

**ANCHORAGE, ALASKA**  
**AO No. 2017-\_\_\_\_\_**

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**  
2 **ANCHORAGE MUNICIPAL CODE CHAPTER 16.60, THE ANCHORAGE FOOD**  
3 **CODE, TO UPDATE BY ADOPTING BY REFERENCE THE 2013 MODEL FOOD**  
4 **CODE PUBLISHED BY THE U.S. FOOD AND DRUG ADMINISTRATION, TO**  
5 **CREATE A COTTAGE FOOD LICENSE, AND TO ADDRESS A VARIETY OF**  
6 **OTHER FOOD-SAFETY AND RELATED MATTERS.**  
7

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8  
9 **WHEREAS**, the Municipality of Anchorage in 2009 adopted most of the 2005  
10 Model Food Code recommended by the United States Public Health Service and  
11 the federal Food and Drug Administration;

12  
13 **WHEREAS**, the 2005 Model Food Code has been replaced by a 2013 Model  
14 Food Code;

15  
16 **WHEREAS**, neither the Model Codes nor current Municipal Code contain  
17 provisions specifically tailored to "cottage foods";

18  
19 **WHEREAS**, the Municipality could adopt a variety of changes to make its  
20 Food Code more effective and easier to administer; now, therefore:

21  
22 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
23

24 **Section 1.** Anchorage Municipal Code section 16.60.020 is hereby amended to  
25 read as follows:  
26

27 **16.60.020 - Adoption of the 2013 [2005] FDA Model Food Code.**  
28

29 A. The Food Code, 2013 [2005] Recommendations of the United States  
30 Public Health Service/Food and Drug Administration and the  
31 Supplement to the 2013 [2005] FDA Food Code released in  
32 [DATED] July 2015 [OCTOBER 5, 2007] as published by the U.S.  
33 Department of Health and Human Services, Public Health Service,  
34 Food and Drug Administration hereinafter known as the "2013 [2005]  
35 FDA Model Food Code" is adopted and incorporated by reference as  
36 set forth in Sections 16.60.050, 16.60.130, 16.60.140, 16.60.150,  
37 16.60.160, 16.60.170, 16.60.180, and 16.60.190.  
38

39 B. Unless explicitly adopted and incorporated by reference herein, any  
40 future editions of, or supplements to, the FDA Model Food Code are  
41 not adopted by this chapter.

42 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)  
43

1 **Section 2.** Anchorage Municipal Code section 16.60.030 is hereby amended to  
2 read as follows:

3  
4 **16.60.030 - Conflict between 2013 [2005] FDA Model Food Code and  
5 this chapter.**  
6

7 If there is a conflict between the 2013 [2005] FDA Model Food Code and the  
8 provisions of this chapter, the provisions of this chapter shall control.  
9

10 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
11 10)  
12

13 **Section 3.** Anchorage Municipal Code section 16.60.050 is hereby amended to  
14 read as follows:

15  
16 **16.60.050 - Definitions.**  
17

18 [A.] The definitions from the 2013 [2005] FDA Model Food Code  
19 paragraph 1-201.10(B) are adopted and incorporated by reference,  
20 except as otherwise modified or supplemented by this section as  
21 follows:  
22

23 [B.] *Adulterated food* means food:

- 24 1. Bearing or containing a poisonous or deleterious substance which  
25 may render it injurious to health; but in case the substance is not  
26 an added substance the food is not considered adulterated under  
27 this paragraph if the quantity of the substance does not ordinarily  
28 render it injurious to health;
- 29 2. Bearing or containing added poisonous or added deleterious  
30 substance which is unsafe;
- 31 3. Consisting in whole or in part of a diseased, contaminated, filthy,  
32 putrid, or decomposed substance, or if it is otherwise unfit for food;
- 33 4. Produced, prepared, packed, or held under unsanitary conditions  
34 in which it may have become contaminated with filth, or in which  
35 it may have been rendered diseased, not wholesome, or injurious  
36 to health;
- 37 5. In whole or in part, the product of a diseased animal or an animal  
38 which has died otherwise than by slaughter, or that has been fed  
39 upon the uncooked offal from a slaughterhouse;
- 40 6. In a container composed, in whole or in part, of a poisonous or  
41 deleterious substance that may render the contents injurious to  
42 health;
- 43 7. That is TCS food [POTENTIALLY HAZARDOUS] and held at  
44 temperatures not in compliance with the requirements set forth in  
45 this chapter; or
- 46 8. Defined in the Federal Food, Drug, and Cosmetic Act part 402 (21  
47 U.S.C. 342) as adulterated.  
48

- 1 [C.] *Approved facility* means a non-permitted place other than a  
2 commissary or residence acceptable to the department for a specific  
3 activity or event in support of a temporary food establishment, or a  
4 mobile food unit.  
5
- 6 [D.] *Bed and breakfast [HOMESTAY]* means [A BUSINESS LOCATED IN  
7 AN OWNER-OR HOST-OCCUPIED, ONE-FAMILY DWELLING  
8 WHERE UP TO FIVE GUESTROOMS ARE PROVIDED FOR  
9 COMPENSATION AS OVERNIGHT ACCOMMODATIONS FOR  
10 TRANSIENT GUESTS TO WHOM A CONTINENTAL OR COOK-  
11 AND-SERVE BREAKFAST IS CUSTOMARILY SERVED AND  
12 INCLUDED IN THE CHARGE FOR THE ROOM.] a private residence  
13 that offers overnight accommodations and limited food service to  
14 overnight guests, for which compensation is paid on a daily or weekly  
15 basis, and complies with the requirements set out in 21.05.070D.2  
16
- 17 [E.] *Caterer* means any business engaged in a food operation using a  
18 permitted food establishment under an agreement or contract to  
19 prepare food for service and consumption at another permitted food  
20 establishment or at a public or private event.  
21
- 22 [F.] *Change of ownership* means a transfer of 50 percent or more of the  
23 ownership of a food establishment.  
24
- 25 [G.] *Child care center* means a child care and educational center as  
26 defined in chapter 16.55 [SECTION 16.55.010]. This term does not  
27 include child care homes.  
28
- 29 [H.] *Commissary* means a permitted food establishment where support  
30 services are provided to one or more caterers, vending machines,  
31 mobile food units, or temporary food establishments; these support  
32 services may include:  
33 1. Food preparation, handling, packaging, or storage;  
34 2. Storage of utensils, including single-service items, or supplies;  
35 3. Washing, rinsing, and sanitizing of equipment and utensils;  
36 4. Storage of a mobile food unit when the unit is not in use;  
37 5. Cleaning of a mobile food unit; or  
38 6. Supplying potable water or dumping wastewater.  
39
- 40 [I.] *Contamination* means contact with dust, insects, rodents, or other  
41 pests, unsanitary equipment or utensils, coughing, sneezing, spitting,  
42 unnecessary handling, flooding, draining, leakage from overhead,  
43 condensation, poisonous or toxic materials, or any substance,  
44 organism, or entity that might threaten public health.[:]  
45
- 46 [J.] *Continental breakfast* means a morning meal consisting of ready-to-  
47 eat packaged products from approved sources such as pastries, cold  
48 cereals, dairy products, juices, coffees and teas, and cut fruit.  
49

1 Cottage food operation means a person who produces cottage food  
2 products only in a non-permitted facility, only for sale directly to the  
3 consumer, and that meets the requirements of this chapter.

4  
5 Cottage food product means a food other than meat, poultry, or a food  
6 product containing meat or poultry that is a non-TCS food, such as,  
7 but not limited to, baked goods produced at a cottage food operation.

8  
9 [K.] *Cure or curing* means to preserve by means of salting, smoking, or  
10 aging.

11  
12 [L.] *Custom processing* means the processing of a consumer's sport-  
13 caught fish or game for the consumption by that consumer, and not  
14 for subsequent sale or distribution in commerce for human  
15 consumption.

16  
17 [M.] *Department* means the Municipality['S] Department of Health and  
18 Human Services.

19  
20 [N.] *Director* means the director of the department or the director's  
21 designee.

22  
23  
24 [O.] *Event* means an organized occurrence promoted for a special purpose  
25 with a definite time limit, and generally includes other activities besides  
26 food sales.

27  
28 [P.] *Event coordinator* means any person, group, association, business or  
29 individual offering space for lease or rent to a temporary food  
30 establishment.

31  
32 [Q.] *Extensively remodeled* means an alteration of the basic floor plan  
33 where substantial construction, building or repair of a permitted food  
34 establishment materially affects a food preparation area, dishwashing  
35 area or other feature of the permitted food establishment regulated by  
36 this title.

37  
38 [R.] *Farmers['] market* means a seasonal market where the main purpose  
39 is to provide an opportunity for producers to sell agricultural products  
40 directly to consumers.

