

## **Chapter 01**

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## **I. Food Establishments Generally**

### **25.0101 Definitions.**

**The following definitions shall apply in the interpretation and enforcement of this article:**

**(a) "Employee" means 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.**

**(b) "Food establishment" means a restaurant, grocery store, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as bakeries or kitchens or other places in which food or drink is prepared for sale elsewhere.**

**(c) "Person" means person, firm corporation, or association.**

**(d) "Utensils" includes any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.**

**History: Pub. Health Reg. 1, eff 19 Dec 63, § 1.**

### **25.0102 Enforcement authority.**

**The director of health, public health officer, the chief sanitarian, or anyone appointed by the director is authorized to enforce any provisions of Title 25 ASCA, or any rules promulgated thereunder.**

**History: Pub. Health Reg. 1, eff 19 Dec 63 § 2.**

### **25.0103 Inspection.**

**The director of health or his agents shall inspect all food establishment within his jurisdiction as often as he deems necessary for the enforcement of the provisions of Title 25 ASCA, or any rules promulgated thereunder. The person operating the food establishment shall, upon request of the**

director or his agents, permit access to all parts of the establishment and shall permit copying of any or all records of food purchased.

History: Pub. Health Reg. 1, eff 19 Dec 63 § 3.

#### **25.0104 Unwholesome and adulterated food or drink.**

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

History: Pub. Health Reg. 1, eff 19 Dec 63, § 4.

#### **25.0105 Sanitation requirements.**

All foods establishments shall comply with the following items of sanitation:

(a) **Ratproofing.** All buildings used to house a food establishment shall be made ratproof, freed of rats, and maintained in a ratproof and rat-free condition.

(b) **Floors.** The floors of all rooms in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and good repair.

(c) **Walls and Ceilings.** All openings into the outer air 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 a 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.

(d) **Doors and Windows.** All openings into the outer air shall be effectively screened and doors shall be self-closing and open out unless other effective means are provided to prevent the entrance of flies.

(e) **Lighting.** All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted and well ventilated.

(f) **Toilet Facilities.** Every food establishment shall be provided with adequate and conveniently located toilet facilities for its employees and guests; in food establishments hereafter constructed, toilet rooms shall not open directly into any room in which food, drink or utensils are handled or stored. The doors of 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 sinks shall be adequate and of safe, sanitary quality.

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

(h) **Lavatory Facilities.** Adequate and convenient hand-washing facilities shall be provided. Running water, soap, and approved, sanitary towels shall be furnished by the management. The

use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands. Handwashing signs shall be posted.

(i) **Construction of Utensils and Equipment.** All multiuse 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.

(j) **Ventilation.** All rooms in which food or drink is stored, prepared, or served or in which utensils are washed shall be well ventilated.

(k) **Cleanliness and Bactericidal Treatment.** All equipment, including display cases or windows, counters, shelves, tables, refrigerator, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects and other contaminating material. All clothes used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once. All multiuse eating and drinking utensils shall be thoroughly cleansed with hot water and an effective detergent, then 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 cleansed and effectively subjected to an approved bactericidal process immediately following the day's operation. Approved bactericidal processes shall include:

(1) immersion for at least 2 minutes in clean, hot water at a temperature of at least 180 degrees Fahrenheit or for 1/2 minute in boiling water. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance. When hot water is used for bactericidal treatment, there shall be provided a hot water heater (preferably controlled by a thermostat) capable of maintaining a water temperature of at least 180 degrees Fahrenheit in the vat at all times during business hours and water at such temperature shall be available at all times while utensils are being washed and given bactericidal treatment. The heating device may be integral with the immersion vat.

(l) **Storage and Handling of Utensils.** After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies and 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 there in a clean, dry place until used, and shall be handled in a sanitary manner.

(m) **Waste Disposal and Plumbing.** 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. Specific wastes shall be disposed of as listed below:

(1) Sanitary sewage and other liquid wastes shall be placed into a city sewage system, if such is available, or shall be disposed of in accordance with the provisions of Title 25 ASCA. All plumbing in food establishments constructed after 19 Dec 63 shall be in conformance with the provisions of Title 25 ASCA.

(2) Garbage shall be stored in metal-covered containers which shall effectively prevent the garbage from being available, in order to prevent the breeding of flies, the harborage of rodents, or the creation of other nuisances.

(n) **Refrigeration.** All readily perishable food and drink shall be kept at or below 40 degrees Fahrenheit except when being prepared or served.

(o) **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.

**(p) Storing, Displaying, and Serving 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 live animals or fowls shall be kept or allowed in any room in which food and drink are prepared, stored, or served.

