels or other stationary equipment. Accessible also means unobstructed and available for use as in the case of handwashing facilities.

2. "acid food" means a food that has a natural pH of 4.6 or below;

3. "acidified food" means:

a. A low-acid food to which acid or acid food is added; low-acid foods that are frequently acidified include beans, cucumbers, cabbage, artichokes, cauliflower, peppers, tropical fruits, and puddings, singly or in combination; some of these foods may be called "pickles" or "pickled ____ [*insert name of food*]"; and

b. Does not include:

i. Carbonated beverages;

ii. Jams, jellies, or preserves;

iii. Acid food such as food dressings and condiment sauces that contain small amounts of a low-acid food and have a resultant

finished equilibrium pH that does not differ from the predominant acid or acid food; and

iv. Foods that are stored, distributed, and displayed under refrigeration;

4. "adequate" means that which is necessary to accomplish the intended purpose, in keeping with good public health practices, while complying with this chapter;

5. "adulterated food" means food that:

a. Bears or contains a poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance the food is not considered adulterated under this paragraph if the quantity of the substance does not ordinarily render it injurious to health;

b. Bears or contains added poisonous or added deleterious substance which is unsafe;

c. Consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food;

d. Has been produced, prepared, packed, or held under insanitary conditions in which it may have become contaminated with filth, or in which it may have been rendered diseased, unwholesome, or injurious to health;

e. Is, in whole or in part, the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse;

f. Is in a container composed, in whole or in part, of a poisonous or deleterious substance which may render the contents injurious to health;

g. If it is potentially hazardous and it has been held at temperatures not in compliance with the requirements set forth in this chapter.

6. "approved" means acceptable to the department or its authorized agent, based upon conformance with applicable local, state, and federal standards and good public health practices;

7. "approved facility" means a place other than a commissary or residence that is acceptable to the department for a specific activity in support of a temporary food service, a limited food service, kiosk, or a mobile food unit;

8. "approved source" means a food establishment or facility that is permitted or certified by the local, state, or federal agency with jurisdiction;

- 1 9. "bed and breakfast homestay" means a business located in an owner- or host-
2 occupied, one-family dwelling in which up to five guestrooms are provided for
3 compensation as overnight accommodations for transient guests to whom a
4 continental or cook-and-serve breakfast is customarily served and included in
5 the charge for the room;
- 6 10. "bottled water" means water that is sealed in bottles or other containers and
7 intended for human consumption;
- 8 11. "bulk food" means processed or unprocessed nonpotentially hazardous food
9 displayed in containers from which consumers withdraw desired amounts;
- 10 12. "caterer" means:
- 11 a. A person who uses a specified and permitted food establishment to
12 prepare food for service and consumption at another food establishment
13 or at a public or private event; or
- 14 b. A permitted food service that, in addition to preparing food for service
15 and consumption at the food service, also prepares food for service and
16 consumption at another food establishment or at a public or private
17 event;
- 18 c. Any operator or operation conducting food demonstrations other than
19 a temporary food service or those exempt from permit in subsection
20 16.60.020.D;
- 21 13. "certified laboratory" means a laboratory certified under 18 AAC 80.250;
- 22 14. "child care group home" means a child care facility, usually in an occupied
23 residence, for nine to 12 children;
- 24 15. "child care home" means a child care facility, usually in an occupied residence,
25 for no more than eight children;
- 26 16. "cold-hold" and "cold-holding" means to maintain the temperature of a
27 potentially hazardous food at 45°F or below while that food is being held
28 during transportation, storage, preparation, processing, display, and service;
- 29 17. "commissary" means a food establishment where support services are provided
30 to one or more caterers, vending machines, mobile food units, limited food
31 services, kiosk, or temporary food services; these support services may
32 include:
- 33 a. Food preparation, handling, packaging, or storage;
- 34 b. Storage of utensils, including single-service items, or supplies;
- 35 c. Washing, rinsing, and sanitizing of equipment and utensils;
- 36 d. Storage of a mobile food unit when the unit is not in use;

- e. Cleaning of a mobile food unit; and
 - f. Supplying potable water or dumping wastewater;
18. "contamination" means contact with dust, insects, rodents, or other pests, unsanitary equipment or utensils, coughing, sneezing, spitting, unnecessary handling, flooding, draining, leakage from overhead, condensation, poisonous or toxic materials, or any substance, organism, or entity that might threaten public health;
19. "continental breakfast" means a morning meal consisting of ready-to-eat packaged products from approved sources such as pastries, cold cereals, dairy products, juices, coffees and teas, and cut fruit;
20. "convenience store" means a small market selling predominantly prepackaged ready-to-eat food in individual portions; "convenience store" may include self-service beverage dispensers such as coffee, hot chocolate, or carbonated beverages and only single-service items are provided for customers use;
21. "corrosion resistant" means that quality of a material that allows the material to keep its original surface characteristic under prolonged contact with food, normal use of cleaning compounds and sanitizing solutions, and other conditions of use;
22. "critical control point" means a point, step, or procedure in a food establishment at which control can be applied, and a food safety hazard can, as a result, be prevented, eliminated, or reduced to acceptable levels;
23. "critical violation" means a provision of this chapter, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness or environmental health hazard. "Critical violation" include, but are not limited to:
- a. Food from an unapproved source;
 - b. Food unfit for human consumption;
 - c. Potentially hazardous food that is not kept at required temperatures during storage, preparation, processing, display, service, and transportation;
 - d. Insufficient facilities and equipment to maintain product temperatures;
 - e. A person working as a food handler who has a disease communicable by food;
 - f. A person working in a food establishment who is not practicing strict standards of cleanliness and personal hygiene, and the results of which might be a disease communicable by food;