41  
42 [S.] *Food demonstration* means to prepare and serve without charge  
43 samples of food to promote the sale of that food or associated food  
44 preparation equipment.

45  
46 [T.] *Food establishment* means an operation where any activity occurs  
47 related to the preparation, processing, packaging, storage,  
48 transportation, display, sale, service, or salvaging of food for  
49 consumers.

1  
2 [U.] *Food processing plant* means a type of food establishment that  
3 manufactures, packages, labels or stores food for wholesale  
4 distribution.

5  
6 *HACCP plan* means a written document that delineates the formal  
7 procedures for following the hazard analysis and critical control point  
8 principles developed by the National Advisory Committee on  
9 Microbiological Criteria for Foods.

10  
11 [V.] *Herb vinegar* means commercial vinegar where a small amount of one  
12 or more herbs is added, with a resultant pH not significantly different  
13 from the original vinegar prior to adding the herb.

14  
15 [W.] *Imminent health hazard* means a condition including, but not limited  
16 to, a loss of potable water supply or electrical power for two hours or  
17 more, [AN EXTENDED LOSS OF A POTABLE WATER SUPPLY, AN  
18 EXTENDED POWER OUTAGE,] a sewage backup into a food  
19 establishment or onto the grounds of a food establishment, a natural  
20 disaster, one or more employees sick with a disease communicable  
21 by food, a major insect or rodent problem, a foodborne outbreak, an  
22 extended loss of hot running water under pressure provided to all  
23 plumbing fixtures, or any other condition with the potential to adversely  
24 affect public health, as determined by the director.

25  
26 [X.] *Inspector* means any officer, agent or employee of the department  
27 authorized to act for the department with respect to the enforcement  
28 and administration of this chapter.

29  
30 [Y.] *Kiosk* means a type of limited food service mobile facility, without  
31 permanent plumbing, located inside of a permanent building with a  
32 certificate of occupancy issued by the municipality. [PERMITTED  
33 FOOD ESTABLISHMENT IN A SEMI-PERMANENT STRUCTURE  
34 CONSTRUCTED ON A NONPERMANENT FOUNDATION.]

35  
36 [Z.] *Mobile food unit* means a type of permitted food establishment located  
37 in a vehicle, trailer, or pushcart that:

- 38 1. Completely retains its mobility and [I]is capable of easily moving  
39 daily for servicing of water and wastewater holding tanks;  
40 2. Operates out of an commissary or other approved facility (unless  
41 the unit is a self-contained mobile food unit);  
42 3. Has a menu usually restricted to service of specific food;  
43 4. A mobile food unit, other than a pushcart, shall:  
44 a. Not exceed 8 feet 6 inches in width or 48 feet in length,  
45 including overhangs.  
46 b[a]. Be currently [CAPABLE OF BEING] licensed by the State  
47 of Alaska [STATE] as a motor vehicle or trailer having a tow  
48 hitch, chassis, axles, wheels and trailer lamps and reflectors  
49 required by AMC chapter 9.44. [; AND]

1                    c[b]. Not be connected to utilities except electrical [BE CAPABLE  
 2                    OF MOVING WITHOUT SPECIAL CONDITIONS, SUCH  
 3                    AS A PILOT CAR, FLAGGING, RESTRICTED HOURS OF  
 4                    MOVEMENT, OR A STATE MOTOR VEHICLE PERMIT.]

5                    d[c]. Meet the requirements of section 23.10.104.4. [A UNIT IS  
 6                    NOT CONSIDERED AS A "MOBILE FOOD UNIT" IF IT  
 7                    DOES NOT COMPLETELY RETAIN ITS MOBILITY OR IS  
 8                    CONNECTED TO WATER OR SEWER.]

9  
 10                  [AA.]    *Mobile retail unit* means a type of permitted food establishment  
 11                  operated out of a vehicle or trailer, licensed by the state as a motor  
 12                  vehicle, with packaged retail food items or whole or packaged seafood  
 13                  available for sale.

14  
 15                  [BB.]    *Operator* means the owner, permit holder, manager, or supervisor of  
 16                  a permitted food establishment.

17  
 18                  [CC.]    *Operation* means a distinct food preparation or food service process  
 19                  wholly separable from other food preparation or food service  
 20                  processes.

21  
 22                  *Private event* means an event held for, advertised, and limited to  
 23                  members and invited guests of a person, club, company, religious,  
 24                  political, advocacy, or similar organizations. Examples of private  
 25                  events include church potlucks, club or company picnics, weddings,  
 26                  and block parties limited to the residents of a specific neighborhood.

27  
 28                  *Public event* means an event created for and advertised to the general  
 29                  public for the purpose of attracting revenue, support, awareness  
 30                  and/or entertainment purposes. Examples include street festivals,  
 31                  church carnivals, "taste of" events, and other similar types of events  
 32                  that are open to the public.

33  
 34                  [DD.]    *Pushcart* means a wheeled, non-motorized mobile food unit, manually  
 35                  movable by one or two persons that:[,]

36                  1. Is no more than three (3) feet wide and six (6) feet long excluding  
 37                  attached extensions from the ends of the cart. The overall length  
 38                  of the pushcart with attached extensions shall not exceed ten (10)  
 39                  feet;

40                  2. Is capable of easily moving daily;[,]

41                  3. Operates [ING] out of a commissary;[,]

42                  4. Has a menu restricted to service of department approved specific  
 43                  foods;

44                  5. [AND] C[c]ontains[ING] on or within the cart sufficient food,  
 45                  utensils, paper products, cleaning supplies, potable water supply,  
 46                  and wastewater holding capacity necessary for operating daily;  
 47                  and[,]

1           6. [EXCEPT A PUSHCART] may use two additional ice chests and  
2           one additional barbecue grill placed immediately adjacent to the  
3           street pushcart.  
4

5       [EE.] *Reasonable hours* means all hours of operation including periods of  
6       food preparation and receiving, stocking or storing of foods.  
7

8           Self-Service Food Market means a market that is unstaffed and offers  
9           prepackaged non-time/temperature control for safety (TCS) food and  
10          prepackaged refrigerated or frozen time/temperature controlled for  
11          safety (TCS) food that is stored and displayed in equipment that  
12          complies with vending machine requirements as stated in 16.60.140.  
13

14       [FF.] *Snack* means food served consisting of:  
15       1. Pre-packaged non-TCS[POTENTIALLY HAZARDOUS] food from  
16       an approved source and requiring minimal handling;  
17       2. Fruits and vegetables requiring only washing, peeling or single-  
18       service utensils for service;  
19       3. Commercially packaged individual containers of milk; or  
20       4. Commercially packaged, previously unopened and adequately  
21       stored bulk containers of milk and 100 percent fruit juice  
22       dispensed during a single meal service into single-service  
23       containers.  
24

25           TCS food means a food that requires time and temperature control for  
26           safety to limit pathogenic microorganism growth or toxin formation  
27           (formerly called a potentially hazardous food or PHF), as defined in  
28           section 1-201.10(B) of the 2013 FDA Model Code.  
29

30       [GG.] TEMPORARY FOOD ESTABLISHMENT MEANS A TYPE OF  
31       PERMITTED FOOD ESTABLISHMENT KEPT AT ONE LOCATION  
32       FOR NO MORE THAN 21 CONSECUTIVE DAYS IN CONJUNCTION  
33       WITH A SINGLE EVENT.]  
34

35       [HH.] TEMPORARY FOOD ESTABLISHMENT - SEASONAL MEANS A  
36       TYPE OF PERMITTED FOOD ESTABLISHMENT MEETING ALL OF  
37       THE FOLLOWING REQUIREMENTS:  
38       1. OPERATES AT THE SAME LOCATION;  
39       2. OPERATES NO MORE THAN TWO DAYS IN ANY ONE WEEK;  
40       AND  
41       3. A PERMIT IS VALID FOR NO MORE THAN 120 DAYS.]  
42

43           Vending machine means a self-service device that, upon insertion of  
44           a coin, paper currency, token, card, or key, or by optional manual  
45           operation, dispenses unit servings of FOOD in bulk or in packages  
46           without the necessity of replenishing the device between each  
47           vending operation.  
48

Vending machine location means the room, enclosure, space, or area where one or more VENDING MACHINES or add self-service food markets are installed and operated and includes the storage areas and areas on the PREMISES that are used to service and maintain the VENDING MACHINES and add self-service food markets.

Vending machine operator means any person, who by contract, agreement, or ownership, takes responsibility for furnishing, installing, servicing, operating, or maintaining one or more food vending machines or self-service food markets.

[II.] *Wholesome* means in sound condition and free from spoilage, filth, and contamination.

Wild game meat means game meat that is from wild animals commonly found in and consumed by people including reindeer, caribou, moose, whale, beaver, goat, muskrat, hare, sheep, squirrel, duck, and geese.

