

Hillsdale County Ordinance for Eating and Drinking Establishments.

By virtue of the power vested in the Branch-Hillsdale District Board of Health, under Act 306 of the Public Acts of 1927, as amended by Act 198 of the Public Acts of 1941, there is hereby provided the following regulation to regulate eating and drinking establishments within the County of Hillsdale, State of Michigan, and to provide penalties for the violation of such regulations.

A regulation providing for the inspection of eating and drinking establishments, the issuing, suspension, and revocation of permits for the operation of such establishments, the enforcement of this regulation, and the fixing of penalties, and prohibiting the sale of adulterated, misbranded, or unwholesome food and drink.

Section 1. Definitions - The following definitions shall apply in the interpretation and the enforcement of this regulation:

A. Restaurant - The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

B. Itinerant restaurant - The term "itinerant restaurant" shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

C. Manager or Employer - The term "Manager or Employer" shall mean any person who owns and/or operates a food handling establishment.

D. Employee - The term "Employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

E. Utensils - "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

F. Health Officer - The term "Health Officer" shall mean the Health Officer of the District Health Department, or his authorized representative.

G. Person - The word "Person" shall mean person, firm, corporation, or association.

Section 2. Permits - It shall be unlawful for any person to operate a restaurant in the County of Hillsdale who does not possess an unrevoked permit from the Health Officer. Such permit shall be posted in a conspicuous place and shall be dated and renewed on an annual basis. Only persons who comply with the requirements of this regulation shall be entitled to receive and retain such a permit. A person conducting an itinerant restaurant shall also be required to secure a permit before selling any food or drink.

Such a permit may be temporarily suspended by the Health Officer upon the violation by the holder of any of the terms of this ordinance, or revoked after an opportunity for a hearing by the District Board of Health upon serious or repeated violation.

Section 3. Examination and condemnation of unwholesome or adulterated food or drink. Samples of food, drink, and other substances may be taken and examined by the health officer as often as may be necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

Section 4. The person operating the restaurant shall, upon request of the health officer, permit access to all parts of the establishment and shall permit copying any or all records of food purchased.

Section 5. The issuing of permits for all restaurants shall be based upon the following sanitation requirements:

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

Item 2. Walls and Ceilings - Walls and Ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

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

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

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

Item 6. Toilet facilities - Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees, conforming with the ordinances of the city in which located or otherwise existing state or local regulations. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be separate from the restaurant building, and shall be of a sanitary type constructed and operated in conformity with the standards of the Michigan Department of Health.

Item 7. Water Supply - Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality.

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

Item 9. Construction of Utensils and Equipment - All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadium or lead shall not be used: Provided, that solder containing lead may be used for jointing.

Item 10. Cleaning and bactericidal treatment of utensils and equipment. - - All equipment, including display cases or windows, counters, shelves, tables refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs and other employees shall be clean. Single-service containers shall be used only once.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

AS RECOMMENDED BY THE STATE HEALTH DEPT.

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

Item 11. Storage and handling of utensils and equipment - After bactericidal treatment, utensils shall be stored in a clean, dry place, protected from flies, dust and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

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

Item 13. Refrigeration - All readily perishable food and drink shall be kept at or below 50° F., except when being prepared or served. This shall include all dairy products, pastries that are of the cream-filled type, all meats including hams, salad dressings, and any other foods required by the District Health Officer. Waste water from refrigeration equipment shall be properly disposed of.

Item 14. Wholesomeness of food and drink - All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device: Provided that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources, and if shucked, shall be kept until used in the container in which they were placed at the shucking plant.

Item 15. Storage, display, and serving of food and drink -- All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals, including dogs, cats, and fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

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

Item 17. Miscellaneous -- The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

Itinerant restaurants -- Itinerant restaurants shall be constructed and operated in an approved manner.

Section 6. Reinstatement of permit: Any restaurant, the permit of which has been suspended, may at any time make application for reinstatement of the permit.

Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision or provisions of this regulation have been conformed with, the Health Officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the requirements, and, in case the findings indicate compliance, shall reinstate the permit.

Section 7. Disease Control -- No person who is affected with any contagious disease in a communicable stage, or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any contagious disease in a communicable stage, or of being a carrier of such disease. If the restaurant manager suspects that any employee has a contagious disease in a communicable state, or is a carrier of such disease, he shall notify the Health Officer immediately.

Section 8. Procedures when a communicable disease is suspected -- When suspicion arises as to the possibility of a communicable disease from any restaurant employee, the Health Officer is authorized to require any or all of the following measures: (1) the immediate exclusion and isolation, if necessary, of the employee from the restaurant; (2) the immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Health Officer; (3) adequate medical and laboratory examinations as may be indicated.

Section 9. Enforcement interpretation -- This regulation shall be enforced by the Health Officer in accordance with the interpretations contained in the 1943 edition of the U. S. Public Health Service Code Regulating Eating and Drinking Establishments, a certified copy of which shall be on file at the County Clerk's Office.

Section 10. Penalties -- Any person who violates any provision of this regulation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100.00 or by imprisonment in the county jail for a period not exceeding 90 days or by both such fine and imprisonment at the discretion of the court having jurisdiction. Each and every violation of the provisions of this regulation shall constitute a separate offense.

Section 11. This regulation, as amended, shall be in full force and effect commencing on May 1, 1949.

Section 12. Unconstitutionality clause -- Should any section, paragraph, sentence, clause, or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

Amended this 11th day of April, 1949, by the Branch-Hillsdale District Board of Health.

Chairman