- g. Food-contact surfaces of equipment or utensils that are not washed, rinsed, and sanitized effectively and that might contaminate food;
 - h. A water supply that is not from an approved source, that does not provide hot and cold running water under pressure as required by this chapter, or that has a cross-connection with a nonpotable supply or a back siphonage potential;
 - i. Toilets and handwashing facilities not installed or inaccessible;
 - j. Poisonous or toxic material that is improperly labeled, stored, or used;
 - k. All designated critical violations set forth in the Food Service Establishment Inspection Report approved by the departmental.
24. "cross-contamination" means the process by which a disease-causing organism or other contaminant is transferred from raw or other food to equipment or ready-to-eat food;
25. "cure" or "curing" means to preserve by means of salting, smoking, or aging;
26. "custom processing" means the processing of a customer's sport-caught fish or game for the consumption by that customer, and which will not be subsequently sold or distributed in commerce for human consumption;
27. "department" means the Municipality's Department of Health and Human Services;
28. "director" means the director of the department or the director's designee;
29. "disease communicable by food" means a physical condition that can be transmitted from one person to another, including but not limited to the following: E. coli O157:H7, salmonellosis, shigellosis, campylobacteriosis, cholera, and other infections causing vomiting and diarrhea; parasitic infections (e.g., amebiasis, tapeworms, giardiasis); hepatitis; staphylococcal skin disease, streptococcal skin disease;
30. "distressed food commodities" means food that has been subjected to possible damage from an accident, fire, flood, adverse weather, or similar cause;
31. "dormitory" means a room with more than two beds;
32. "durable" means capable of withstanding expected use and remaining easily cleanable;
33. "easily cleanable" means readily accessible, with materials and finish fabricated to allow complete removal of residue by normal cleaning methods;
34. "embargo" means an order issued by the department that restricts service, use, or movement of food until laboratory tests or further examination confirms the food is free from spoilage, filth, or other contamination;

- 1 35. "employee" means a person, paid or unpaid, working in a food establishment,
2 including the operator, the manager, and the owner;
- 3 36. "equipment" means stoves, ovens, hoods, slicers, grinders, mixers, meat-
4 blocks, tables, counters, shelving, ice machines, refrigerators, microwave
5 ovens, sinks, warewashing machines, steam tables, and other items, used in a
6 food establishment, but does not include utensils;
- 7 37. "event" means an organized occurrence that is promoted for a special purpose,
8 has a definite time limit, and generally includes other activities besides food
9 sales;
- 10 38. "event organizer/producer" means any person, group, association, business or
11 individual offering space for lease or rent to a temporary food service;
- 12 39. "extensively remodeled" means a modification or improvement that entails an
13 expense equal to or exceeding 25 percent of the taxable value of the food
14 establishment before the modification or improvement and substantial
15 construction, building or repair in the kitchen area of a food establishment that
16 materially affects a food preparation area, dishwashing area or other feature of
17 the food establishment which is regulated by this title and alters the basic
18 floorplan of these kitchen areas. The term "repair" does not include within its
19 meaning the replacement of equipment used in the operation of a food
20 establishment with equipment, fixtures and hardware of the same or similar
21 size, make, model and style;
- 22 40. "FDA" means the United States Food and Drug Administration;
- 23 41. "farmers' market" means a seasonal market operated under the sponsorship of
24 a community organization, the main purpose of which is to provide an
25 opportunity for producers to sell agricultural products directly to consumers;
- 26 42. "food" means a liquid or solid substance consumed by humans, including
27 water or another beverage, a confection, condiment, food ingredient, food
28 additive, or ice, or a substance that enters into the composition of these things,
29 whether simple, blended, mixed, or compounded;
- 30 43. "food bank" has the meaning given in AS 17.20.347;
- 31 44. "foodborne illness" means an illness associated with consuming food;
- 32 45. "foodborne outbreak" means an incident in which:
- 33 a. Two or more persons experience a similar illness after consuming a
34 common food or food served at a common food establishment or event;
- 35 b. One or more persons experience illness from botulism or chemical
36 poisoning; or

- 1 c. An epidemiological analysis indicates that a food or an employee is the
2 source of a foodborne illness;
- 3 46. "food-contact surface" means the surface of equipment and utensils with which
4 food normally comes in contact, or from which drippage, drainage, or
5 splashback onto a surface that contacts food might occur;
- 6 47. "food demonstration" means to serve without charge samples of food to
7 publicize, advertise, or promote the sale of that food or associated food
8 preparation equipment;
- 9 48. "food establishment" means the premises where any activity occurs that is
10 related to the preparation, processing, packaging, storage, transportation,
11 display, sale, service, or salvaging of food for human consumption; "food
12 establishment" includes various types of operations, singly or in combination,
13 within the categories of food service, food processing establishment, and
14 market; "food establishment" does not include a private dwelling, including
15 a vessel used solely as a private dwelling, where food is prepared for
16 consumption by family members or nonpaying guests;
- 17 49. "food processing establishment" means a food establishment:
- 18 a. Where food intended for human consumption is processed for
19 distribution to a food service, market, or another consumer outlet; "food
20 processing establishment" includes the following types of operations:
- 21 i. Acidifying, curing, or dehydrating of food, thermal processing
22 of low-acid food, and reduced oxygen packaging;
- 23 ii. Bakeries, except retail bakeries;
- 24 iii. Bottling water or other beverages;
- 25 iv. Ice manufacturing;
- 26 v. Jam, jelly, syrup, or confection manufacturing; and
- 27 vi. Other food processing; and
- 28 b. Where acidifying, curing, dehydrating, or reduced oxygen packaging
29 of food, or thermal processing of low-acid food occurs for sale or use
30 in that establishment;
- 31 50. "food salvager" means a type of market where distressed food commodities are
32 reconditioned so they comply with this chapter; "food salvager" includes
33 repackaging, relabeling, inspecting food and packaging for wholesomeness,
34 cleaning, or restoring the integrity of the packaging if food contents have not
35 been altered or adulterated;