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

**Section 4.** Anchorage Municipal Code section 16.60.060 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**16.60.060 - Applicability.**

\*\*\*\*            \*\*\*\*            \*\*\*\*

C. The following activities and facilities are not subject to this chapter:

1. Custom processing of an individual's sport-caught fish or game;
2. A business, such as a convenience store, gift shop, video store, or student store, selling only prepackaged, non-TCS [POTENTIALLY HAZARDOUS] food from an approved source;
3. A bake sale. For purposes of this subsection, "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. TCS [POTENTIALLY HAZARDOUS] food[s], including bakery-type items containing [potentially hazardous] fillings or toppings comprised of or containing a TCS food, such as custard, whipped cream, or meringue, shall not be sold at a bake sale;
4. A person or business distributing or selling only popcorn (including flavored popcorn), cotton candy, pre-packaged ice



1 cream novelties, powdered non-dairy drinks with single service  
2 items, fresh-squeezed lemonade made with sugar, black coffee  
3 with single-service items, or coffee offered with non-dairy  
4 creamers and served with single-service items;

- 5  
6 5. A school or licensed child care center serving only snacks;  
7  
8 6. Continental breakfasts or breakfasts cooked and immediately  
9 served at a bed and breakfast [homestay];

10  
11 [7. THE SALE OF HOMEMADE JAM, JELLY, FRUIT SYRUP,  
12 HERB VINEGAR, DRIED HERBS, OR DRIED TEA LEAVES,  
13 IF SOLD BY THE PERSON WHO PREPARED THE FOOD  
14 DIRECTLY TO THE CONSUMER AT A BED AND  
15 BREAKFAST HOMESTAY, A FARMERS MARKET, A  
16 ROADSIDE STAND, OR A SEASONAL EVENT, SUCH AS A  
17 FAIR OR BAZAAR;]

18  
19 7[8]. The extraction of raw honey;

20  
21 8[9]. The packaging or sale of extracted or unextracted raw honey;

22  
23 9[10]. The packaging and sale of raw, whole vegetables and fruit at a  
24 farmers market, a roadside stand, or a seasonal event, such as  
25 a fair, if the vegetables and fruit are offered in their natural state  
26 or after rinsing, trimming of unnecessary parts, or separating  
27 greens from roots;

28  
29 10[11]. The harvesting and evaporation of tree sap. However, further  
30 processing of tree sap, including packaging, is subject to this  
31 chapter;

32  
33 11[12]. Food served in conjunction with the following activities, if the  
34 food is prepared or provided by and for members of the group  
35 and their invited guests:

36 a. A private event as defined in this chapter [MEETING OR  
37 AN EVENT OF A PRIVATE OR CHARITABLE  
38 ORGANIZATION, ASSOCIATION, OR CLUB];

39 [b. AN ACTIVITY OF A CHURCH OR OTHER RELIGIOUS  
40 CONGREGATION;

41 c. A GATHERING, SUCH AS A PARTY, PICNIC, OR  
42 POTLUCK HELD BY A NEIGHBORHOOD, FAMILY,  
43 SCHOOL, OR OFFICE; OR]

44 b[d]. The occasional food preparation as a part of a  
45 curriculum in a school or child care center.

46  
47 12[13]. Food prepared and served at an assisted living home, as  
48 defined in AS 47.33.990, with five or fewer residents;  
49

13[14].The harvesting or cleaving of glacier ice, if the glacier ice is exported from the state without further processing; and

14[15].A food establishment within a federal facility or property where inspections and regulatory oversight are provided by the federal government.

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

**Section 5.** Anchorage Municipal Code section 16.60.070 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**16.60.070 – Food establishment permit required.**

A. Except for a cottage food operator holding a valid license under section 16.60.105, a[A] person shall not operate a food establishment unless the following requirements are met:

\*\*\*\*

D. Each operation shall have a separate permit. Some examples of operations requiring a separate permit include the following:

\*\*\*\*

5. A permitted food establishment that also provides services as a caterer as defined in section 16.60.050.

\*\*\*\*

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

**Section 6.** Anchorage Municipal Code section 16.60.080 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**16.60.080 – Permit application requirements.**

\*\*\*\*

D. If the application is for a temporary food establishment under Section 16.60.220, an applicant shall apply for a permit not less than seven days prior to the date of operation. An applicant applying for a permit less than seven days prior to the event shall pay the applicable late fee. The department may deny applications made less than three days prior to an event or may limit menu items or use of commissary facilities.

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

1 **Section 7.** Anchorage Municipal Code section 16.60.100 is hereby amended to  
 2 read as follows (*the remainder of the section is not affected and therefore not set*  
 3 *out*):  
 4

5 **16.60.100 – Plan review and pre-operation inspection.**

6  
 7 \*\*\*\*        \*\*\*\*        \*\*\*\*  
 8 B. A person shall submit a plan review application accompanied by one  
 9 copy of plans and specifications, and the applicable plan review fee  
 10 required by Section 16.60.110 to the department a minimum of thirty  
 11 (30) days before beginning any construction or remodeling if:

- 12  
 13 1. A food establishment is to be constructed;  
 14 2. An existing structure is to be converted for use as a food  
 15 establishment;  
 16 3. An existing food establishment is proposed to be extensively  
 17 remodeled; or  
 18 4. A new type of operation is to be added to an existing permitted  
 19 food establishment.

20  
 21 \*\*\*\*        \*\*\*\*        \*\*\*\*  
 22 E. Except for a temporary food establishment subject to Section  
 23 16.60.220, an applicant for a food establishment permit shall submit  
 24 plans that include at a minimum:

- 25  
 26 1. A floor plan of the entire premises showing the location of  
 27 buildings, refuse storage site, approved water supply, approved  
 28 waste disposal system, and access for deliveries;  
 29 2. A detailed to-scale drawing of the food establishment showing  
 30 the storage areas and type, model, and location of equipment,  
 31 and plumbing fixtures, such as sinks and toilets;  
 32 3. A plumbing schematic depicting hot and cold lines, wastewater  
 33 lines, floor drains, and grease traps;  
 34 4. The construction and design specifications for equipment;  
 35 5. The finish materials specifications for floors, walls, and ceilings;  
 36 6. Types and location specifications for lighting and ventilation;  
 37 7. A description of foods to be served, projected volumes,  
 38 methods of preparation and service;  
 39 [8. THE SEATING CAPACITY;]  
 40 8[9]. A description of equipment used to maintain temperatures  
 41 during transportation, display, and service; and  
 42 9[10]. If applicable, a description of any services to be provided by a  
 43 commissary or other approved facility.

44  
 45 \*\*\*\*        \*\*\*\*        \*\*\*\*  
 46 G. If a person fails to comply with this section, [INCLUDING FAILING TO  
 47 SUBMIT TO AN INSPECTION UNDER SUBSECTION C., OR  
 48 OPENS OR OPERATES A FOOD ESTABLISHMENT  
 49 CONSTRUCTED OR REMODELED IN A MANNER DIFFERENT

1 FROM THE PLANS APPROVED BY THE DEPARTMENT, OR DOES  
 2 NOT SUBMIT PLANS FOR REVIEW, OR THE CONSTRUCTION,  
 3 REMODELING, PLANS, OR OPERATION VIOLATES A PROVISION  
 4 OF THIS CHAPTER,] the department may:

- 5 1. Refuse to issue a permit;
- 6 2. Suspend the permit as provided in Section 16.60.320;
- 7 3. Issue a notice of closure as provided in Section 16.60.340; and
- 8 4. Impose civil penalties and fines as set forth in Section 16.60.350.

9  
 10 H. This section does not apply to a cottage food operation licensed under  
 11 section 16.60.105.

