ORDINANCE NO. 268

The Board of Supervisors of the County of Mariposa do ordain as follows:

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(ORDINANCE)

Article I. In General

SECTION 1. Citation and Definitions. This Ordinance is known and may be cited as the "Mariposa Restaurant Ordinance." The following words and phrases, when used in this Ordinance shall, for the purposes of this Ordinance, have the meanings respectively ascribed to them by this section.

(a) Health Officer. The term "health officer" when applied, is to include the director of health, health officer, and any duly authorized deputy, sanitarian, or other agent of the Health Department of the County, and shall include duly authorized personnel of the State of California Department of Public Health in the performance of any contract between the State of California and the County of Mariposa, or applicable State law, County ordinance or State or County rule or regulation in aid thereof.

(b) Operator. An "operator" shall mean any person or
owner engaged in the dispensing of, or assisting in the preparation of food.

(c) Public Eating Place. A "public eating place" shall mean and include every restaurant, public or private school, lunch room, tea room, soda fountain, buffet, grill room, lunch counter, sandwich stand, dining room, coffee shop, public boarding house, hotel, club, beer parlor, cocktail lounge, labor and construction camp kitchens and dining room, public or private recreation or vacation ranch or camp kitchen or dining room, and every other place where food or drink is prepared to be consumed on the premises, and all kitchens, commissaries and other rooms appurtenant thereto or connected therewith.

(d) Owner or Owners. The term "owner" or "owners" shall mean those persons, partnerships or corporations who are financially interested in or responsible for the operation of a public eating place.

(e) Utensils. The term "utensils" includes kitchenware, tableware, glassware, cutlery, containers, machinery, implements, receptacles, supplies or other equipment used for storage, preparation, distribution or serving of food or drink.

SECTION 2. Health Officer to enforce Ordinance; Right of Entry of Health Officer for Inspection.

The county health officer and his duly authorized deputies or sanitarians or other agents are charged with the enforcement of the provisions of this Ordinance, and the health officer and his duly authorized deputies or sanitarians or other agents may at all reasonable times enter any public eating place, or any place suspected of being a public eating place, to inspect the premises and utensils, implements, machinery, receptacles, fixtures and other equipment, supplies, articles of food, operatives and employees therein.
SECTION 3. Authority of Health Department to adopt Rules and Regulations.

The County Health Department may adopt and enforce reasonable administrative rules and regulations for the execution of its duties under this Ordinance.

ARTICLE II. Permits

SECTION 4. Required; Exceptions. It shall be unlawful to operate or permit to be operated any public eating place without an unrevoked permit issued in accordance with the provisions of this Ordinance.

SECTION 5. Application. Any person now operating a public eating place without a permit, or intending to operate any public eating place, shall make an application to the health officer upon a form provided by such health officer, giving the names of the owner or owners, manager or managers thereof, the address, location, and such other information as the health officer may require for the administration of this Ordinance and State health laws.

This application shall include a signed statement that such applicant will observe the provisions of this Ordinance, the rules and regulations of the county health officer, the State health laws and the rules and regulations of the State Department of Public Health.

At the time of submitting plans to the Building Department for a new or remodeled food establishment, submit to the Health Department a copy of the proposed plans showing the location of all fixed equipment such as dishwashing facilities, ranges, walk-in refrigeration, service counters, soda fountains and similar items, also show toilet rooms, vestibules, dressing rooms and any other item pertinent to the food establishment. Plans for sewerage and water supply must also be submitted.
SECTION 6. Inspection by Health Officer; Issuance and denial of permits.

Following receipt of the application by the health officer, he shall make or cause to be made an inspection of the premises, and if the provisions of this Ordinance, the rules and regulations of the County health officer, State health laws and the rules and regulations of the State Department of Public Health have been complied with, he shall so certify that fact to the applicant and issue a permit to operate upon a form approved by the health officer; provided, that such permit may be issued by the health officer without making such an inspection if his experience and knowledge of the premises affords him reasonable assurance of compliance with the provisions of this Ordinance. If the public eating place does not conform to the provisions of this Ordinance, or the rules and regulations of the County health officer, or the State health laws or the rules and regulations of the State Department of Public Health, the health officer shall not issue a permit.