- 1 51. "food service" means a food establishment where food intended for service to
2 individuals for consumption is prepared and provided, or simply provided
3 ready-to-eat, whether consumption is on or off the premises, with or without
4 charge; "food service" includes the following types of operations:
- 5 a. Restaurants;
 - 6 b. Beverage dispensaries such as bars or taverns;
 - 7 c. Delicatessens, takeouts, and drive-ins;
 - 8 d. Clubs and organizations;
 - 9 e. Institutions;
 - 10 f. Kitchens of churches or other religious organizations when conducting
11 activities not exempted from this chapter under subsection
12 16.60.010.F.13;
 - 13 g. Schools;
 - 14 h. Labor camps;
 - 15 i. Vessel galleys;
 - 16 j. Caterers;
 - 17 k. Limited food service;
 - 18 l. Temporary food service;
 - 19 m. Mobile food units; and
 - 20 n. Other food service;
- 21 52. "foster group home" means a foster home in which one or more foster parents
22 operate not more than one group home for no more than eight children;
- 23 53. "foster home" means a place where the adult head of household provides 24-
24 hour care on a continuing basis to one or more children who are apart from
25 their parents, usually for no more than six children;
- 26 54. "game meat" means the flesh of warm-blooded and cold-blooded animals,
27 except seafood or animals classified by the USDA as meat (such as cattle,
28 sheep, swine, goats) or poultry (such as domestic chickens, ducks, and geese)
29 in 9 C.F.R. Chapter III, Subchapter C, section 301.2 (for meat) and section
30 381.1 (for poultry); "game meat" includes:
- 31 a. Game birds; reptiles, such as alligators and rattlesnakes; and mammals,
32 such as caribou, deer, elk, moose, antelope, and squirrels; and

- 1 b. Exotic animals, such as lions, tigers, leopards, elephants, camels,
2 antelope, anteaters, kangaroo, water buffalo, and species of foreign
3 domestic cattle, such as ankole, gayal, and yak;
- 4 55. “glacier” means a large body of ice moving slowly down a slope or valley or
5 spreading outward on a land surface; “glacier” does not include a snow field
6 or a frozen or ice-covered stream, river, lake, spring, or other waterbody;
- 7 56. “grocery” means a type of market where a variety of food commodities,
8 including dry, refrigerated, and frozen items, are offered for retail sale to
9 consumers and intended for off-premises consumption; a limited amount of
10 processing may occur at a grocery including produce trimming, processed
11 meat slicing, cheese slicing, and providing retail customer self-service to
12 change the form of a food such as juice squeezing or peanut grinding;
- 13 57. “guesthouse” means a separate housing unit used in conjunction with a bed and
14 breakfast homestay;
- 15 58. “guestroom” means a room used or intended to be used by a guest for sleeping
16 purposes; every 100 square feet of floor area in a dormitory is considered a
17 guestroom;
- 18 59. “hazard” means a biological, chemical, or physical property that might make
19 food unsafe for human consumption;
- 20 60. “herb vinegar” means commercial vinegar to which a small amount of one or
21 more herbs has been added, with a resultant pH not significantly different from
22 the vinegar to which the herb was added;
- 23 61. “hermetically sealed” means a container that is secure against the entry of
24 microorganisms to maintain the commercial sterility of its contents after
25 thermal processing;
- 26 62. “hot dog” means a fully cooked ready-to-eat sausage as defined by USDA
27 Regulations, Chapter 319, processed in a facility under USDA inspection;
- 28 63. “hot-hold” or “hot-holding” means to maintain the temperature of potentially
29 hazardous food at 140°F or above while the food is being held, whether during
30 transportation, storage, preparation, processing, display, or service, except that
31 for rare beef, “hot-hold” or “hot-holding” means to maintain the temperature
32 at 130°F or above;
- 33 64. “ice” means the product that results from freezing water by natural, chemical
34 or mechanical means;
- 35 65. “inspector” means any officer, agent or employee of the department authorized
36 to act for the department with respect to the enforcement and administration
37 of this chapter;

- 1 66. "imminent health hazard" means a condition such as the extended loss of a
2 potable water supply, an extended power outage, a sewage backup into a food
3 establishment or onto the grounds of a food establishment, a natural disaster,
4 one or more employees sick with a disease communicable by food, a major
5 insect or rodent problem, a foodborne outbreak, or any other condition with the
6 potential to adversely affect public health, including the extended loss of hot
7 running water under pressure provided to all plumbing fixtures;
- 8 67. "injected" means to tenderize meat through deep penetration, including
9 needling, pinning, stitch pumping, or otherwise injecting the meat with juice
10 or some other substance;
- 11 68. "institution" means a government or private nonprofit agency;
- 12 69. "kitchenware" means multi-use utensils, other than tableware, used to prepare,
13 serve, transport, or store food;
- 14 70. "kiosk" means a type of semi-permanent structure that is constructed on a
15 nonpermanent foundation;
- 16 71. "limited food service" means a type of food service operation restricted to
17 service of specific foods because of the food establishment's size, equipment
18 size and type, or type of sanitary facilities and controls provided; "limited food
19 service" includes most concession stands, permanently installed espresso carts,
20 kiosks, limited food service operations at bars and machines vending
21 potentially hazardous food;
- 22 72. "liquid heat" means a product used to maintain potentially hazardous food at
23 required hot-holding temperatures during display or service and includes
24 commercial products, such as Sterno;
- 25 73. "lot" means a collection of primary containers of the same size, type, and style
26 produced under conditions as nearly uniform as possible and usually
27 designated by a common code or marking, or a day's production;
- 28 74. "low-acid food" means food, other than alcoholic beverages, with a finished
29 equilibrium pH greater than 4.6 and a water activity greater than 0.85;
- 30 75. "market" means a food establishment where food commodities are offered for
31 retail sale to consumers and intended for off-premises consumption, distributed
32 to the needy by nonprofit organizations, or stored prior to sale or distribution;
33 "market" includes the following types of operations:
- 34 a. Convenience stores;
- 35 b. Grocery stores;
- 36 c. Grocery portion of supermarkets;