12  
 13 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
 14 10)

15  
 16 **Section 8.** Anchorage Municipal Code section 16.60 is hereby amended by  
 17 adding a new section, to be numbered 16.60.105, which section shall read as  
 18 follows:

19  
 20 **16.60.105 – Cottage food license required.**

- 21
- 22 A. Within the Municipality of Anchorage, a person shall not sell cottage  
 23 food products unless that person has applied for and received a food  
 24 establishment permit under this chapter, or a cottage food license in  
 25 accordance with this section.  
 26
  - 27 B. The department shall issue a cottage food license only to a cottage  
 28 food operator that:
    - 29 1. Attests that the products the operator seeks to sell will not be  
 30 prepared, packaged, or stored in a facility permitted as a food  
 31 establishment;
    - 32 2. Attests the operator will sell food products exclusively in this  
 33 state, directly to consumers; a food product sold under this  
 34 subsection may not be distributed wholesale or by mail order or  
 35 consignment;
    - 36 3. Attests that operator's food sales will be limited to cottage foods  
 37 that do not contain meat, poultry, or a food product containing  
 38 meat or poultry.
    - 39 4. Has and can provide to the department, for each food product  
 40 it intends to process, prepare, or package for sale,  
 41 documentation of
      - 42 a. the food product's formulation or recipe; information  
 43 provided under this section that is considered a trade  
 44 secret shall be protected by AMC 16.60.090;
      - 45 b. the food product's pH value, unless the Director of the  
 46 Department of Health and Human Services or the  
 47 Director's designee has cause to believe
        - 48 i. that the food product's pH level is 4.2 or less, or



\*\*\*\*                      \*\*\*\*                      \*\*\*\*

B. An operator, upon [WITHIN THIRTY (30) DAYS OF] receiving notice a permit fee is due for renewal, shall pay to the department by the due date stated on the invoice an annual permit fee for each separate type of operation at the food establishment based on the results of a risk assessment according to the following tables:

Table One—Risk Assessment	
Operation Processes	Points
The operation prepares, serves or stores <u>TCS foods</u> [POTENTIALLY HAZARDOUS FOODS (PHF)]	2
The operation uses or prepares raw meat items	2
The operation uses Time as a Control	2
The operation hot holds foods	2
The operation specifically serves a highly susceptible population	2
The operation cools foods from 135°-41° F for later service	2
The operation handles ready-to-eat foods	2
The operation acidifies, cures, reduced-oxygen packages or otherwise modifies foods from <u>TCS to non-TCS</u> [PHF TO NON-PHF].	2
The operation uses multiple-use (washable) utensils for customers	1
The operation operates as a mobile food establishment	1
Total Points	

Table Two—Food Establishment Permit Fees Based on Risk Assessment		
Total Points from Section One	Risk Type	Permit Fee
0—5	1	\$260.00
6—9	2	\$460.00
10+	3	\$660.00
<u>A food establishment that also operates a catering operation shall pay an additional permit fee of fifty percent (50%) of the regular risk based permit fee paid by that establishment. This fee shall not apply to a business whose sole operation is as an independent catering facility.</u>		

\*\*\*\*                      \*\*\*\*                      \*\*\*\*

Table Six—Cottage Food License Fees	
<u>Cottage Food License</u>	<u>\$25.00</u>

\*\*\*\*                      \*\*\*\*                      \*\*\*\*

D. [PRIOR TO APPLICATION FOR A PLAN REVIEW OR PERMIT, A PRE-CONSULTATION FEE FOR FOOD ESTABLISHMENT PLANNING, DESIGN CONSULTATION OR EXPEDITED PLAN REVIEW MAY BE ASSESSED AT THE RATE OF \$150.00 PER HOUR.] A consultation fee for design assistance prior to plan review submission or food sanitation education shall be assessed

1 at the rate of \$150.00 per hour billed in one-tenth hour (six minute)  
 2 increments. These fees shall be in addition to other fees in this  
 3 chapter.

4  
 5 E. The food establishment permit fee for a business operating solely as  
 6 an independent catering facility will be based on the results of a risk  
 7 assessment according to Tables 1 and 2 in this section.

8  
 9 F. [OVERTIME] [i]nspection[s] of a food establishment requested by the  
 10 food establishment outside of normal business hours shall be  
 11 assessed at the rate of \$150.00 per hour billed in one-tenth hour (six-  
 12 minute) increments.

13  
 14 G[E]. At the time of application for plan review under section 16.60.100, the  
 15 applicant shall pay to the department a plan review fee as set forth  
 16 below:

- 17 1. 0—1,000 square feet ..... \$220.00  
 18 2. 1,001—4,000 square feet ..... \$330.00  
 19 3. more than 4,000 square feet [OR MORE] ..... \$550.00  
 20 4. Plan review for tax exempt nonprofit corporations under the  
 21 laws of Alaska will be charged one-half (50%) the fee above.

22  
 23 Incomplete submittals resulting in the need for additional submittals of  
 24 information required in 16.60.100 will be charged an additional fee of  
 25 one-half (50%) of the original fee.

26  
 27 Plan revisions or change-orders requiring more than one-half hour  
 28 review time will be charged a fee for additional time at the rate of \$150  
 29 per hour billed in one-tenth hour (six minute) increments.

30  
 31 H[G]. Department-provided food worker certification shall be assessed as  
 32 follows:

33  
 34 \*\*\*\*                      \*\*\*\*                      \*\*\*\*

35 I[H]. A person who seeks a variance under section 16.60.190 shall pay a  
 36 variance application review fee of \$100.00 [\$50.00] at the time of  
 37 application.

38  
 39 J[I]. When ownership changes for a permitted food establishment, the new  
 40 owner shall apply to the department for issuance of a new permit and  
 41 shall pay a fee of \$150.00 for each physical location where a new  
 42 permit is issued.

43  
 44 K[J]. [A] The fees imposed under this section are [IS] nonrefundable[. [THE  
 45 DEPARTMENT MAY PRORATE AN ANNUAL PERMIT FEE.], except  
 46 the department shall approve a refund upon written request received  
 47 within 90 days of fee payment:

- 48 1. One-hundred (100%) of a fee that is paid or collected in error;

- 1           2. Eighty percent (80%) of the permit fee when a permit is  
2           cancelled prior to opening inspection or operation of a facility;
- 3           3. Eighty percent (80%) of a plan review fee if the refund is  
4           requested before any review has begun;
- 5           4. Eighty percent (80%) of a temporary event permit fee if  
6           requested at least three (3) working days prior to the event.

7

8       L. The Department may prorate an annual permit fee.

9

10       M[K]. The annual fee required under section B. is due on the due date of the  
11       invoice. Late fees shall be assessed as follows [WITHIN THIRTY (30)  
12       DAYS AFTER RECEIVING NOTICE THE FEE IS DUE. AFTER THE  
13       THIRTY-DAY PERIOD]:

- 14           1. Ten (10) percent of the applicable fee, if payment is not  
15           postmarked or paid by the due date stated on the invoice. [THE  
16           DEPARTMENT MAY ASSESS A LATE FEE NOT TO EXCEED  
17           TEN (10) PERCENT OF THE APPLICABLE FEE, IF  
18           PAYMENT IS MORE THAN THIRTY (30) DAYS PAST DUE.]
- 19           2. Twenty-five (25) percent of the applicable fee, if payment is  
20           more than thirty (30) days past the due date on the invoice. [A  
21           PAYMENT MORE THAN SIXTY (60) DAYS PAST DUE SHALL  
22           BE ASSESSED A LATE FEE NOT TO EXCEED TWENTY-  
23           FIVE (25) PERCENT OF THE APPLICABLE PERMIT FEE.]
- 24           3. Failure to pay the fees within thirty (30) [SIXTY (60)] days of the  
25           due date [OF THE NOTICE A FEE IS DUE] shall constitute  
26           cause for the department to issue [DEPARTMENT'S  
27           ISSUANCE OF] a notice of closure for failure to comply with  
28           permit renewal requirements of this chapter [SUSPENSION OF  
29           THE FOOD ESTABLISHMENT].

30

31       N[L]. Change of ownership and temporary food establishment late fees  
32       shall be assessed as follows:

- 33           1. Ten (10) percent of the applicable fee for a permit application  
34           received less than seven (7) days prior to the change of  
35           ownership; and [AN APPLICANT APPLYING FOR A PERMIT  
36           AS A RESULT OF A CHANGE OF OWNERSHIP LESS THAN  
37           SEVEN (7) DAYS PRIOR TO THE CHANGE OF OWNER  
38           SHALL PAY A LATE FEE OF TEN (10) PERCENT OF THE  
39           PERMIT FEE; OR]
- 40           2. Fifty (50) percent for a temporary food establishment permit  
41           application received less than seven (7) days prior to the date  
42           of operation [AN APPLICANT APPLYING FOR A  
43           TEMPORARY FOOD ESTABLISHMENT PERMIT SHALL PAY  
44           A LATE FEE OF FIFTY (50) PERCENT OF THE PERMIT FEE].

45

46       O[M]. An operator of a food establishment who ceases to operate a food  
47       establishment remains responsible for past due fees.

48



1 P[N]. Charitable operations and organizations are required to have a permit  
2 under this chapter but the department may waive permit fees for  
3 inspection and service for food establishments meeting all of the  
4 following criteria:

- 5 1. The food establishments prepare and provide food to the public  
6 at no charge; and
- 7 2. The food establishments are operated by tax exempt nonprofit  
8 corporations under the laws of Alaska [WHOSE PURPOSE IS  
9 TO FOSTER THE GENERAL COMMUNITY WELFARE OF  
10 THE MUNICIPALITY].