**(q) Employee Cleanliness.** 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.

**(r) Employee Health.** No person suffering from a communicable disease or known to be, or suspected of being a carrier of organisms causing a communicable disease shall be employed in a food establishment or permitted to remain on the premises. Each employer shall have in his possession a certificate in writing for each employee from the director of health. Such certificate shall show the date of examination and shall not be accepted as in compliance with this section after a period of 12 months. Both employer and employee shall be held responsible for violation of the requirements of this section.

**(s) Miscellaneous.** The premises of all food establishment shall be kept clean and free of litter or rubbish. None of the operations connected with a food establishment shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for that purpose.

**History:** Pub. Health Reg. I, eff 19 Dec 63, § 5.

#### **25.0106 Violation-Penalty.**

Any person who violates this article is guilty of a class C misdemeanor and shall be, upon conviction, sentenced accordingly, as provided by 25.0110 ASCA.

**History:** Pub. Health Reg. 1, eff 19 Dec 63, § 6.

## **II. Frozen Foods and Frozen Desserts**

#### **25.0110 Definitions.**

The following words and phrases, as used in this article, shall mean:

**(a) " Approved product"** means any item of frozen food produced in plants sanctioned by a competent regulatory authority which has been transported, delivered, received, or stored while being maintained in accordance with this article and not having been thawed and/or refrozen unless determined by the director of health to be safe for consumption.

**(b) "Frozen foods"** means any item of food or food product intended for human consumption which has been preserved by any method or process of freezing.

**(c) "Wholesale and retail distributors" means all public and private establishments, firms, corporations, markets, supermarkets, groceries, sundries, private and public clubs, restaurants, cafeterias, short-order cafes, luncheonettes, taverns, sandwich stands, soda fountains, kitchens, including wholesale dealers or agents, retail outlets to the public, and all other places in which frozen foods may be stored or offered for sale.**

**History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 1.**

#### **25.0111 Approved products required- Possession of unapproved.**

**Wholesale or retail distributors shall sell or offer for sale only approved products. The possession of unapproved products by the wholesale or retail outlet in his place of business or in a warehouse or storage room shall be prima facie evidence that possession is for the purpose of sale.**

**History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 2.**

#### **25.0112 Approval-Inspections- Condemnation and destruction.**

**The director of health or his agents shall make inspections of the storage or retail display of frozen food. All products shall be approved or disapproved for consumption by the director or his agents after determining whether they are safe for consumption. Spoiled, thawed, or deteriorated frozen food products which are unsafe as food and dangerous to public health shall be condemned and destroyed.**

**History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 3.**

#### **25.0113 Internal temperature.**

**Wholesale and retail distributors of frozen foods shall display, store, and maintain the same in such a manner that the internal temperature thereof does not exceed 0 degrees Fahrenheit.**

**History: Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 4.**

#### **25.0114 Transportation.**

**(a) Wholesale and retail outlets shall not accept delivery of frozen foods whose internal temperature exceeds, or has exceeded, twenty degrees Fahrenheit. After the product has been received it shall be the responsibility of the owner and/ or manager to immediately place the frozen food into a storage area or display case maintaining a temperature of 0 degrees Fahrenheit or below. A temperature of -10 degrees Fahrenheit is recommended.**

**(b) Extreme care shall be taken in the transportation of frozen foods to ensure that the product does not thaw in transit. The following equipment and procedure, subject to the limitations**

stated therein, shall be considered as prima facie evidence of compliance with the above requirements, to-wit:

(1) **Insulated Containers.** Insulated containers may be used for transportation of frozen foods; provided, that the internal temperature of the frozen foods at no time exceeds 20 degrees Fahrenheit. It is recommended that such containers be precooled in the freezer.

(2) **Insulated Vehicles.** When precooled to as low a temperature as possible, insulated vehicles may be used for transportation of frozen foods; provided, that the internal temperature of the frozen foods at no time exceeds 20 degrees Fahrenheit.

(3) **Refrigerated Vehicles.** Vehicles which are equipped with refrigerating equipment adequate to maintain the internal temperature of frozen foods at 0 degrees Fahrenheit may be used without any restrictions so long as the equipment is properly operating.

(4) **Alternative Equipment.** Any other equipment approved by the director of health as adequate to accomplish the purposes of this section may be used.

**History:** Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 5.

#### **25.0115 Wholesale outlets.**

**Requirements for wholesale outlets of frozen foods:**

(a) **Temperature.** All frozen food warehouses shall maintain a temperature of 0 degrees Fahrenheit or below in storage areas. A temperature of -10 degrees Fahrenheit is recommended.

(b) **Storage Manner.** The products to be stored shall be placed on pallets, dunnage, or racks away from the walls to ensure adequate circulation of air. The products shall not be stacked in such a manner that air circulation is impeded.

(c) **Delivery Containers.** It is recommended that containers used to deliver frozen foods be precooled in the freezer.