- d. Retail bakeries;
- e. Retail meat markets;
- f. Retail seafood markets;
- g. Mobile retail vendors;
- h. Warehouses;
- i. Food banks;
- j. Food salvagers; and
- k. Other markets;

76. "mobile food unit" means a type of food service located in a vehicle, trailer, or cart that is capable of easily moving daily for servicing of water and wastewater holding tanks, that operates out of an approved commissary or other approved facility (unless it is a self-contained mobile food unit), and that has a menu that is usually restricted to service of specific food; a mobile food unit, other than a pushcart, shall be capable of being licensed by the state as a motor vehicle and shall be capable of moving without special conditions, such as a pilot car, flagging, restricted hours of movement, or a state motor vehicle permit; except for one ice chest and for street carts, one barbecue grill placed immediately adjacent to a pushcart, a unit is not considered as a "mobile food unit" if it does not completely retain its mobility or is connected to water or sewer;
77. "mobile retail vendor" means a type of market operated out of a vehicle or trailer, licensed by the state as a motor vehicle, from which packaged retail food items or whole or packaged seafood are sold;
78. "operator" means the owner, manager, or supervisor of one or more types of operation in a food establishment, or a person performing the duties of the owner, manager, or supervisor;
79. "operation" means the premises, practices, and procedures associated with a specific type of activity within a food service, market, or food processing establishment;
80. "packaged" means bottled, canned, cartoned, or securely wrapped or securely bagged at a food establishment approved by the department;
81. "permit" means an authorization issued by the department;
82. "pest" means an insect, bird, rodent, or animal that can be detrimental to humans or that can create a nuisance, including dogs, cats, moose, and bears;

- 1 83. "poisonous or toxic material" means an insecticide, rodenticide, pesticide,
2 detergent, sanitizer, or other substance that might cause illness or death if
3 contacted or ingested;
- 4 84. "potentially hazardous food" means a food or food ingredient, natural or
5 synthetic, in a form capable of supporting the rapid and progressive growth of
6 infectious or toxigenic microorganisms or the slower growth of *Clostridium*
7 *botulinum*; "potentially hazardous food" includes a food that consists in whole
8 or in part of a food of animal origin, both raw or heat treated; a food of plant
9 origin that is heat treated; raw seed sprouts; cut melons; and garlic-in-oil
10 mixtures; "potentially hazardous food" does not include:
- 11 a. Food with a pH level of 4.6 or below when measured at 75°F, or a
12 water activity value of 0.85 or less;
- 13 b. Food that is thermally processed under section 16.60.720 and that
14 remains in an unopened hermetically sealed container;
- 15 c. Food for which laboratory evidence from a qualified laboratory
16 demonstrates that rapid and progressive growth of infectious or
17 toxigenic microorganisms or the slower growth of *Clostridium*
18 *botulinum* cannot occur; or
- 19 d. An air-cooled hard-boiled egg with shell intact;
- 20 85. "premises" means a place or location used in conjunction with the activities of
21 a food establishment, including all or portions of land, docks, structures,
22 vessels, vehicles, mobile food units, equipment, utensils, food, supplies, water
23 supply, wastewater system, and plumbing;
- 24 86. "preparation" means to thaw, marinate, cook, heat, reheat, smoke as part of the
25 cooking process, cool, freeze, construct, assemble, combine, cut, slice, divide,
26 mix, portion, or package food for consumption as ready-to-eat food, except
27 that trimming or cleaning of whole vegetables or fruits in produce sections of
28 grocery stores shall not be considered food preparation;
- 29 87. "processing" means to:
- 30 a. Thaw, butcher, cut, slice, portion, grind, extract, cook, bake, cool,
31 freeze, or package:
- 32 i. Raw food for retail sale to consumers; or
- 33 ii. Raw or ready-to-eat food for distribution to a food service,
34 market, or another consumer outlet; and
- 35 b. Acidify, cure, dehydrate, thermally process low-acid food, or reduce
36 oxygen package;

- 1 88. "product thermometer" means a quick-registering, metal-stem, numerically
2 scaled thermometer, digital thermometer, thermocouple, thermistor, or other
3 device that, when the sensor is inserted into food or other substances, indicates
4 the temperature accurate to within 2°F;
- 5 89. "pushcart" means a wheeled, nonmotorized mobile food unit, manually
6 movable by one or two persons, capable of easily moving daily, operating out
7 of an approved commissary, and containing on or within the cart sufficient
8 food, utensils, paper products, cleaning supplies, potable water supply, and
9 wastewater holding capacity necessary for operating daily, except that a
10 pushcart may use one additional ice chest for nonpotentially hazardous foods
11 and one additional barbecue grill placed immediately adjacent to the street
12 pushcart;
- 13 90. "qualified laboratory" means a processing plant or commercial laboratory that
14 uses procedures recognized by the department to analyze physical, chemical,
15 or microbial constituents of food;
- 16 91. "ready-to-eat" means food that is in a form that is edible without washing,
17 cooking, or additional preparation and that is reasonably expected to be
18 consumed in that form;
- 19 92. "reasonable hours" means all hours of operation including periods of food
20 preparation and receiving, stocking or storing of foods;
- 21 93. "recognized processing authority" means a qualified person with expert
22 knowledge acquired through appropriate training and experience in the specific
23 process that person is evaluating, including acidification, thermal processing,
24 or atmosphere packaging;
- 25 94. "reconstituted" means dehydrated food combined with potable water or
26 another liquid;
- 27 95. "reduced oxygen packaging" means the reduction of the amount of oxygen in
28 a package by mechanically evacuating the oxygen, displacing the oxygen with
29 another gas or combination of gases, or otherwise controlling the oxygen
30 content in a package to a level below that normally found in the surrounding
31 atmosphere, which is 21 percent; "reduced oxygen packaging" includes
32 methods that might be referred to as altered atmosphere, modified atmosphere,
33 controlled atmosphere, low oxygen, and vacuum packaging, including *sous*
34 *vide*; for purposes of this paragraph, "*sous vide*" means a specialized process
35 of reduced oxygen packaging for partially-cooked ingredients that require
36 refrigeration or frozen storage until the package is thoroughly heated
37 immediately before service;