11  
12 Q[O]. The department may waive permit fees for pre-school [STUDENT-  
13 ORIENTED], elementary and [THROUGH] secondary school  
14 organizations [FORMED AND OPERATED BY TAX EXEMPT  
15 NONPROFIT CORPORATIONS UNDER THE LAWS OF ALASKA]  
16 where all proceeds collected are used for the benefit of the students  
17 [PURPOSE OF MAINTAINING THE WELFARE OF THE SCHOOL'S  
18 STUDENTS]. These organizations are exempt from the three-  
19 consecutive day restriction set forth in section 16.60.225.C.

20  
21 R. Vending machine and self-service food market operators shall pay a  
22 fee for each vending machine and self-service food market serving  
23 TCS foods other than novelty ice cream as follows:  
24 \$130.00 for up to ten (10) machines and/or self-service food  
25 markets.  
26 \$1.00 for each machine and/or self-service food market over ten.

27  
28  
29  
30  
31 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
32 10; AO No. 2013-100, § 4, 1-1-14; AO No. 2015-111(S-1), § 5, 1-1-16 )

33  
34  
35 **Section 10.** Anchorage Municipal Code section 16.60.130 is hereby amended to  
36 read as follows:

37  
38 **16.60.130 – 2013 [2005] FDA Model Food Code: Management and**  
39 **personnel.**

40  
41 The 2013 [2005] FDA Model Food Code Chapter 2 governing "Management  
42 and Personnel" is adopted and incorporated by reference herein except as  
43 follows:

44  
45 Section 2-201.11 shall not apply to vending machine operators at the  
46 vending machine locations.

47  
48 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
49 10)

1  
2 **Section 11.** Anchorage Municipal Code section 16.60.140 is hereby amended to  
3 read as follows (*the remainder of the section is not affected and therefore not set*  
4 *out*):

5  
6 **16.60.140 – 2013 FDA Model Food Code: Food.**

7  
8 The 2013[2005] FDA Model Food Code Chapter 3 governing "Food" is  
9 adopted and incorporated by reference herein except as follows:

- 10  
11 A. Section 3-201.11(D) of the 2013 FDA Model Food Code shall not be  
12 adopted.

13  
14 [SECTION 3-301.11 OF THE 2005 FDA MODEL FOOD CODE IS  
15 ADOPTED WITH THE FOLLOWING AMENDMENT TO  
16 PARAGRAPH (B) OF SECTION 3-301.11 (PARAGRAPH (A) IS SET  
17 OUT FOR CONTEXT ONLY; PARAGRAPHS (C) AND (D) ARE NOT  
18 AFFECTED AND THEREFORE NOT SET OUT):

19  
20 **3-301.11 PREVENTING CONTAMINATION FROM HANDS.**

- 21 (A) FOOD EMPLOYEES SHALL WASH THEIR HANDS AS  
22 SPECIFIED UNDER SECTION 2-301.12.  
23 (B) EXCEPT WHEN WASHING FRUITS AND VEGETABLES AS  
24 SPECIFIED UNDER SECTION 3-302.15, **OR WHEN**  
25 **GARNISHING BEVERAGES**, OR AS SPECIFIED IN  
26 PARAGRAPH (D) OF THIS SECTION, FOOD EMPLOYEES  
27 MAY NOT CONTACT EXPOSED, READY-TO-EAT FOOD  
28 WITH THEIR BARE HANDS AND SHALL USE SUITABLE  
29 UTENSILS SUCH AS DELI TISSUE, SPATULAS, TONGS,  
30 SINGLE-USE GLOVES, OR DISPENSING EQUIPMENT. ]

- 31  
32 B. Section 3-402.11(A) "Parasite Destruction" is amended to add an  
33 additional method of preparing fish to minimize the possibility of  
34 parasite transmission to consumers for raw, raw marinated, or  
35 undercooked fish in ready-to-eat form, as follows:

- 36 1. as an alternative to the freeze destruction procedures  
37 stipulated in Section 3-402.11(A), fish may be partially cooked  
38 to a minimum temperature of 125°F throughout.  
39 2. if the procedure in the preceding subsection B.1 is used, the  
40 permit holder shall provide a consumer advisory as specified  
41 for undercooked foods in Section 3-603.11.

- 42  
43 C. [SUBPARAGRAPHS 3-501.16(A)(2)(B) AND 3-501.17(A)(2)(B) OF  
44 THE 2005 FDA MODEL FOOD CODE SHALL NOT BE ADOPTED.]  
45 Section 3-201.17, "Game Animals" is supplemented as follows:

46  
47 Except for food prohibited under 18 AAC 31.210, traditional wild game  
48 meat, seafood, plants, and other food may be donated to a food  
49 service of an institution or a nonprofit program, including a residential

1 child care facility with a license from the department as required by  
 2 chapter 16.55, a school lunch program, or a senior meal program, if  
 3 the operator of the food service:

- 4
- 5 1. ensures that the food is received whole, gutted, gilled, as  
 6 quarters, or as roasts, without further processing;
  - 7 2. makes a reasonable determination that:
    - 8 a. the animal was not diseased;
    - 9 b. the food was butchered, dressed, transported, and stored  
 10 to prevent contamination, undesirable microbial growth,  
 11 or deterioration; and
    - 12 c. the food will not cause a significant health hazard or  
 13 potential for human illness;
  - 14 3. conducts any further preparation or processing of the food at a  
 15 different time or in a different space at the food service from the  
 16 preparation or processing of other food to prevent cross-  
 17 contamination;
  - 18 4. cleans and sanitizes food-contact surfaces of equipment and  
 19 utensils after processing the food;
  - 20 5. labels donated seafood and game meat with the name of the  
 21 food and stores it separately from other food through storage in  
 22 a separate freezer or refrigerator or a separate compartment or  
 23 shelf in the freezer or refrigerator; and
  - 24 6. meets all other applicable requirements of this chapter.

25

26

27 D. Section 3-603.11 "Consumption of Animal Foods that are Raw,  
 28 Undercooked, or Not Otherwise Processed to Eliminate Pathogens" is  
 29 amended with the addition of the following section:

30

31 (D) The operator of a food establishment that sells, uses, or serves  
 32 mushrooms picked in the wild shall ensure the mushrooms are  
 33 conspicuously identified by a label, placard, or menu notation  
 34 that states:

- 35
- 36 1. the common and usual name of the mushroom; and
  - 37 2. the statement "Wild mushrooms; not an inspected  
 38 product".

39

40 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-

41 10)

42

43 **Section 12.** Anchorage Municipal Code section 16.60.150 is hereby amended to  
 44 read as follows:

45

46 **16.60.150 – 2013 [2005] FDA Model Food Code: Equipment, Utensils**  
 47 **and Linens.**

48

49 The 2013 [2005] FDA Model Food Code Chapter 4 governing "Equipment,  
 50 Utensils, and Linens." is adopted and incorporated by reference herein.

1 [EXCEPT AS FOLLOWS:  
2

3 A. SECTION 4-204.16 2005 FDA MODEL FOOD CODE SHALL NOT  
4 BECOME EFFECTIVE UNTIL FIVE YEARS AFTER THE ADOPTION  
5 OF THIS CODE.]  
6

7 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
8 10)  
9

10 **Section 13.** Anchorage Municipal Code section 16.60.160 is hereby amended to  
11 read as follows:  
12

13 **16.60.160 – 2013 [2005] FDA Model Food Code: Water, Plumbing and  
14 Waste.**  
15

16 The 2013 [2005] FDA Model Food Code Chapter 5 governing " Water,  
17 Plumbing and Waste " is adopted and incorporated by reference herein with  
18 the addition of the following [EXCEPT AS FOLLOWS]:  
19

20 A. Section 5-203.13 of the 2013 FDA Model Food Code shall not apply  
21 to a mobile food unit or kiosk.  
22

23 B. Section 5-402.10 is amended to add:  
24

25 The grease interceptor, if installed, must be maintained at least every  
26 thirty (30) days, or more often as necessary, if thirty (30) days is not  
27 frequent enough in accordance with AMC 23.25.1014.1.2. Permit  
28 holder must make grease interceptor maintenance records available  
29 to an inspector upon request.  
30

31 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
32 10)  
33

34 **Section 14.** Anchorage Municipal Code section 16.60.170 is hereby amended to  
35 read as follows:  
36

37 **16.60.170 – 2013 [2005] FDA Model Food Code: Physical Facilities.**  
38

39 The 2013 [2005] FDA Model Food Code Chapter 6 governing "Physical  
40 Facilities" is adopted and incorporated by reference herein.  
41

42 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
43 10)  
44

45 **Section 15.** Anchorage Municipal Code section 16.60.180 is hereby amended to  
46 read as follows:  
47

48 **16.60.180 – 2013 [2005] FDA Model Food Code: Poisonous or Toxic  
49 Materials.**

The 2013 [2005] FDA Model Food Code Chapter 7 governing "Poisonous or Toxics Materials" is adopted and incorporated by reference herein.