(d) **Thawed Foods.** Frozen foods that have been thawed or partially thawed shall not be re-frozen and sold unless determined by the director or his agents to be safe for consumption. This restriction shall not apply to frozen foods which are thawed for the purpose of incorporating them into another food product or for further processing.

**History:** Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 6.

#### **25.0116 Retail outlet.**

**Requirements for retail outlets of frozen foods:**

(a) **Thermometers.** An accurate cabinet thermometer shall be provided for all display cases and storage areas. The thermometer bulb shall be located in the warmest zone.

**(b) Frozen Storage Area.** Frozen products shall be moved into frozen storage immediately upon delivery. Frozen foods shall not be placed outside the storage areas or display cases at any time.

**(c) Loading of Product.** Frozen food products shall not be loaded above the danger line, freezer line, glass, or mark on the display cases or in such a manner as to in any way block the circulation of cold air.

**(d) Thawed Foods.** Frozen foods that have been thawed or partially thawed shall not be refrozen and sold unless determined by the director of health or his agents to be safe for consumption. This restriction shall not apply to frozen foods which are thawed for the purpose of incorporating them into another food product or for further processing.

**(e) Display, Maintenance, Condemnation and Destruction.** The owner and/or manager of the retail outlet shall be responsible for proper display and maintenance of frozen food products. Any freezer case found to be overloaded or containing thawed or partially thawed foods shall subject the food products therein contained to condemnation and destruction in the manner provided in 25.0612.

**(f) Rotation on Shelf.** The product at the retail level shall be rotated in such a manner that the product first in the display case or storage areas is the first product to be sold.

**History:** Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 7(f).

#### **25.0117 Building Sanitation.**

All establishments in which frozen food or food products are sold or stored must at all times be kept in an approved, sanitary condition in compliance with all provisions of this article. All parts of buildings in which frozen foods and/ or food products are handled or stored shall be kept clean and free from all contamination.

**History:** Pub. Health Reg. 2, eff 7 Jan 64, Part 1 § 8.

#### **25.0118 Frozen desserts-Facilities for manufacture and sale.**

**Rules for the manufacture of frozen desserts in soft ice cream freezers, counter freezers, and custard machines:**

**(a) Freezing and Hardening Units.** Each freezing unit and hardening cabinet shall be enclosed in a room containing nothing which does not pertain to the manufacture and storage of frozen desserts and the cleaning of equipment used in the manufacture of frozen desserts except that nonalcoholic beverages may be dispensed from a self-contained unit of bottles and sold to the 'consumers in a single- service, nonreturnable container which will not be returned to the freezing room. Each freezing unit and hardening cabinet shall be at least 18 inches from walls unless sealed to wall and floor.

**(b) Sale or Dispensing of Other Commodities.** The sale of any commodities other than frozen desserts upon any premises where frozen desserts are manufactured is strictly prohibited if such other commodities are in any way processed, mixed, made up, or put together upon the premises. The sale or dispensing of any commodities other than frozen desserts may be permitted from the premises where frozen desserts are manufactured; provided expressly,

however, that such other commodities are both received in and upon the premises and sold or dispensed therefrom in sealed containers, and that the contents of such sealed containers are in no way altered while upon the premises. This provision as to commodities in sealed containers shall not permit the storage or stocking up thereof upon the premises, but is strictly limited to a day-to-day operation.

(c) **Walls and Ceilings.** Walls and ceilings shall be of suitable, smooth, impervious materials which shall have tight joints and be kept clean at all times.

(d) **Serving Openings.** If serving openings are used, they shall not be more than 18 inches wide and 18 inches high, and there shall not be more than 2 serving openings to the room. Openings shall not be directly in front of the freezer. Other dispensing cabinet openings shall be provided with proper closures.

(e) **Lighting.** Adequate natural and artificial light shall be provided.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 1.

#### **25.0119 Frozen desserts-Cleaning and sanitizing facilities.**

A hot water tank, with suitable heating facilities, of not less than 30 gallons capacity, shall be installed; hot water and cold water shall be piped to the wash sink and freezer location; enough hose shall be provided to run water into the freezer; after the freezer and parts have been thoroughly washed, they shall be assembled and subjected to a heat treatment at a temperature of not less than 180 degrees Fahrenheit for 2 minutes; provided, that nothing contained in this section shall be construed as disbaring any other process which has been demonstrated as of at least equal efficiency and is approved by the director of health. A 2-compartment metal wash sink of sufficient size to accommodate the largest piece of equipment shall be provided so that the equipment may be submerged in hot water for washing purposes.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 2.

#### **25.0120 Frozen desserts-Freezer and accessory cleaning.**

Freezers and accessories shall be dismantled and valves taken apart after each day's use and thoroughly washed and sanitized.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 3.

#### **25.0121 Frozen desserts-Cleaning powders and solutions.**

Cleaning and sanitizing powders and solutions may be used in the cleaning and sanitizing of equipment and apparatus, but these powders and solutions shall not be used as substitutes for heat treatment.