- 1 96. "restructured" means potentially hazardous food that is processed and formed
2 in a manner that might cause surface contaminants to become incorporated
3 inside the final product;
- 4 97. "retail bakery" means a type of market where baked food items, such as
5 breads, cookies, rolls, muffins, pies, and cakes, are processed for onsite retail
6 sale to consumers;
- 7 98. "retail meat market" means a type of market where limited processing of meat
8 for onsite retail sale to consumers occurs, including cutting and trimming
9 carcasses, halves, quarters, or wholesale cuts into retail cuts, such as steaks,
10 chops, and roasts; grinding; thawing; freezing; portioning; and packaging;
- 11 99. "retail seafood market" means a type of market where raw or ready-to-eat
12 seafood products are displayed for onsite retail sale to consumers; "retail
13 seafood market" includes limited processing, such as cutting whole fish into
14 retail cuts; preparing retail products from raw or precooked ingredients; and
15 breaking bulk shipments and repackaging seafood products, except for
16 repackaging shellfish subject to 18 AAC 34;
- 17 100. "refrigeration" means a mechanical means to maintain product temperatures
18 at 45° F or below;
- 19 101. "safe" means nontoxic and free of substances that might make food injurious
20 to health or adversely affect the flavor, color, or microbial quality of food;
- 21 102. "sanitization" or "sanitized" means the application of heat or a chemical to
22 yield a reduction of five logs, which is equal to a 99.999% reduction, of
23 representative disease microorganisms of public health importance;
- 24 103. "scheduled process" means the process selected by the operator of a food
25 processing establishment as adequate under the conditions of manufacture for
26 a given product to achieve commercial sterility, and which is at least equal to
27 the process established by a recognized processing authority to achieve
28 commercial sterility;
- 29 104. "seafood" means any species of aquatic organism, including salt water fish,
30 freshwater fish, amphibians, crustaceans, mollusks, and aquatic plants;
31 "seafood" includes any part or byproduct of any species of aquatic organism;
- 32 105. "sealed" means free from cracks or other openings greater than 1 millimeter
33 or 1/32 of an inch that might allow entry or passage of moisture, grease, or
34 other liquid;
- 35 106. "shellfish" means edible species of oyster, clam, mussel, and scallop whether
36 shucked, in the shell, fresh, frozen in whole or in part; "shellfish" does not
37 include the shucked scallop abductor muscle;

107. "shellstock" means shellfish that remain in the shell;
108. "single-service" means items that are provided to the consumer and designed to be used by one person and then discarded, such as disposable cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, placements, and toothpicks;
109. "single-use" means utensils and food containers that are used by employees in a food establishment and that are designed and constructed to be used once and then discarded; "single-use" utensils and containers include wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, non-food grade plastic tubs or buckets, bread wrappers, wood pickle barrels, milk bottles, and juice containers;
110. "snack" means food served consisting of prepackaged nonpotentially hazardous food that requires minimal handling or fruits and vegetables that require only washing or peeling or commercially packaged individual containers of milk;
111. "sulfiting agent" means a chemical that contains sulfur and that is used to treat food to increase shelf life and enhance appearance; "sulfiting agent" includes sulfur dioxide, sodium sulfite, sodium bisulfite, potassium bisulfite, sodium metabisulfite, and potassium metabisulfite;
112. "supermarket" means a food establishment that contains a grocery and that also contains two or more other types of operations that are subject to the permit and fee requirements of this chapter;
113. "sushi" means an assembled food product, usually containing rice wrapped in seaweed, that may or may not contain raw seafood;
114. "tableware" means multi-use eating and drinking utensils;
115. "temporary food service" means a type of food service that is kept at one location for no more than 21 consecutive days in conjunction with a single event, or for no more than 28 consecutive days if an extension is granted by the department;
116. "temporary food service – seasonal" means a type of food service that meets all of the following requirements:
 - a. operates at the same location;
 - b. operates no more than 2 days in any one week; and
 - c. operates for a time period of not more than 120 consecutive days;

- 1 117. "thermal processing" means the application of heat to render food free of
2 microorganisms that are capable of reproducing in the food under normal
3 nonrefrigerated conditions of storage or distribution;
- 4 118. "traditional wild game" means game that is commonly found and consumed
5 by people in Alaska including reindeer, caribou, moose, whale, beaver,
6 muskrat, hare, squirrel, duck, and geese;
- 7 119. "traditional wild plants" means wild, edible, nontoxic berries, roots, or leaves
8 of plants that have cultural significance to people, including Eskimo potato,
9 Labrador tea, and low bush cranberry;
- 10 120. "USDA" means the United States Department of Agriculture;
- 11 121. "utensil" means an implement used to eat, drink, serve, prepare, transport, or
12 store food;
- 13 122. "vending machine" means a self-service device that, upon insertion of a coin,
14 paper currency, token, card, or key, dispenses a unit serving of food, whether
15 in a package or into a container, without the necessity of replenishing the
16 device between each vending operation; "vending machine" does not include
17 a semi-automated espresso machine described in subsection 16.60.630.C;
- 18 123. "warehouse" means a type of market used exclusively to store food
19 commodities before distribution;
- 20 124. "water activity" means the measure of unbound, free water in a food available
21 to support biological and chemical reactions and is the quotient of the water
22 vapor pressure of the substance divided by the vapor pressure of pure water at
23 the same temperature;
- 24 125. "wholesome" means in sound condition and free from spoilage, filth, and
25 microbial, physical or chemical contamination.
- 26