SECTION 7. Certificate of Compliance Constitutes the Permit.

The certificate of compliance issued by the health officer shall be considered the permit to operate under the provisions of this Ordinance.

SECTION 8. Compliance with Regulations Prerequisite to Issuance.

No permit to operate a public eating place shall be issued to any person until all of the provisions of this Ordinance, the rules and regulations of the health officer, the State health laws and the rules and regulations of the State Department of Public Health, as well as all other ordinances of the County in relation to proper location, construction and equipment of the public eating place, shall have been complied with.
SECTION 9. Conditions of Issuance. A permit shall be granted only on the express condition that it shall be subject to revocation or suspension by the health officer upon a showing satisfactory to such health officer of the violation of such permit by the holder, his employee, servant or agent, or any other person acting with his consent or under his authority, of any provision of this Ordinance or any law of the State or any rule or regulation of the health officer of the County or any rule or regulation of the State Department of Public Health regulating public eating places.

SECTION 10. Expiration date. A permit, for which application is made, under the provisions of this Ordinance, may be granted at any time during the year, but all permits granted hereunder shall expire on the thirty-first day of December of the year in which the same became effective.

SECTION 11. Display of Permit. Every permit shall be kept posted in a conspicuous place in the establishment, place or business for which the permit is issued under the provisions of this Ordinance.

SECTION 12. Transferability. Any permit issued under these provisions shall not be transferable from one location to another nor from person to person.

SECTION 13. Grounds for Revocation. If it be determined by the health officer following any investigation or inspection of any place of business required by the provisions of this Ordinance to have a permit that the operator, owner or manager has not complied with the provisions of this Ordinance and all other applicable statutes, ordinances, rules and regulations, particularly the health and sanitary laws and regulations, the health officer shall immediately revoke the permit issued to the
operator, which grants permission to operate.

SECTION 14. Each day of Operation with Revoked Permit Constitutes a Separate offense.

Should a permit be revoked, and the operator continues to operate, each day of operation shall be a separate and distinct violation of this Ordinance.

SECTION 15. Procedure for Renewing Revoked Permits.
The owner, operator or manager of any place or business hereunder required to have a permit, in which the permit to operate has been revoked, shall be required to completely correct the conditions upon which the health officer based his reason for revoking the permit, and shall be required to make a new application for a permit as provided for in this Ordinance in the same manner as for a new place of business. Such application shall include a statement signed by the operator that the condition complained of by the health officer has been completely corrected.

SECTION 16. Issuance of Permit Prerequisite to Issuance of Business License.
The city clerk in incorporated areas, or the county clerk in unincorporated areas, after the effective date of this Ordinance, shall not issue any business license to operate a public eating place as defined herein, unless and until a permit shall have been issued by the health officer in accordance with this Ordinance.

ARTICLE III. Health and Sanitation Regulations
For State law as to sanitation of restaurants generally, see H. & S. C. A., §28540, et seq.
As to State law permitting local regulation of standards of sanitation of restaurants, see H. & S. C. A., §28693.
SECTION 17. Floors. In all public eating places where food is stored, prepared or handled, or where utensils are washed, the floors shall be of smooth, washable, nonabsorbent material and shall be kept clean and in good repair at all times.

SECTION 18. Walls and Ceilings. The walls and ceilings in all public eating places where food is stored, prepared or handled, shall be kept clean, in good repair and painted with a light colored oil base paint. The walls in the proximity of sinks, stoves, range or other equipment where water, grease or other matter is likely to be splashed on the walls, shall be flashed with metal, tile or other approved flashing of sufficient height to thoroughly protect the walls.

SECTION 19. Lighting. In all public eating places where food is prepared or stored, or where utensils are washed, all rooms shall be well lighted with a minimum light intensity of not less than ten foot-candles.

SECTION 20. Ventilation. Adequate mechanical ventilation must be supplied whenever natural ventilation is inadequate or excessive condensation occurs in all rooms where food is prepared, stored or served, or where utensils are washed.