History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 4.

#### **25.0122 Frozen desserts-Sampling and testing.**

**Samples of frozen desserts and pasteurized mix may be tested as often as an inspector of the sanitation department requires. Samples of frozen desserts from stores, cafes, soda fountains, restaurants, hotels, boardinghouses, mobile units, and other places where frozen desserts are sold may be tested as often as the inspector requires. Bacterial plate counts and direct microscopic counts shall be made in conformity with the current minimum standards established or recommended by the American Public Health Association.**

**History: Pub. Health Reg. 2, eff 7 J an 64, Part 2 § 5.**

#### **25.0123 Violation-Misdemeanor.**

**Any person who violates this article is guilty of a class C misdemeanor and shall be, upon conviction, sentenced accordingly, .as provided by 25.0110 ASCA.**

**History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 6.**

#### **25.0124 Violation-Health permit suspension or revocation.**

**The director of health may suspend or revoke the health permit issued to any food establishment upon the violation by the holder, or by a person in his employ or under his supervision or control, of any public health rule. Such suspension or revocation shall be subject to the same conditions provided by 25.0509 ASCA.**

**History: Pub. Health Reg. 2, eff 7 Jan 64, Part 2 § 7.**

### **III. Meat Markets**

#### **25.0130 Definitions.**

**For the purpose of this article, the following definitions shall apply:**

**(a) "Meat" means the edible part of the muscle of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. The term "meat" also shall include fish, other seafoods, fowl, or game.**

**(b) "Meat food products" means any article of food, or any article intended for or capable of being used as human food, which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, sheep, swine, fish, other seafoods, fowl, game, or goat except**

such articles as organotherapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.

(c). "Meat market" means and includes any buildings, houses, or enclosures in which meats or meat products are offered for sale.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 1.

#### **25.0131 Building.**

The building in which the meat market is located shall be of such construction and materials that it may be readily kept in a sanitary condition and in good repair. Buildings shall be free of rodents, flies, and other insects at all times.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 2.

#### **25.0132 Area-Floors.**

Every meat market shall have sufficient floor area to accommodate all the necessary operations. All floors shall be of smooth concrete, tile, or similar impervious material. Where drains are used, they must be trapped and shall connect with the sanitary sewerage system. Clean, sifted sawdust may be used on the floor, provided it is changed often enough to keep them in a clean and sanitary condition. Stored materials, meat, meat products and other foods, machinery, and merchandise shall be at least 8 inches above the floor, and so protected as not to interfere with cleaning of floors. Dry cleaning of floors shall not be permitted. Cleaning should be by washing, mopping, or sweeping, with water, moist sawdust, or sweeping compound. During this cleaning, all meat and meat products shall be covered or otherwise protected from dust and dirt.

History: Pub. Health Reg. 4 eff 13 Aug 64, § 3.

#### **25.0133 Walls and ceilings.**

All walls and ceilings in a meat market shall be constructed of smooth, washable, non-absorbent material, free from cracks, crevices, and open joints, and shall be kept well painted. All right angles where walls and floors meet should be constructed with a rounded, sanitary joint so as to be easily cleaned. The walls and ceilings shall be cleaned frequently to prevent cobwebs and accumulations of dust, dirt, or other contaminating substances.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 4.

#### **25.0134 Screening-Fly control.**

All openings to the outside shall be effectively screened and such screens shall be kept in good repair. All screen doors shall open outward and shall be self-closing without leaving cracks through which flies and other insects may pass. All necessary procedures shall be carried out to

**control flies and the market shall be free from such at all times. Large fans protecting doorways may be used in lieu of screen doors, provided they are effective and kept in operation.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 5.**

#### **25.0135 Water and sanitary conveniences-Hand washing.**

**Water supply, toilets, washrooms, and other sanitary conveniences shall be furnished in meat markets in compliance with Article I. Signs shall be conspicuously posted requiring all help to wash hands before beginning work and after each visit to the toilet.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 6.**

#### **25.0136 Wash sink.**

**A wash sink of sufficient size to permit complete immersion of utensils, with hot and cold running water and the necessary soap or washing powder, shall be installed for the washing of trays, utensils, and other equipment used in the market. Adequate protection to prevent splashing of the walls behind the sink shall be provided. Where no lavatory provisions are made for washing the hands, the wash sink shall be equipped with a combination faucet permitting the proper mixing of hot and cold running water, and the required soap and individual towels shall be furnished.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 7.**

#### **25.0137 Cleaning of utensils and equipment.**

**(a) All counters, blocks, or other equipment upon which meat or meat products are handled shall be thoroughly cleaned at least once each day and as much or as often as necessary to keep them clean and sanitary. No trays, racks, meat racks, or containers shall be reused without thorough washing. All knives, saws, cleavers, grinders, and other tools, and utensils and machinery used in handling, cutting, chopping, grinding, mixing, or otherwise processing the meat or meat products, shall, at least once each day, be thoroughly cleaned and rinsed with hot water and a suitable soap, washing powder, or other detergent.**