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

**Section 16.** Anchorage Municipal Code section 16.60.190 is hereby amended to read as follows:

**16.60.190 – 2013 [2005] FDA Model Food Code: Compliance and Enforcement [(VARIANCES AND HACCP PLANS)].**

The 2013 [2005] FDA Model Food Code Chapter 8 Sections 8-103.10, 8-103.11, 8-103.12, 8-201.12, 8-201.13, [AND] 8-201.14, 8-404.11, 8-501.10, 8-501.20, 8-501.30, 8-501.40, 8-903.30(A), 8-903.30(B), 8-903.30(C), 8-903.30(E), 8-903.70, 8-903.80, and 8-903.90 governing Compliance and Enforcement [VARIANCES AND HACCP PLANS] are adopted and incorporated by reference herein. No other provisions of 2013 [2005] FDA Model Food Code Chapter 8 are adopted.

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

**Section 17.** Anchorage Municipal Code section 16.60.200 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**16.60.200 Water supply.**

\*\*\*\*            \*\*\*\*            \*\*\*\*

B. In addition to section A. above, the operator of a permitted food establishment not directly connected to a water supply and subject to 18 AAC 80 shall take the following actions at least annually or, for food establishments operating seasonally, no more than seven (7) days prior to opening:

1. Superchlorinate each potable water tank for at least two (2) hours with 50 ppm chlorine solution;
2. Drain, thoroughly rinse, and refill the tank;
3. Submit samples of potable water being used in the facility to a certified laboratory for coliform analysis every twelve (12) [12] months during operation; and
4. Forward a copy of the coliform analysis report to the department within five (5) days of receiving the results of the analysis.

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

**Section 18.** Anchorage Municipal Code section 16.60.210 is hereby amended to

1 read as follows (*the remainder of the section is not affected and therefore not set*  
 2 *out*):

3  
 4 **16.60.210 Ventilation.**

5 \*\*\*\*            \*\*\*\*            \*\*\*\*

6  
 7 B. The operator of a permitted food establishment shall ensure  
 8 equipment producing grease-laden vapors is vented through a hood  
 9 and grease collection system designed and installed in accordance  
 10 with the International Mechanical Code[; SECTION 507—  
 11 COMMERCIAL KITCHEN HOODS, AS ADOPTED BY SECTION  
 12 23.05.010] and maintained as required in the International Fire Code  
 13 as adopted under Title 23 [; SECTION 904 —ALTERNATIVE  
 14 AUTOMATIC FIRE-EXTINGUISHING SYSTEMS, AS ADOPTED BY  
 15 SECTION 23.05.010].

16  
 17 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
 18 10)

19  
 20 **Section 19.** Anchorage Municipal Code section 16.60.220 is hereby amended to  
 21 read as follows (*the remainder of the section is not affected and therefore not set*  
 22 *out*):

23  
 24 **16.60.220 Temporary food establishment.**

25  
 26 A. In addition to the other requirements of this chapter, the operator of a  
 27 temporary food establishment shall comply with this section.

28  
 29 B. A temporary food permit shall be issued for only one location for no  
 30 more than 21 consecutive days and shall be in conjunction with a  
 31 single event.

32  
 33 C. Food shall be prepared at the temporary food establishment unless  
 34 the department approves prior preparation at a commissary or  
 35 approved facility under section D[C].3. below.

36  
 37 D[C]. Depending on the adequacy of facilities, equipment, and utensils for  
 38 the types and volume of food, and methods of preparation and service,  
 39 the department may:

- 40 1. Limit the foods to be prepared and sold;  
 41 2. Limit preparation steps;  
 42 3. Authorize prior preparation of food at a commissary or  
 43 approved facility if:  
 44 a. The commissary or approved facility has adequate  
 45 equipment for the type and volume of food and methods  
 46 of preparation;  
 47 b. TCS [POTENTIALLY HAZARDOUS] food is maintained  
 48 at temperatures in accordance with 2013 [2005] FDA  
 49 Model Food Code Section 3-501.16;

- c. All food is protected from contamination during transportation to the temporary food establishment; and
- d. A letter of agreement signed by the operator of the commissary or approved facility is attached to the temporary food establishment application specifying the food, and the dates and times the food is prepared and stored.

E[D]. The operator of a temporary food establishment shall provide documentation the operator:

1. Is a certified food protection manager in accordance with Section 16.60.270; or
2. Is a certified food worker in accordance with Section 16.60.280.

F[E]. The operator of a temporary food establishment shall ensure:

1. TCS [POTENTIALLY HAZARDOUS] food cooked and/or hot-held at the temporary food establishment is not cooled and later served to the public.
2. Except as provided in subsection F[E].3. below, a hand washing station 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 or if the container is not insulated, a means to heat the water;
  - b. A container to catch wastewater from hand washing; and
  - c. Soap and single-service towels.
3. Upon approval from the department, temporary food establishments with minimal handling may use chemically treated towelettes as specified in 2013 [2005] FDA Model Food Code paragraph 5-203.11(C).

G[F]. The operator of a temporary food establishment shall ensure wastewater is disposed of into an approved wastewater disposal system.

H[G]. The operator of a temporary food establishment shall ensure toilets and hand washing facilities are available within 200 feet of the temporary food establishment.

I. All temporary food establishments must operate under the auspices of an event coordinator.

[H.] EVENT COORDINATORS:

1. SHALL NOT INTERFERE WITH AND SHALL COOPERATE WITH THE ENFORCEMENT OF THIS CHAPTER BY THE DEPARTMENT. AN EVENT COORDINATOR SHALL NOT ALLOW ANY FOOD ESTABLISHMENT ORDERED TO CLOSE BY THE DEPARTMENT TO CONTINUE TO OPERATE.

- 1 2. SHALL PROVIDE THE DEPARTMENT WITH A LIST OF ALL  
2 TEMPORARY FOOD ESTABLISHMENTS AND OPERATORS  
3 PARTICIPATING IN THE PLANNED EVENT AT LEAST SEVEN  
4 DAYS PRIOR TO THE EVENT. IN ADDITION, THE  
5 TEMPORARY EVENT COORDINATORS SHALL PROVIDE A  
6 MAP INDICATING PROPOSED SITES OF EACH FOOD  
7 ESTABLISHMENT AND ALL PUBLIC TOILETS AND HAND  
8 WASH FACILITIES AT LEAST 48 HOURS PRIOR TO THE  
9 EVENT. THE TEMPORARY EVENT COORDINATOR SHALL  
10 INFORM ALL TEMPORARY FOOD ESTABLISHMENT  
11 OPERATORS PARTICIPATING IN THE EVENT OF THE  
12 REQUIREMENT FOR A FOOD ESTABLISHMENT PERMIT  
13 FROM THE DEPARTMENT.
- 14 3. SHALL ENSURE, AT EVENTS OPEN TO THE PUBLIC FOR  
15 TWO HOURS OR LONGER, PUBLIC TOILETS AND HAND  
16 WASHING FACILITIES ARE PROVIDED AND:
- 17 A. THE NUMBER OF TOILETS FURNISHED IS ADEQUATE  
18 BASED ON THE PEAK CROWD ANTICIPATED AND THE  
19 TOILETS ARE CONVENIENTLY LOCATED AND  
20 AVAILABLE TO ALL VENDORS;
- 21 B. IF RUNNING WATER IS NOT PRACTICALLY AVAILABLE,  
22 PORTABLE TOILETS ARE PROVIDED INSTEAD OF  
23 FLUSH TOILETS; IN DETERMINING THE NUMBER OF  
24 PORTABLE TOILETS REQUIRED, THE OPERATOR  
25 SHALL USE COMPLY WITH TITLE 23; AND
- 26 C. LAVATORIES ARE SUPPLIED FOR WASHING HANDS  
27 FROM A STORAGE TANK APPROVED BY THE  
28 DEPARTMENT, OR FROM AN INSULATED CONTAINER  
29 WITH A MINIMUM CAPACITY OF TWO GALLONS EACH,  
30 EQUIPPED WITH A FAUCET-TYPE SPIGOT AND FILLED  
31 WITH WARM WATER.
- 32 4. SHALL ENSURE TOILET FACILITIES:
- 33 A. HAVE CLEANABLE INTERIOR SURFACES, SCREENED  
34 OPENINGS FOR VENTILATION, SELF-CLOSING  
35 DOORS, AND OTHERWISE PROHIBIT THE ENTRANCE  
36 OF INSECTS AND RODENTS; AND
- 37 B. ARE SERVICED AS OFTEN AS NECESSARY TO  
38 REMOVE ACCUMULATED WASTES, ARE KEPT CLEAN,  
39 AND ARE SUPPLIED WITH TOILET PAPER.]