SECTION 21. Openings to Outer Air to be Screened; Screen Doors to Open Outward; Screens, etc. to be kept in Good Repair.

All openings into the outer air of every public eating place where food is prepared, stored, or served, or in rooms where food wastes are stored, shall be effectively screened with wire screen of not less than sixteen mesh, unless other effective means are provided to prevent the entrance of flies. Screen doors to the outer air shall open outward and shall be self-closing. All screens on windows, doors, and other openings must be kept in good repair.
SECTION 22. Toilets and Lavatories. Where there are five or more employees of different sex, separate toilets shall be provided for each sex. These shall be located convenient to the premises. The toilet rooms shall contain not less than 18 square feet in floor area. Toilet rooms shall not open directly into any room in which food, drinks, or utensils are handled or stored. The doors of all toilet rooms and ante rooms shall be self-closing. Toilet rooms shall be kept in a clean condition and in good repair, well lighted and ventilated to the outside effectively screened against insects, and free from rodents. The plumbing shall comply with all local ordinances and shall be connected to an approved sewerage disposal system, and shall be properly trapped and vented.

SECTION 23. Hand-washing facilities. Adequate and convenient lavatories or hand-washing facilities shall be provided within or adjacent to all toilet rooms including hot and cold running water under pressure, soap and approved sanitary towels in permanently installed dispensing devices. All hand-washing facilities shall be kept clean at all times.

SECTION 24. Use of Common Towels Prohibited. The use of a common towel is prohibited.

SECTION 25. Food handlers to Wash Hands after Visiting Toilet.

Operators, owners, employees and all other persons who handle material from which food is prepared, or the finished product, shall not resume work after visiting the toilet without first washing the hands with soap and clean water.

SECTION 26. Water - Requirements. In all public eating places, hot and cold running water under pressure shall be accessible to all rooms in which food is prepared or utensils are washed. The water supply shall be adequate and of a safe, sanitary quality.
SECTION 27. Same - When Cross Connections, etc., Prohibited.

Cross connections and back siphonages on all domestic water supplies are prohibited.

SECTION 28. Utensils - To be kept Clean and in Good Repair.

In all public eating places, all utensils, including machinery, slicers, mixers, tools, display cases, shelves, tables, stoves, hoods, refrigerators or other equipment, shall be kept clean and in good repair. All multi-use dishes, glasses and utensils shall be kept free of breaks, corrosion, open seams, cracks and chipped places.

SECTION 29. Same - Sinks, Drain Boards, etc. All public eating places shall be provided with a three (3) compartment metal sink with metal drain boards or an adequate dishwashing machine that will maintain 180 rinse temperature. Said machine shall be provided with temperature gauges.

SECTION 30. Use of Common Drinking Cups, etc., prohibited.

The use of any common cup, glass or other receptacle used for drinking purposes, is prohibited.

SECTION 31. Cleaning and Disinfecting of Utensils. In all public eating places, all, except single service, eating and drinking utensils shall be thoroughly cleaned and then effectively subjected to one of the following approved bactericidal processes after each usage:

(a) Immersion for at least one-half minute in clean, hot water at a temperature of at least one hundred and eighty degrees Fahrenheit.

(b) Immersion for at least one-half minute in a chlorine bath containing at least one hundred parts per million at all times of available chlorine if hypochlorites are used, or
a concentration of equal bactericidal efficiency if chloramines are used.

(c) Any other method approved by the county or State Department of Public Health.

Drying cloths, if used, shall be clean and shall be used for no other purpose. No article, polish or other substance containing any cyanide preparations or other poisonous material shall be used for the cleaning or polishing of utensils.

SECTION 32. Handling and Storage of Utensils. After washing and bactericidal treatment, utensils shall be handled in such a manner as to prevent contamination. They shall be stored in a clean place, protected from flies, dust and other contamination.

SECTION 33. Single-service Utensils. 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 and shall be used only once.