27 **Section 2.** That Anchorage Municipal Code of Regulations 15.05, Health and Human
28 Services Fee Regulations is hereby amended by deleting all specific references to Food
29 Facilities under the fee schedule as follows:

30

31 **15.05.001 Health and Human Services fee regulations**

32

33 [FOOD FACILITIES]

34

35 [AS USED IN THE FOLLOWING DESCRIPTIONS, THE TERM "FULL FOOD
36 SERVICE" MEANS THE PREPARATION OF ALL FOODS, INCLUDING THOSE

1 DEFINED AS POTENTIALLY HAZARDOUS IN ANCHORAGE MUNICIPAL CODE
2 16.60.020.V [16.60.020].
3
4 BAKERY . . . \$350.00
5
6 PREPARES BAKERY PRODUCTS.
7
8 BAR, ALCOHOL . . . 170.00
9
10 SERVES BEER, WINE AND OTHER ALCOHOLIC DRINKS AND MAY SERVE
11 PREPACKAGED FOODS.
12
13 BAR, NONALCOHOL . . . 170.00
14
15 DOES NOT SERVE BEER, WINE OR OTHER ALCOHOLIC DRINKS. MAY SERVE
16 PREPACKAGED FOODS.
17
18 BOTTLING PLANT . . . 170.00
19
20 BOTTLES OR CANS BEVERAGES FOR HUMAN CONSUMPTION.
21
2 CATERER . . . 340.00
23
24 A FULL FOOD SERVICE AUTHORIZED TO PREPARE FOOD ITEMS IN A
25 SPECIFIED FOOD FACILITY AND TRANSPORT, DISPLAY, AND DISTRIBUTE
26 SUCH FOODS.
27
28 UTILIZING APPROVED EQUIPMENT.
29
30 CHANGE OF OWNERSHIP . . . 150.00
31
32 TWENTY-FIVE PERCENT OR MORE OF THE VALUE OF THE ASSETS OF A
33 FOOD FACILITY CHANGES HANDS.
34
35 CONFECTIONER . . . 170.00
36
37 PREPARES ONLY CANDY PRODUCTS.
38
39 CONVENIENCE STORE . . . 150.00
40
41 SELLS ONLY PREPACKAGED FOODS THAT HAVE BEEN PREPARED AT

1 OTHER APPROVED FACILITIES. FOODS INCLUDE CANDY BARS, BREAD,
2 CANNED FOODS, PACKAGED LUNCH MEATS AND BACON, CANNED SODAS
3 AND SNACK FOODS. NO FRESH MEAT OR FISH, PRODUCE, OR REPACKAGED
4 BULK ITEMS ARE PERMITTED.

5
6 FISH MARKET, RETAIL . . . 150.00

7
8 PREPARES, CUTS, WRAPS, LABELS, AND/OR DISPLAYS FISH, SHELLFISH,
9 AND OTHER MARINE OR FRESHWATER FOODS.

10
11 FOOD CART . . . 100.00

12
13 A CART, WAGON, OR OTHER MOVABLE DEVICE USED BY A FOOD VENDOR
14 WHICH IS NOT REQUIRED TO BE LICENSED BY THE ALASKA DIVISION OF
15 MOTOR VEHICLES. A CART MAY NOT BE CONNECTED TO ANY PUBLIC
16 UTILITIES EXCEPT ELECTRICITY. CLIENT SEATING IS PROHIBITED.

17
18 FOOD PROCESSOR . . . 340.00

19
20 PACKAGES AND/OR REPACKAGES BULK RAW OR PROCESSED FOODS.

21
22 FOOD WAREHOUSE, WHOLESALE . . . 310.00

23
24 DISTRIBUTES A FULL LINE OF PREPACKAGED FOODS, PRODUCE, EGGS,
25 MEATS AND FISH.

26
27 GROCERY STORE, RETAIL . . . 340.00

28
29 SELLS PREPACKAGED FOODS, PRODUCE, EGGS, MEATS AND FISH.

30
31 HOSPITAL KITCHEN . . . 450.00

32
33 A FULL FOOD SERVICE FACILITY OPERATED IN A HOSPITAL.

34
35 INSTITUTIONAL KITCHEN . . . 450.00

36
37 A FULL FOOD SERVICE FACILITY SERVING A GOVERNMENT OR PRIVATE
38 NONPROFIT AGENCY OR INSTITUTION.

39
40 MEAT MARKET, RETAIL . . . 150.00

1 PREPARES, CUTS, WRAPS, LABELS AND/OR DISPLAYS MEAT AND POULTRY.

2
3 MOBILE FOOD UNIT.

4
5 A FOOD SERVICE UNIT THAT IS READILY MOVABLE. SUCH UNITS ARE
6 DESIGNED TO OPERATE ON STREETS. THE VEHICLE MUST BE LICENSED BY
7 THE STATE OF ALASKA DIVISION OF MOTOR VEHICLES AND HAVE NO
8 RESTRICTIONS OF MOVEMENT. MOBILE FOOD UNITS MAY NOT CONNECT
9 TO ANY PUBLIC UTILITIES OTHER THAN ELECTRICITY EXCEPT DURING
10 SPECIAL EVENTS WHEN SPECIFICALLY AUTHORIZED BY THE DIRECTOR.
11 SEATING FOR CLIENTS IS PROHIBITED.