40  
41 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
42 10)

43  
44 **Section 20.** Anchorage Municipal Code chapter 16.60 is hereby amended by  
45 adding a new section, to be numbered 16.60.225, which section shall read as  
46 follows:

47  
48 **16.60.225 Seasonal food establishment.**  
49



- 1 A. A seasonal food establishment shall comply with the requirements  
2 codified for temporary food establishments in sections 16.60.220A.  
3 and 16.60.220C. through I.  
4
- 5 B A seasonal food permit shall be issued for only one location for no  
6 more than 120 consecutive days in conjunction with a single event and  
7 may not be re-issued for the same location within 120 days of the  
8 expiration of the last permit.  
9
- 10 C. In addition to the requirements in section 16.60.220, a seasonal food  
11 establishment shall operate no more than three (3) days in any one  
12 week and they must be consecutive days. The operator shall confine  
13 operations to the three consecutive days of the week.  
14

15 **Section 21.** Anchorage Municipal Code chapter 16.60 is hereby amended by  
16 adding a new section, to be numbered 16.60.226, to read as follows:  
17

18 **16.60.226 Temporary or seasonal event coordinator.**  
19

- 20 A. All temporary and seasonal food establishments must be operated  
21 under the auspices of an event coordinator. The event coordinator  
22 shall:  
23 1. Provide the department with a list of all temporary or seasonal  
24 food establishments and operators participating in the planned  
25 event at least seven (7) days prior to the event with a map  
26 indicating proposed sites of each food establishment and all  
27 public toilets and hand wash facilities at least forty-eight (48)  
28 hours prior to the event.  
29 2. Inform all temporary or seasonal food establishment operators  
30 participating in the event that a food establishment permit is  
31 required from the department.  
32 3. Ensure, at events open to the public for two (2) hours or longer,  
33 public toilets and hand washing facilities are provided and:  
34 a. The number of toilets furnished is adequate based on the  
35 peak crowd anticipated and are conveniently located and  
36 available to all vendors;  
37 b. Toilet facilities are serviced as often as necessary to  
38 maintain them as clean and sanitary, have cleanable  
39 interior surfaces, screened openings for ventilation, self-  
40 closing doors, and otherwise prohibit the entrance of  
41 insects and rodents.  
42 c. If running water is not practically available, portable  
43 toilets are provided instead of flush toilets and the  
44 number of portable toilets meets the minimum  
45 requirements of Title 23; and  
46 d. Lavatories are supplied for washing hands from an  
47 insulated container with a minimum capacity of two  
48 gallons each, equipped with a faucet-type spigot and

filled with warm water. The department may approve other handwashing systems.

**Section 22.** Anchorage Municipal Code section 16.60.230 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**16.60.230 Mobile food units and kiosks.**

\*\*\*\*           \*\*\*\*\*           \*\*\*\*\*

- D. The operator of a mobile food unit shall:
  1. Provide only single-service articles to consumers; [AND]
  2. Ensure toilet facilities are available within 200 feet of the unit or conveniently located and available to employees during work hours, as approved by the department; and[.]
  3. Provide on both sides of the mobile food unit, in at least 3-inch-high letters and numbers, the name of the facility and the permit number as printed on the permit, if the mobile food unit is not a pushcart.

E. In addition to the other requirements of this section, the operator of a pushcart shall ensure:

1. The name of the facility and the permit number as printed on the permit are provided on the main customer service side of the pushcart, in at least 3-inch-high letters and numbers. [THE PUSH 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 PUSH CART WITH EXTENSIONS SHALL NOT EXCEED TEN FEET.]

\*\*\*\*           \*\*\*\*\*           \*\*\*\*\*

6. TCS [POTENTIALLY HAZARDOUS] food heated and/or hot held at the push cart is not cooled and later served to the public.
7. Pushcarts return each day to a commissary approved by the department, to ensure functions that cannot be performed on the push cart are properly performed; such as cleaning the unit, equipment, and utensils; servicing potable water and wastewater tanks; and restocking food and supplies.

F. In addition to the other applicable requirements of this chapter, the operator of a mobile retail unit:

\*\*\*\*           \*\*\*\*           \*\*\*\*

4. Chemically treated towelettes as specified in 2013 [2005] FDA Model Food Code paragraph 5-203.11(C) may be substituted for handwashing requirements in subsection F.3. above.

1 G. Mobile food units wider than eight feet six inches that were permitted  
 2 in the Municipality of Anchorage prior to the adoption of the width  
 3 requirement listed in section 16.60.050, shall be exempt from the  
 4 width requirement in section 16.60.050.

5  
 6 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
 7 10)

8  
 9 **Section 23.** Anchorage Municipal Code section 16.60.240 is hereby amended to  
 10 read as follows (*the remainder of the section is not affected and therefore not set*  
 11 *out*):

12  
 13 **16.60.240 Child care centers.**

14 \*\*\*\*            \*\*\*\*            \*\*\*\*

- 15  
 16 I. Toilet room doors are exempt from the requirements of 2013 [2005]  
 17 FDA Model Food Code Section 6-202.14.  
 18  
 19 J. Outside doors at a child care center governed by this section are  
 20 exempt from the self-closing requirements in 2013 [2005] FDA Model  
 21 Food Code subparagraph 6-202.15(A)(3).  
 22

23 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
 24 10)

25  
 26 **Section 24.** Anchorage Municipal Code section 16.60.250 is hereby amended to  
 27 read as follows (*the remainder of the section is not affected and therefore not set*  
 28 *out*):

29  
 30 **16.60.250 Food processing plant.**

31 \*\*\*\*            \*\*\*\*            \*\*\*\*

- 32  
 33 C. In addition to the labeling requirements listed in 2013 [2005] FDA  
 34 Model Food Code paragraph 3-201.11(C), the owner or operator of a  
 35 food processing plant shall ensure food products made by the  
 36 processor are labeled:  
 37

38 \*\*\*\*            \*\*\*\*            \*\*\*\*

39 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
 40 10)

41  
 42 **Section 25.** Anchorage Municipal Code chapter 16.60 is hereby amended by  
 43 adding a new section, to be numbered 16.60.260, to read as follows:

44  
 45 **16.60.260 – Responsibilities of a food establishment permit holder.**

- 46  
 47 A. Upon acceptance of the permit issued by the department, the permit  
 48 holder, in order to retain the permit shall:  
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1. Post the permit in a location in the food establishment that is conspicuous to consumers as specified under section 16.60.070;
2. Comply with the provisions of this Code including the conditions of a granted variance specified under section 8-103.12 of the 2013 FDA Model Food Code and meet the requirements of section 16.60.100;
3. If a food establishment is required under section 8-201.13 of the 2013 FDA Model Food Code to operate under a HACCP plan, comply with the plan as specified under section 8-103.12 of the 2013 FDA Model Food Code;
4. Immediately contact the department to report an illness of a food employee or conditional employee as specified under section 2-201.11(B) of the 2013 FDA Model Food Code;
5. Immediately discontinue operations and notify the department if an imminent health hazard exists as defined in section 16.60.050;
6. Allow representatives of the department access to the food establishment as specified under section 16.60.290;
7. Comply with directives of the department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the department in regard to the permit holder's establishment or in response to community emergencies;
8. Accept notices issued and served by the department according to law; and
9. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this code or a directive of the department, including time frames for corrective action specified in an inspection reports, notices, orders, warnings, and other directives.

**Section 26.** Anchorage Municipal Code Section 16.60.270 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**16.60.270 Certified food protection manager.**

A. The operator of a permitted food establishment categorized as Risk Type 2 or Risk Type 3 [F002 OR F003] in section 16.60.110 shall have at least one certified food protection manager for each operation who is an active on-site person responsible for the day to day operation of the establishment.

\*\*\*\*                      \*\*\*\*                      \*\*\*\*

E. The operator of a Risk Type 2 or Risk Type 3 food establishment shall ensure that a new certified food protection manager is hired and active on-site within thirty (30) days of the termination or departure of the previous certified protection manager. [A COPY OF THE CERTIFIED

FOOD PROTECTION MANAGER CERTIFICATE SHALL BE FORWARDED 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.]

F. Upon change of ownership of permitted food establishment, the permit holder shall provide a copy of the certified food manager certificate at the time of application for the new permit required pursuant to section 16.60.080C. [THE OPERATOR OF A FOOD ESTABLISHMENT SHALL SUPPLY THE DEPARTMENT WITH THE NAME AND A COPY OF THE CERTIFICATE OF A NEW CERTIFIED FOOD PROTECTION MANAGER WITHIN 30 DAYS AFTER THE TERMINATION DATE OF THE PREVIOUS CERTIFIED FOOD PROTECTION MANAGER.]