**(b) All meat blocks shall be free from holes, cracks, and crevices, and shall be kept clean by some effective method. No oilcloth or newspaper shall be used on any counter, table, or shelf where meat or meat products are handled, and clean, new wrapping paper only shall be used in weighing the products upon sale.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 8.**

#### **25.0138 Handling of meat and meat products.**

**(a) Meat and meat products for sale or on display shall be properly covered to protect them effectively from contamination by flies, other insects, dust, vermin, dirt, or from other sources of contamination.**

**(b) No customers, or other persons not directly employed in the market, shall be permitted to handle fresh meats and meat products intended for sale to the public. Display cases shall be arranged to prevent such handling, except when adequately packaged, wrapped, or similarly protected on display for customer services.**

**(c) No fresh horse meat or fresh meat products, inspected or otherwise, shall be kept, sold, or exposed for sale for human consumption in any building where meat and meat food products are sold or offered for sale.**

**(d) No meat product, except cured meats, shall be kept exposed outside of refrigerators or refrigerated display cases except in such quantities as are needed for immediate transfer or sale and shall be arranged in such display cases or refrigerators in an orderly, sanitary manner. Smoked or salted meat or meat products may be kept outside of refrigerators, provided they are in a clean box and raised well above the floor level, at least 8 inches. No meat shall be stored directly upon the floor. No animals shall be permitted in meat markets.**

**(e) No meat or meat product shall be transported to or received into a meat market unless the meat, whether in entire carcasses, halves, quarters or cuts, has been thoroughly covered or wrapped in clean cloth, or unless the meat product has been packed in paper cartons, cellophane, or clean wrapping paper, so as to protect it completely during delivery from dust, dirt, flies, insects, rain, and other sources of contamination.**

**(f) No meat or meat product shall be received into a meat market unless transported thereto in enclosed, refrigerated vehicles.**

**(g) No meat or meat product shall be wrapped in newspapers or previously used wrapping paper.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 9.**

#### **25.0139 Refrigerator space, temperature, and cleaning.**

**Sufficient refrigerator space shall be provided to accommodate the volume of business conveniently. Refrigeration shall not be considered satisfactory if the temperature in any part of the refrigerator or display cases exceeds 40 degrees Fahrenheit at any time. All refrigerators, meat boxes, and display cases shall be kept clean, sanitary, and free from objectionable odors. All treads, false floors, or other obstacles to the cleaning of floors and other parts in the refrigerator or cold storage room shall be easily removable. Drains from refrigerators, cold storage rooms, or display cases shall discharge into a sanitary sewer only through an air break and trap.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 10.**

#### **25.0140 Waste disposal.**

All meat markets shall be provided with covered, galvanized-iron cans of sufficient size, not exceeding 20 gallons, and number to receive all refuse, offal, filth, meat scraps, bones, rubbish, and other waste materials that may originate around meat markets. Such cans shall be kept tightly covered at all times, so that the contents are kept protected from flies, insects, rodents, vermin, and animals. The contents of the cans shall be completely removed from the premises at least once every 24 hours, or refrigerated, and the cans thoroughly washed.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 11.

#### **25.0141 Spoiled or tainted meat-Prohibited operations.**

(a) No spoiled or tainted meat or meat products shall be offered for sale, stored, or kept on the premises. No live poultry or live animals of any kind shall be kept in the sales room of the meat market, nor shall this room be used for sleeping or domestic purposes.

(b) The evisceration, skinning, drawing, dressing, or any other operation other than the cutting, slicing, or grinding of meat or poultry to facilitate its use, handling or sale, is strictly prohibited in market sales rooms.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 12.

#### **25.0142 Employee health-Certificates of examination.**

No person suffering from a communicable disease, or known to be, or suspected of being a carrier of a communicable disease or having open and unprotected cuts or lesions, shall be employed in a meat market or permitted to remain on the premises. Each employer shall have in his possession a certificate in writing for each employee from the director of health, stating that the employee has been thoroughly examined and the employee is found to be not suffering from any disease in a communicable stage. Such certificate shall show the date of examination and shall not be accepted as in compliance with this section after a period of 12 months from that date. Both employer and employee shall be held responsible for violation of the requirements of this section.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 13.

#### **25.0143 Litter and cleanliness in premises and surroundings.**

(a) All waste materials, obsolete and unnecessary objects, and rubbish of all kinds, shall not be permitted to accumulate in or immediately around the market.

(b) Storerooms, basements, closets, and other parts of the building, pens, or coops for poultry or live animals, and rill outside premises, shall be kept in a clean, orderly, arid sanitary manner.