12
13 MOBILE FOOD UNIT, FULL FOOD PREP . . . 340.00

14
15 A FULL FOOD SERVICE UNIT.

16
17 MOBILE FOOD UNIT, LIMITED FOOD PREP . . . 200.00

18
19 A FOOD FACILITY APPROVED TO SERVE PREPACKAGED FOODS AND
20 CERTAIN OTHER FOODS REQUIRING LIMITED HANDLING AND
21 PREPARATION, INCLUDING SOME POTENTIALLY HAZARDOUS ITEMS
2 APPROVED BY THE DIRECTOR.

23
24 MOBILE FOOD UNIT, NO FOOD PREP . . . 100.00

25
26 SELLS PREPACKAGED FOODS ONLY, FISH IN THE ROUND, OTHER
27 UNPROCESSED SEAFOOD, OR PRODUCE.

28
29 MOBILE MULTI-UNIT, NO FOOD PREP . . . 200.00

30
31 SEE THE DESCRIPTION FOR MOBILE FOOD UNIT, NO FOOD PREP. ONE
32 OWNER HAS TWO OR MORE UNITS.

33
34 OVERTIME INSPECTION . . . 60.00

35
36 OVERTIME INSPECTIONS OF FOOD FACILITIES MADE AT THE
37 OWNER/MANAGER'S REQUEST, PER HOUR.

38
39 RESTAURANT.

40
41 A FULL FOOD SERVICE FACILITY.

0--25 SEATING CAPACITY . . . 340.00

26--50 SEATING CAPACITY . . . 390.00

OVER 50 SEATING CAPACITY . . . 450.00

RESTAURANT WITH BAR.

A RESTAURANT WITH A BAR. FOOD MAY BE SERVED AT THE BAR.

0--25 SEATING CAPACITY . . . 390.00

26--50 SEATING CAPACITY . . . 450.00

OVER 50 SEATING CAPACITY . . . 560.00

RESTAURANT PLAN REVIEW AND PRE-PERMIT INSPECTION . . . 200.00

REVIEW AND APPROVAL OF PLANS FOR CONSTRUCTING AND/OR
REMODELING A FOOD FACILITY. INCLUDES A PRE-OPENING INSPECTION
AFTER CONSTRUCTION.

RESTAURANT PRE-PLAN CONSULT FEE . . . 150.00

CHARGE FOR PROVIDING FOOD FACILITY PLANNING AND/OR DESIGN
CONSULTATION.

SATELLITE SCHOOL KITCHEN . . . 150.00

SERVES PACKAGED FOODS, FRESH WHOLE FRUIT, SALADS AND
POTENTIALLY HAZARDOUS FOODS THAT ARE PREPARED IN THE
ANCHORAGE SCHOOL DISTRICT STUDENT NUTRITION CENTER.
COMMERCIALY PREPARED FOODS SUCH AS SOUPS, JUICES, MILK, SOFT
DRINKS, COFFEE, TEA, HOT CHOCOLATE AND OTHER SIMILAR ITEMS AS
APPROVED BY THE DIRECTOR MAY ALSO BE SERVED.

SCHOOL KITCHEN . . . 375.00

A FULL FOOD SERVICE FACILITY. FOOD SERVICE MAY BE CONTRACTED
OUT TO A PERMITTED CATERER.

1 SNACK BAR, LIMITED FOOD PREP . . . 150.00

2
3
4 A FOOD FACILITY APPROVED TO SERVE PREPACKAGED FOODS AND
5 CERTAIN OTHER FOODS REQUIRING LIMITED HANDLING AND
6 PREPARATION INCLUDING SOME POTENTIALLY HAZARDOUS ITEMS
7 APPROVED BY THE DIRECTOR. CLIENT SEATING IS PROHIBITED.

8
9 SNACK BAR, NO FOOD PREP . . . 100.00

10
11 SELLS ONLY PREPACKAGED FOODS. CLIENT SEATING IS PROHIBITED.

12
13 TEMPORARY FOOD FACILITY . . . 50.00

14
15 MAY BE APPROVED TO SERVE ANY FOODS AND BE USED FOR: (1) THE
16 OPERATION OF AN EVENT NOT TO EXCEED 14 DAYS IN ANY ONE LOCATION
17 AND NO MORE THAN FOUR SUCH EVENTS PER YEAR, OR (2) THE
18 OPERATION OF A FACILITY AT A FARMERS'/SATURDAY MARKET
19 APPROVED BY THE DEPARTMENT DURING THE PERIOD OF MAY 1
20 THROUGH SEPTEMBER 30 PROVIDED THAT SUCH OPERATION DOES NOT
21 EXCEED TWO DAYS PER WEEK. A TEMPORARY PERMIT MAY BE USED FOR
22 EVENTS UP TO 14 DAYS OR A FARMERS'/SATURDAY MARKET BUT NOT FOR
23 BOTH. SEPARATE PERMITS ARE REQUIRED. PERMITTED FOODS WILL BE
24 SPECIFIED ON THE TEMPORARY PERMIT ISSUED BY THE DIRECTOR.

25
26 VENDING MACHINE COMPANY . . . 170.00

27
28 DISTRIBUTES PREPACKAGED FOODS FOR SALE IN VENDING MACHINES.]

29
30 **Section 3.** That Section 14.20, Administrative Hearings Officer, of the Anchorage
31 Municipal Code is hereby amended as follows:

32
33 **14.20.020** **Jurisdiction**

34
35 D. The administrative hearings officers may make specific orders concerning
36 compliance, and may impose costs for failure to comply, but may not grant injunctive relief
37 or revoke or suspend a valuable license except as provided in AMC 16.60.950.