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

**Section 27.** Anchorage Municipal Code section 16.60.280 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**16.60.280 Certified food worker.**

A. The operator of a food establishment shall ensure each food worker employed in the establishment, within seven (7) [THIRTY (30)] days after the date of hire, has been trained in basic food safety including employee health requirements.

\*\*\*\*            \*\*\*\*            \*\*\*\*

E. In this section, "food worker" means:

- 1. An individual working with unpackaged food, TCS [POTENTIALLY HAZARDOUS] food, or food-contact surfaces; and

\*\*\*\*            \*\*\*\*            \*\*\*\*

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

**Section 28.** Anchorage Municipal Code section 16.60.290 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**16.60.290 Compliance inspections.**

\*\*\*\*            \*\*\*\*            \*\*\*\*

1 D. During an inspection, the inspector shall record the findings on forms  
 2 developed by the department. The department shall develop and  
 3 utilize a compliance inspection report form that incorporates a scoring  
 4 system based on the 2013 [2005] FDA Food Code that assigns point  
 5 values based on the importance of that item in the prevention of food-  
 6 borne disease. A compliance inspection report shall include these  
 7 findings:

- 8 1. An overall inspection score from 0 to 100 determined by  
 9 subtracting the sum of the point values requiring correction  
 10 from the total points possible, dividing by the total points  
 11 possible and then multiplying by 100 to compute the  
 12 percentage of possible points obtained. The inspection score  
 13 shall be expressed as the nearest whole percentage of this  
 14 computed value. [OF EACH ITEM REQUIRING CORRECTION  
 15 FROM 100.] Scores shall not be assigned to change of  
 16 ownership inspections, additional inspections, or structural  
 17 inspections.

18  
 19 \*\*\*\*

20 E. The department shall conduct inspections as follows:

21  
 22 \*\*\*\*

- 23 2. Re-inspections. The department may conduct re-inspections to  
 24 verify compliance with this chapter. When a re-inspection is  
 25 conducted, the inspector shall complete an inspection in its  
 26 entirety.

27 a. A re-inspection may be conducted by the department as  
 28 needed, subsequent to a regular inspection, where  
 29 critical violations were noted and the department issued  
 30 a compliance schedule pursuant to Section 16.60.300,  
 31 repeat noncritical violations were noted on two (2)  
 32 [THREE] or more consecutive inspections, or to monitor  
 33 correction of items listed on the last regular inspection  
 34 form. A re-inspection may occur within thirty (30) [30]  
 35 calendar days of the initial inspection.

- 36  
 37 3. *Enforcement inspections.* An enforcement inspection may be  
 38 conducted by the department, subsequent to a regular  
 39 inspection or re-inspection, where repeat violations were noted  
 40 or repeat noncritical violations were noted on three (3) [FOUR]  
 41 or more consecutive inspections. Following permit suspension  
 42 or closure, a re-opening inspection will be conducted and  
 43 charged as an enforcement inspection.

44  
 45 \*\*\*\*

46 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
 47 10; AO No. 2015-31, § 1, 4-14-15 )

48  
 49 **Section 29.** Anchorage Municipal Code section 16.60.300 is hereby amended to

1 read as follows (*the remainder of the section is not affected and therefore not set*  
 2 *out*):

3  
 4 **16.60.300 Correction of violations.**

5  
 6 \*\*\*\*            \*\*\*\*            \*\*\*\*

7 D. The inspection report is a public record and is available for public  
 8 review, except for the inspector's identifying information. The  
 9 department may publish individual inspection reports or ratings,  
 10 summaries or trend data extracted from groups of inspection reports.

11  
 12 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
 13 10)

14  
 15 **Section 30.** Anchorage Municipal Code section 16.60.310 is hereby amended to  
 16 read as follows (*the remainder of the section is not affected and therefore not set*  
 17 *out*):

18  
 19 **16.60.310 Detention and destruction of food.**

20  
 21 A. The department may examine, sample, and test [AND OBTAIN  
 22 SAMPLES OF] food offered or displayed for sale to the public to  
 23 determine compliance with this code.

24  
 25 B. If the department finds or has cause to believe a food product or food  
 26 ingredient is adulterated, misbranded, not honestly presented or  
 27 labeled according to law, processed, or harvested in violation of this  
 28 chapter the department shall:

- 29 1. Detain the food product or food ingredient;
- 30 2. Order affixed in a conspicuous place to the food product or food  
 31 ingredient a "detained" tag or other appropriate marking  
 32 [MAKING] that gives notice the food product or food ingredient  
 33 is detained in accordance with 8-903.30(A), 8-903.30(B), 8-  
 34 903.30(C) and 8-903.30(E) of the 2013 FDA Model Food Code;
- 35 3. Order that the food product or food ingredient shall not be  
 36 removed, disposed, moved, reprocessed, re-labeled,  
 37 destroyed, or otherwise altered [TERMINATE DETENTION OF  
 38 THE FOOD PRODUCT OR FOOD INGREDIENT] without the  
 39 department's written consent or order of the court; and
- 40 4. Issue a [NOTICE OF] detention order and inform the person  
 41 operating the food establishment of conditions required to  
 42 terminate the detention.

43  
 44 C. If the department has reasonable cause to believe that the detention  
 45 order will be violated, or finds that the order is violated, the department  
 46 may remove the food that is subject to the order and retain it in a place  
 47 for safekeeping.  
 48

D. Upon request, the department shall notify the operator of the results of any laboratory analysis conducted by the department of a food product or food ingredient detained under section B above.

(AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-10)

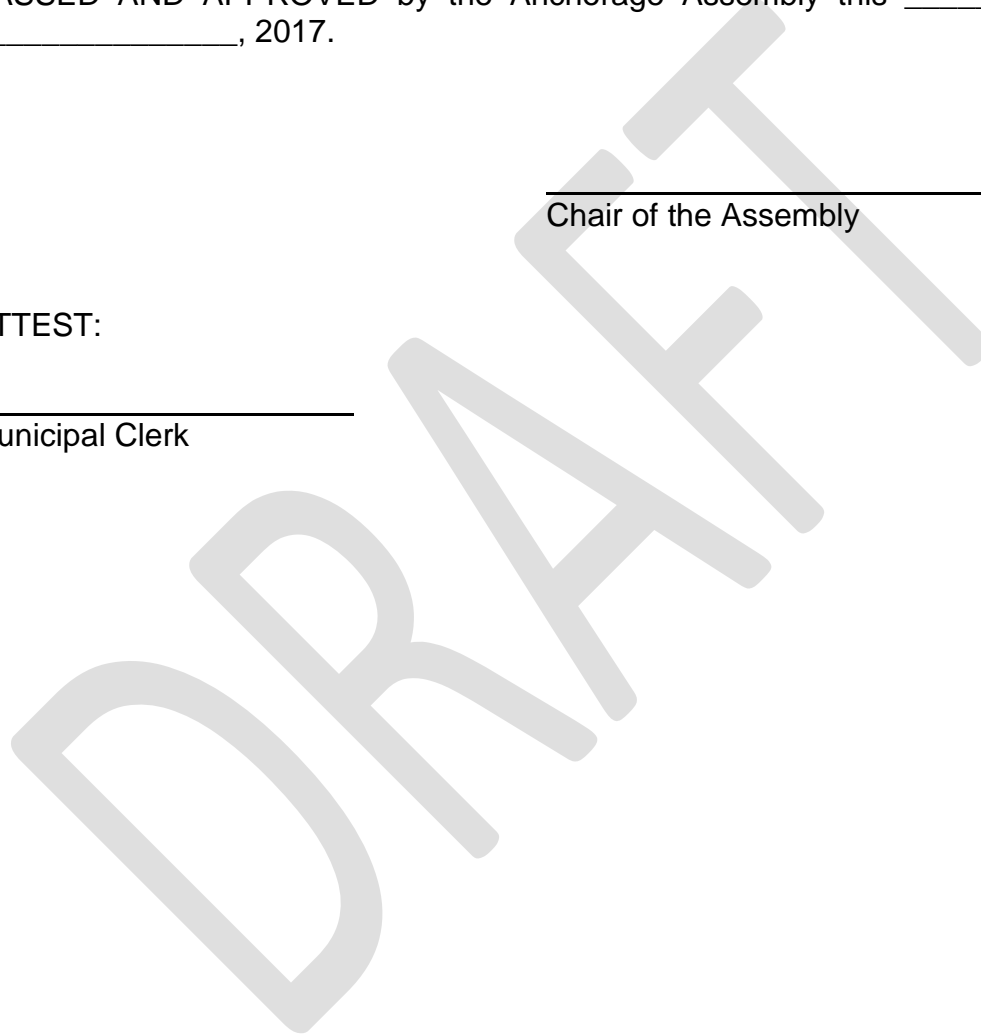
**Section 31.** This ordinance shall be effective on July 1st, 2017.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk



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