SECTION 34. Storage of Food. All public eating places shall store food or drink or ingredients mixed with food or drink in such places or receptacles as to prohibit contamination by dust, dirt, insects, rodents or vermin, or by droplet infection, overhead leakage or other contamination.

SECTION 35. Display of Ready-to-Eat Foods. Food displayed for sale such as all unwrapped bakery goods, bulk candy, cheeses, as well as any other foods intended to be consumed without cooking or washing, shall be protected behind glass or other suitable material to prevent contamination by flies, dust, dirt or any other form of contamination or handling by the public; all prepared foods shall be so protected.
SECTION 36. Sugar Servers. All sugar containers used in public eating places shall be equipped with screw tops. Common sugar bowls are prohibited except that wrapped granulated or cube sugar may be used in such bowls.

SECTION 37. Storage of Food in Tin Cans, etc., prohibited; Exception. All tin, tin plated or coated tin cans or other similar cans shall not be used for the storage of cooked foods or food mixtures to be cooked, except that food originally sealed in the can may be stored in such can until used.

SECTION 38. Sale of Unwholesome Food, etc., Prohibited. It shall be unlawful to sell or offer for sale any unwholesome or adulterated food or food products.

SECTION 39. Nonhermetically Sealed Food Containers not to be refrigerated Under Water. All food or drink in containers not hermetically sealed shall not be placed with the top of such container below the surface of water when refrigerated water or ice boxes are used.

SECTION 40. Drinking Straws to be Properly Dispensed. Drinking straws when purchased in sanitary bulk containers shall be dispensed by a device which effectively prevents the contamination of the straws from dust, dirt, insects or by the customer during removal of straws for his own use.

SECTION 41. Contaminable Foods to be Stored Above Floors, etc. All foods subject to any form of contamination shall at all times be kept not less than eighteen inches above the floor or ground level.

SECTION 42. Refrigeration. All types of refrigerated cases or ice chests, including the shelves, racks, hooks and
other parts thereof shall be kept clean, sanitary and in good repair. Refrigeration for all perishable food shall be constantly maintained at 50° Fahrenheit or lower, and all refrigeration shall be of such capacity as to eliminate congestion of the food stored therein. All refrigerators shall have a legible thermometer installed.

SECTION 43. Garbage and Waste Disposal. The wastes of all public eating places shall be properly disposed of, and all garbage, vegetable trimmings, trash or other refuse shall be kept in suitable, leakproof nonabsorbent metal receptacles covered with close-fitting metal lids. A sufficient number of cans shall be available to prevent overloading of such receptacles. Receptacles within a public eating place into which waste products are emptied at frequent intervals, shall not be required to have lids during such use. Such receptacles shall be thoroughly cleansed after emptying and before re-use.

SECTION 44. Surplus food containers to be Kept in Orderly Condition, etc.

All surplus boxes, crates, lug boxes and similar containers in which drink, fruits, vegetables and other products are delivered or received shall be kept in an orderly condition, and shall not be allowed to accumulate on the premises of any public eating place.

SECTION 45. Animals and Fowl not Allowed in Food Storage Rooms; Exceptions.

No live animal or fowl shall be kept or allowed in any room where food or beverage is stored, or served in any public eating place where there exists any possibility of food contamination, whether directly or indirectly. This section shall not apply to dogs being used by the blind.
SECTION 46. Premises to be Kept Free of Rodents and Pests.

The owner, operator or manager of every public eating place shall take every precaution to keep the premises free and rid of rats, mice, roaches, ants or other vermin or pests.

SECTION 47. No Food to be Stored or Handled in Sleeping Quarters.

No operation connected with the storage or preparation of food in a public eating place shall be conducted in any room used as living or sleeping quarters. No couch, bed, cot or other accessory which may be used for sleeping purposes shall be maintained or kept in any room in which food or drink is stored, prepared or handled.

SECTION 48. Dressing or Storing Clothing in Food-handling Rooms Prohibited.

No owner or operator shall dress or undress in any room where food is prepared or served. He shall not leave or store his clothing or personal articles therein.

SECTION 49. Space to be Provided for Dressing and Storing Clothing, etc.