38
39 **Section 4.** That Anchorage Municipal Code 14.60, Fines, is hereby amended as follows:

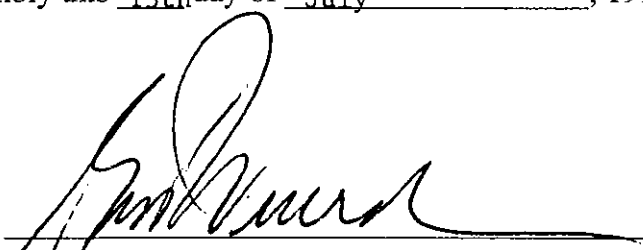
14.60.030 Fine Schedule

The fine schedule under this chapter is as follows:

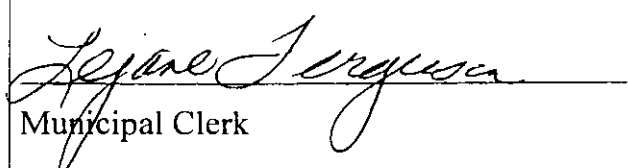
<i>Code Section</i>	<i>Offense</i>	<i>Penalty/Fine</i>
[16.60.030] <u>16.60.020</u>	Operation without permit	75.00
[16.60.050] <u>16.60.040</u>	Failure to obtain plan review	300.00
[16.60.080.G]	[(SPECIFIC VIOLATION MUST BE IDENTIFIED)][75.00]
<u>16.60.920</u>	<u>No Food Protection Manager certification</u>	<u>300.00</u>

Section 5. That this ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Assembly this 13th day of July, 1999.


Chair of the Assembly

ATTEST:


Municipal Clerk

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM No. 643-99

Meeting Date: JULY 13, 1999

From: Mayor

Subject: AO 99- 91 (S); Repealing Anchorage Municipal Code Chapter 16.60 and Anchorage Municipal Code of Regulations Chapter 16.60, "Food and Food Facilities", and re-enacting Anchorage Municipal Code 16.60, "Anchorage Food Code", regulating food care, food handling and processing procedures, sanitation, facility requirements, equipment, personnel, permit requirements, and compliance procedures. In addition, the ordinance amends Anchorage Municipal Code Chapter 14.20, "Administrative Hearing Officer", relating to jurisdiction, Anchorage Municipal Code Chapter 14.60, "Fines", and Anchorage Municipal Code of Regulations Chapter 15.05, "Health & Human Services Fee Regulations".

The purpose of this Assembly Memorandum is to present a substitute for AO 99-99 (S) currently under consideration by the Assembly. The revisions being incorporated by the substitute version arise from awareness of omissions regarding sanitary facilities for limited food establishments, kiosks and mobile food units. Additions required adjustments to page numbers and three subsections are affected, to wit:

16.60.610.C, adds (2) An approved facility or commissary is located within a reasonable distance within the same building that provides hot and cold running water for cleaning of non-food contact surfaces; and (3) Toilet facilities and lavatories for employees and for customers if seating is provided, are available within 200 feet of the limited food service.

16.60.615.C, adds (2) Toilet facilities and lavatories for employees are available within 200 feet of the kiosk.

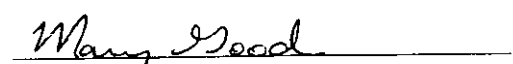
16.60.620.G, adds (2) The operator ensures toilet facilities and lavatories are available within 200 feet of the unit while operating as required in 16.60.620.E.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SUBMITS AO 99-91 (S) FOR ACTION.

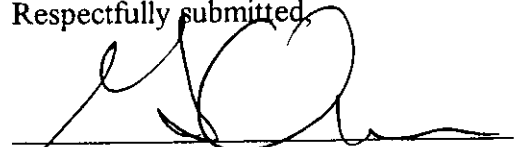
Concurrence:

Submitted by:


George J. Vakalis
Municipal Manager


Mary Good, Director
Department of Health
and Human Services

Respectfully submitted,


Rick Mystrom
Mayor

AO 99-91(S)

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AD 99-91(5)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT Food Code (S Version)	DATE PREPARED <div style="text-align: center; font-size: 1.2em;"><i>7-2-99</i></div>	
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME Department of Health and Human Services	DIRECTOR'S NAME Mary Good	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Lura Morgan	HIS/HER PHONE NUMBER 343-4053	
4	COORDINATED WITH AND REVIEWED BY Mayor Municipal Clerk 2 Municipal Attorney Employee Relations 3 Municipal Manager Community Planning & Development Finance, Chief Fiscal Officer Management Information Services Office of Management & Budget Property & Facility Management Purchasing Operations Manager Cultural & Recreational Services Fire 1 Health & Human Services Merrill Field Airport Municipal Light & Power Police Port of Anchorage Public Works Solid Waste Services Transit Water & Wastewater Utility Other	INITIALS <div style="text-align: center; font-size: 1.5em;"><i>[Handwritten initials]</i></div> <div style="text-align: center; font-size: 1.2em;"><i>MG</i></div>	DATE <div style="text-align: center; font-size: 1.5em;"><i>7/2/99</i></div> <div style="text-align: center; font-size: 1.2em;"><i>7-1-99</i></div>
5	SPECIAL INSTRUCTIONS/COMMENTS All other affected departments have been contacted. <div style="text-align: center; font-size: 1.2em; margin-top: 20px;"><i>12. NEW PUBLIC HEARINGS</i></div>		
6	ASSEMBLY HEARING DATE REQUESTED <div style="text-align: center; font-size: 1.2em;"><i>7-13-99</i></div>	PUBLIC HEARING DATE REQUESTED <div style="text-align: center; font-size: 1.2em;"><i>7/13/99</i></div>	

RECEIVED
 Office of Municipal Clerk
 JUL 6 1999
 P.O. Box 196850
 Anchorage, AK 99519-0850