History: Pub. Health Reg. 4, eff 13 Aug 64, § 14.

**25.0144 Enforcement authority- Unwholesome and unsafe foods.**

**It shall be the duty of the director of health or his agents duly authorized to. enforce this article, to seize and destroy or render inedible any and all foods covered by this article found to be unwholesome or to be not produced and/ or handled in compliance with this article or the ASCA so that they are rendered unsafe for human consumption.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 15.**

**25.0145 Living and sleeping quarters- Dressing rooms and lockers- Soiled laundry.**

**None of the operations connected with a meat market 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.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 16.**

**25.0146 Health permit required.**

**It is unlawful for any person to operate a meat market in American Samoa who does not have a health permit from the director of health as required in 25.0501 ASCA. Such a permit shall be posted in a place where people can see it. Only persons who meet the requirements of this article and the ASCA will be given a permit.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 17.**

**25.0147 Violations-Misdemeanor.**

**Any person who violates this article is guilty of a class C misdemeanor and shall, upon conviction, be sentenced accordingly, as provided by 25.0110 ASCA.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 18.**

**25.0148 Violation-Health permit suspension or revocation.**

**The director of health may suspend or revoke the health permit issued to any meat market upon the violation by the holder, or by a person in his employ or under his supervision or control, of any public health rule. Such suspension or revocation shall be subject to the same conditions provided by 25.0509 ASCA.**

**History: Pub. Health Reg. 4, eff 13 Aug 64, § 19.**

#### **IV. Abattoirs**

##### **25.0150 Definitions.**

For the purpose of this article the following definitions shall apply:

(a) "Abattoir" means any slaughtering or meat processing, meat canning, curing, smoking, salting, rendering, or other similar establishment.

(b) "Meat" means the edible part of the muscle of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. "Meat" also includes fish, other seafoods, fowl, or game.

(c) "Meat food products" means any articles of food or any article intended for or capable of being used as human food which is derived or prepared, in whole or in substantial and definite part, from any portion of any cattle, sheep, swine, fish, other seafoods, fowl, game, or goat.

(d) "Offal" means the inedible portions of animals or poultry handled in the abattoir. This includes tankage from rendering tanks, hair, bones, paunch contents, manure, and similar material.

History: Pub. Health Reg. 5, eff 23 Sep 64 § 1.

##### **25.0151 New construction or remodeling approval.**

One copy of the complete drawings covering drainage, sewerage, plumbing, and the treatment and disposal of wastes and sewage, for new plants or for remodeling or extending existing plants, shall be submitted to the director of health or his agents and approved in advance of construction.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 2.

##### **25.0152 Lighting-Ventilation.**

There shall be abundant light, both natural and artificial, and sufficient ventilation in all rooms and parts of the plant to ensure proper sanitary conditions.

History: Pub. Health Reg. 5, eff 23 Sep 64, § 3.

##### **25.0153 Plumbing, drainage, gutters.**

**There shall be an efficient drainage and plumbing system for the abattoir and premises, and all drains and all plumbing, drains, and gutters shall be properly trapped and vented.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 4.**

#### **25.0154 Sewage and waste disposal.**

**(a) Sanitary Sewage. All water-borne waste from toilets, lavatories, showers, and other facilities serving the employees shall be disposed of by treatment facilities approved by the director of health or his agents.**

**(b) Industrial Waste. Industrial waste includes all solid and liquid waste produced in the preparation and processing of meat and meat products. Waste-treatment works shall be designed and constructed to treat the liquid and liquid-borne solid waste in such a manner that it may be disposed of without creating a sanitary nuisance or otherwise affecting the receiving water to the detriment of persons, fish, aquatic life, and livestock. All liquid wastes shall be treated to separate solid offal. Plans for such treatment works shall be approved by the director of health or his agents prior to construction. All offal and other solid wastes shall be promptly removed from the abattoir and disposed of in a sanitary manner approved by the director of health or his agents.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 5.**

#### **25.0155 Water supply-Hot water.**

**(a) The water supply shall be running, ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every establishment shall make known and, whenever required, shall afford opportunity for inspection of the system. Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system.**

**(b) An ample supply of water at not less than 180 degrees Fahrenheit shall be furnished and used for the cleaning of equipment, floors, walls, and the like, which are subject to contamination by the dressing or handling of diseased carcasses, their viscera, and parts.**

**(c) Hot water for cleaning rooms and equipment other than those mentioned in subsection (b) of this section shall be delivered under pressure to sufficient, convenient outlets and shall be of such temperature as to accomplish thorough cleanup.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 6.**

#### **25.0156 Floors, walls, and ceilings.**

**The floors, walls, and ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will permit them to be readily and thoroughly cleaned. The floors shall be of nonabsorbent material, concrete or tile, and water-tight, and shall be kept cleaned and in good repair. Walls shall be of impervious materials up to at least 6 feet.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 7.**