A suitable room or space shall be provided where employees or operators may change and store their outer garments, purses and other personal articles.

SECTION 50. Containers to be Provided for Soiled Laundry.

Soiled linen, coats and aprons shall be kept in containers provided for this purpose.

SECTION 51. Cleanliness of Food Handlers. All owners, operators and employees while engaged in the preparation or serving of food in a public eating place shall wear clean outer garments, shall keep their hands clean, and shall not expectorate or use tobacco in any form while so engaged. Female operators or
employees shall wear hair nets, caps or other suitable covering which confines the hair.

SECTION 52. Food Handlers to be Free of Communicable Diseases.

No person shall be employed in a public eating place who in the opinion of the health officer having jurisdiction is affected with, or a carrier of any disease in a stage which is likely to be communicable to persons exposed as a result of the affected operator or employee's normal duties as a food handler.

SECTION 53. Action by Health Officer Upon Notice of Diseased Food Handlers.

When a complaint or information as to the possibility of the transmission of infection from any public eating place operator, employee or owner is presented to the health officer having jurisdiction, he shall investigate, and may, after investigation require, in writing, any or all of the following measures:

(a) The immediate exclusion of such operator, employee or owner from the public eating place by the health officer.

(b) The immediate closing of the public eating place until no further danger or disease outbreak exists in the opinion of the health officer.

(c) Adequate medical examination of the owner, operator, employee, and his co-employees, which such laboratory examination as may be indicated; or should such examination be refused, then the immediate exclusion of the refusing owner, operator or employee, or co-employee from that or any other public eating place until an adequate medical or laboratory examination shows that he is not affected with or a carrier of any disease in a communicable form.

SECTION 54. Equipment-Type and Method of Installation.

All multiuse utensils and all show and display cases or windows,
counters, shelves, tables, refrigeration equipment, sinks, dishwashing machines and other equipment or utensils used in connection with the preparation, service, and display of food, in the operation of a restaurant, shall be made of nontoxic materials, and so constructed, installed, and maintained as to be readily cleaned, and shall be kept clean and in good repair.

SECTION 55. Exhaust Hoods. All ranges, grills, fryers, steam kettles, broilers, etc., shall be provided with an exhaust hood and filter bank of an approved type. Canopy type hoods shall not be more than 4 feet above cooking surface and shall extend at least 6 inches beyond all sides of the units served.

All hoods and filter bank shall be provided with grease troughs or drip pans.

Volume of air exhausted from the hood shall equal 150 cubic feet per minute for each square foot of horizontal projected hood area.

Grease filter area shall equal 3.5 x duct area. Filters shall be inclined at an angle from 45 to 60 with respect to the horizontal. Filters shall be removable for cleaning.

All hoods shall be equipped with exhaust fans located in discharge end of the duct.

Duct area shall equal the volume of air exhausted divided by the duct velocity. The exhaust ducts shall be designed so that conveying air velocity is not less than 1500 feet per minute nor more than 2200 feet per minute in each duct.

SECTION 56. Perishable Food, Temperature of. All hot, perishable foods shall be maintained at a temperature of 140° Fahrenheit or above.

SECTION 57. Violation of Ordinance a Misdemeanor; Punishment.

Any person, firm or corporation who violates any provision of this
Ordinance is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

SECTION 58. Constitutionality. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every portion thereof irrespective of the fact that any one or more portions be declared unconstitutional.

Date.

SECTION 59. Effective. This Ordinance shall take effect and be in force thirty (30) days after passage and adoption by the Board of Supervisors of the County of Mariposa, State of California.

SECTION 60. Repeal of Other Ordinances. Mariposa County Ordinances No. 148, No. 149 and No. 202 are hereby repealed.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mariposa this 24th day of January, 1966, by the following vote:

AYES: McGregor, Hurlbert, Mecham, Schatz.

NOES: None

NOT VOTING: None

ABSENT: Gordo

Chairman of the Board of Supervisors of the County of Mariposa, State of California

ATTEST:

County Clerk and Ex-Officio Clerk of the Board of Supervisors