**25.0157 Odor control.**

**The abattoir in general, and the rooms and compartments in which any meat or meat product is prepared or handled in particular, shall be as free from odors as is practical. Toilets, rooms, catch basins, hide cellars, casing rooms, offal tanks, fertilizer rooms, and stables shall be so located and separated in order to keep odors originating in these rooms from entering compartments where edible products are prepared or handled.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 8.**

**25.0158 Insect and vermin control.**

**Every practicable precaution shall be taken to keep the abattoir free from flies, rats, mice, and other vermin. Compartments where edible products are handled shall be adequately screened so as to keep them free from flies. Insecticides and methods of application must be approved by the director of health or his agents. The construction of new buildings shall include all necessary provisions for preventing the ingress and egress of rats. The use of poisons for any purpose in rooms or compartments where any unpacked meat product is stored or handled is forbidden, except under such restriction or precautions as the director of health prescribes. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but so-called rat viruses shall not be used in any part of the abattoir or premises thereof.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 9.**

**25.0159 Domestic animals.**

**Dogs, cats, or other domestic animals shall not be permitted in abattoirs.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 10.**

**25.0160 Sanitary facilities-Hand washing.**

**Adequate and convenient dressing rooms, lockers, commodes, urinals, lavatories, and showers shall be provided. Provision shall be made to furnish hot and cold running water, soap, and approved, sanitary towels; the common towel is prohibited. No employee shall resume work after using the toilet facilities without first washing hands.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 11.**

**25.0161 Equipment and utensils-Inedible product receptacles.**

**Equipment and utensils used for preparing, processing, and otherwise handling any meat or meat products shall be of such materials and so constructed as will permit them to be easily and thoroughly cleaned. Knife scabbards shall be metal and kept clean. Adequate and conveniently located hot water shall be provided for cleansing and disinfecting all utensils. Receptacles used for inedible products shall bear some distinctive and conspicuous marking and shall not be used for handling edible products.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 12.**

#### **25.0162 Cleanliness and sanitation generally.**

**Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any meat or meat product, and all other parts of the abattoir, shall be kept clean and sanitary. Operations and procedures involving the preparation, storing, or handling of any meat or meat product shall be strictly in accord with clean and sanitary methods. Racks must be kept at least 8 inches above the floor.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 13.**

#### **25.0163 Diseased carcass handling.**

**Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands of grease, immerse them in a disinfectant of recognized and approved potency, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 14.**

#### **25.0164 Aprons and frocks.**

**Aprons, frocks, -and other outer clothing worn by persons who handle meat or meat products shall be of washable material, and only clean garments shall be worn.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 15.**

#### **25.0165 Spitting-Using mouth-Perspiration.**

**Such practices as spitting on whetstones, placing skewers or knives in the mouth, inflating lungs or casings, or testing with air from the mouth such receptacles as tierces, kegs, casks, and the like, containing or intended as containers of any meat or meat product, are prohibited. Care should be taken to prevent the contamination of meat with perspiration.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 16.**

#### **25.0166 Secondhand containers.**

**Secondhand tubs, barrels, and boxes, intended for use as containers of meat or meat products, shall be inspected when received at the abattoir before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food shall be rejected. The use of those in good condition shall be allowed only after thorough cleaning. Steaming after thorough scrubbing and rinsing is required.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 17.**

#### **25.0167 Vehicles-Transporting inedibles.**

**The vehicles in which any meat or meat product is transported shall be kept in a clean and sanitary condition. Vehicles used in transferring loose meat and meat products shall be closed and refrigerated. Trucks used for the hauling of inedible products shall be conspicuously marked and used only for this purpose. Inedible products shall be kept in covered metal containers when in transit.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 18.**

#### **25.0168 Edible-product room separating-Other premises-Grease traps.**

**The rooms and compartments used for edible products shall be separate and distinct from those used for inedible products. All operating and storage rooms and departments of abattoirs used for inedible products shall be kept in acceptably clean condition. The outer premises of every abattoir, unloading docks and areas where vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly drained and kept in clean and orderly condition. All catch basins and grease traps shall be so constructed and located to ensure proper attention in order to keep them in a clean and operative condition. Fly breeding shall be strictly prevented and all material in which flies may breed shall be kept in fly-tight containers until removal from the premises. No nuisance shall be allowed in any abattoir or on its premises.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 19.**

#### **25.0169 Employee health-Certificates of examination.**

**No person suffering from a communicable disease, or known to be, or suspected of being a carrier of a communicable disease or open and unprotected cuts or lesions, shall be employed in an abattoir or permitted to remain on the premises. Each employer shall have in his possession a certificate, in writing, for each employee from the director of health, stating that the employee has been thoroughly examined and the employee is found to be not suffering from any disease in a communicable stage. Such certificate shall be renewed every 12 months. Both employer and employee shall be held responsible for violations of the requirements of this section.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 20.**

**25.0170 Horse and mules.**

**Equines owned or used by abattoirs on the premises shall be free of diseases communicable to man.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 21.**

**25.0171 Refrigeration.**

**Sufficient refrigerator space shall be provided to conveniently accommodate the volume of business handled. The temperature of the refrigerator shall be so maintained as to prevent deterioration of the meat. Refrigerators shall be kept clean, sanitary, and free from objectionable odors. Drains from refrigerators shall discharge only through an air break and trap.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 22.**

**25.0172 Carcass inspection.**

**It shall be the duty of the director of agriculture or his agents to make ante mortem and post mortem inspections of all carcasses.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 23.**

**25.0173 Living or sleeping quarters- Dressing rooms and lockers- Soiled laundry.**

**None of the operations connected with an abattoir 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.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 24.**

**25.0174 Violation- Misdemeanor.**

**Any person who violates this article is guilty of a class C misdemeanor and shall, upon conviction, be sentenced accordingly, as provided by 25.0110 ASCA.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 25.**

**25.0175 Violation-Health permit suspension or revocation.**

**The director of health may suspend or revoke the health permit issued to any abattoir upon violation by the holder, or by a person in his employ or under his supervision or control, of any public health rule. Such suspension or revocation shall be subject to the same conditions provided by 25.0509 ASCA.**

**History: Pub. Health Reg. 5, eff 23 Sep 64, § 26.**

## **V. Market Rules**

### **25.0176 General purpose.**

**The rules set out in this article are promulgated by the Department of Agriculture of the Government of the territory of American Samoa, in the interests of public health and safety, in order to allow the market place located in Fagatogo to best serve the needs of the farmers as well as the public.**

**History: Rule 6-84, eff 1 May 84, (part).**

### **25.0177 Stalls.**

- (a) Allocation of stalls will be assigned on a "first paid, first serve " basis.**
- (b) No selling of produce is allowed until rental payment is made.**
- (c) No seller will be allowed to sell any goods at the market until he has paid any and all previous debts for stall usage to the appropriate market attendant.**
- (d) Each farmer is limited to the use of one stall at a time, except that he may rent additional stalls if they are available and at the discretion of the market manager.**
- (e) Each farmer must be present at his stall at all times for proper office recording.**
- (f) Each seller is responsible for the cleaning of his stall and surrounding areas during and after the selling of produce.**
- (g) The sale of any food or beverages for immediate consumption is prohibited; however, such sales will be allowed on national holidays under such terms and conditions as the market manager may set forth.**
- (h) The same rules shall apply for the rental of booths.**

**History: Rule 6-84, eff 1 May 84, (part).**

### **25.0178 Rental rates.**

**The rental rates for the market shall be as follows:**

- (a) Stalls-all stalls shall rent for \$2 per day /per stall.**
- (b) Booths-all booths shall rent for \$15 per week/per booth.**
- (c) Fish booth-a fish booth shall rent for \$2.50 per table/per fisherman.**
- (d) Other market space-\$1.50 per seller per day, in such location and manner as is determined by the market manager.**
- (e) Cooler-the cooler, which is opened at 7:30 a.m. and 3:30 p.m. only, shall be available for rent at \$2 per piece/per night.**
- (f) Bake sales-the rate shall be \$10 per group per day.**
- (g) Bingo-the rate shall be \$200 per night per game. Receipts should be presented to the market attendant(s) before each game begins and all payments must be made at the revenue office.**

**History: Rule 6-84, eff 1 May 84, (part).**

#### **25.0179 Miscellaneous rules.**

- (a) No beer or other alcoholic beverages of any type may be consumed on the market premises at any time.**
- (b) Other than authorized bingo games, no gambling is allowed on the market premises at any time.**
- (c) No fighting or profane language shall be allowed on the market premises at any time.**
- (d) Sleeping on the market premises is not allowed except sellers of agricultural products or their agents may be allowed to sleep only on Friday nights.**
- (e) No children under the age of 18 years shall be allowed within the market place during bingo games held at the market.**
- (f) Littering on the market premises is strictly prohibited.**
- (g) A health permit is required by all sellers of bake sales.**
- (h) The market shall be closed on legal holidays and the selling of produce on legal holidays is prohibited except that the Director of Agriculture, at his discretion, may allow the market to be open on legal holidays.**

**History: Rule 6-84, eff 1 May 84, (part).**

#### **25.0180 Penalty for noncompliance.**

**The penalty for noncompliance of any portion of Sections 25.0176 through 25.0179 inclusive is sufficient cause for immediate eviction of an individual or organization from the market.**

**History: Rule 6-84, eff 1 May 84. (part).**

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