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FOOD REGULATIONS

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ARTICLE 2

FOOD REGULATIONS

SEC. 5-2.00 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

SEC. 5-2.01 HEALTH OFFICER. Health Officer means the Health Officer of the County of Alameda.

SEC. 5-2.02 HEALTH DEPARTMENT. Health Department means the Health Department of the County of Alameda.

SEC. 5-2.10 PREMISES TO BE KEPT SANITARY. No person shall handle, keep, sell or prepare food except in clean and sanitary premises, and in a manner to prevent such food from becoming unclean, insanitary, adulterated or contaminated.

SEC. 5-2.11 PERMIT REQUIRED. It shall be unlawful for any person to sell food, either cooked or uncooked, without first securing a permit as herein provided and paying a license fee as elsewhere provided in this Code.

SEC. 5-2.12 APPLICATION FOR PERMIT. An application for any permit required herein shall be filed with the Division of Permits and Licenses upon forms furnished by said Division and shall set forth the name of all owners of the business concerned, the location of the business, the kinds of food products to be sold, and such other information as may be required.

The application and all accompanying information shall be referred to the Health Officer for his review and action.

SEC. 5-2.13 ACTION BY HEALTH OFFICER. The Health Officer shall make such investigations as he deems necessary to insure that the premises conform to the provisions of this Article and conditions will tend to protect the food kept, handled or sold therein from becoming unclean, insanitary, adulterated or contaminated.

The Health Officer may approve, conditionally approve, or disapprove said application on the basis of his investigations and findings.

Upon completion of the investigation, the Health Officer shall return said application to the Division of Permits and Licenses.

SEC. 5-2.14 PERMIT CONSPICUOUSLY POSTED. The permit issued herein shall be continuously posted conspicuously in every place of business subject to the provisions of this Article.

SEC. 5-2.15 TRANSFER OF OWNERSHIP. NEW PERMIT. Every person who intends to purchase a business operating under a current permit shall secure a new permit, before change of operation or ownership occurs.

SEC. 5-2.16 NOTICE OF UNCLEAN PREMISES. If the Health Officer shall find any premises in an unclean or unwholesome condition, notice shall be given to the person in charge of such premises to clean the same within the time specified by the Health Officer. Failure to comply shall be grounds for revocation or suspension of the permit.

SEC. 5-2.17 REVOCATION OF PERMIT. The Health Officer may revoke or suspend the permit whenever any person fails to comply with Health Department regulations for such premises or any person who has violated any provision of this Article.

SEC. 5-2.20 MEAT PRODUCTS. SUPERVISION OF PREPARATIONS. It shall be unlawful for any person to sell, exchange or deliver or have in possession, keep or expose for sale, exchange or delivery as food for human consumption, the flesh of any cattle, hogs, sheep, swine, goats or other animals or meat food products unless the same shall have been slaughtered and marked with the brand of approval placed on each primal part of said animals or on said food product containers under the supervision of the Meat Inspection Division of the United States Bureau of Animal Industry in accordance with the regulations relating to the inspection thereof as provided by the Department of Agriculture of the United States or under the supervision of the State of California Department of Agriculture in accordance with the regulations relating to the inspection thereof as prescribed by the Department of Agriculture of the State of California, or under the supervision of any authorized inspection department whose brand or mark of approval is approved by the Health Officer.

SEC. 5-2.21 TRANSPORTING MEAT PRODUCTS. It shall be unlawful for any person to transport meat or meat food products intended for sale in any pleasure or non-commercial vehicle.

SEC. 5-2.23 BASEMENT MEAT MARKET PROHIBITED. It shall be unlawful for any person to conduct or maintain a fish or meat market in the basement of any building or in any space below the level of the street.

SEC. 5-2.24 UNWHOLESOME MEAT PRODUCTS. It shall be unlawful for any person to sell, exchange or deliver or have in possession, keep or expose for sale, exchange or deliver as food for human consumption any tainted or diseased, any decayed or partly decayed or unwholesome meat food products or flesh of any cattle, hogs, sheep, swine, goats, fish, poultry or other animals.

SEC. 5-2.25 COUNTERFEIT BRANDS. It shall be unlawful for any person to have in possession, keep, make or use any mark, stamp, brand or other device having thereon insignia or words similar in character or import to the marks, stamps, or brands provided or used for marking, stamping or branding the foodstuffs described in this Article, or to in any manner counterfeit such marks, stamps or brands.

SEC. 5-2.26 KEEPING LIVE FOWL AND ANIMALS. It shall be unlawful for any person to keep live chickens, ducks, geese, turkeys or other live fowls in any cellar or basement underneath any grocery store, market or other place where foodstuffs are kept for sale. It shall also be unlawful for any person to keep any live chickens, turkeys, ducks, geese or live fowl of any kind, or cats, dogs or any animal in any room where any kind of foodstuffs such as are enumerated in this Article are kept, prepared for sale or sold.

SEC. 5-2.27 HEALTH OF EMPLOYEES. It shall be unlawful for any person to require, permit or suffer any person to work, nor shall any person work in a building, room, basement, cellar, place or vehicle occupied or used for the production, preparation, manufacture,

packing, storage, sale, distribution or transportation of meat or meat food products who is afflicted or affected with any infectious or communicable disease, or who shows the condition known as the "carrier state" of any such communicable or infectious disease.

SEC. 5-2.28 SAUSAGE MANUFACTURE. It shall be unlawful for any person to manufacture into sausage or other meat food products the flesh or meat of any animal designated in this Article except such flesh or meat shall bear the brand of approval as provided in said Article. The use of scraps or trimmings from retail markets in the manufacture of sausage or other meat food products is prohibited .

SEC. 5-2.30 FLOORS AND WALLS. The floors and walls of the slaughter house, factory, or processing room where meat or meat products or fish are handled, manufactured or processed, shall be constructed of materials impervious to moisture, which smooth surface and rounded corners, and maintained sufficiently tight to prevent the surroundings under or about the same becoming contaminated by filth or offensive matter or matters, and all floors therein shall be constructed on an incline and shall be sloped in such manner as to provide adequate drainage therefrom to a floor drain.

SEC. 5-2.31 KILLING ROOM. COOLING ROOM. The slaughter house or killing room shall be separate from any room where stock or poultry are fed. A cooling room shall be provided apart from the killing room and shall be separated from the killing room by a tight partition in the side or sides next or nearest the killing room.

SEC. 5-2.32 REFRIGERATION. All slaughter houses, markets or factories where meat or meat food products, fish or poultry are handled, manufactured or offered for sale, shall be equipped with coolers, refrigerators or ice boxes of a size not less than six (6) feet by eight (8) feet by nine (9) feet high.

All such coolers, refrigerators or ice boxes must have floors constructed of impervious material, a white gloss enamel finish on the interior walls and ceiling, and maintain a temperature below 45 degrees Fahrenheit with sufficient circulation of air, and be connected indirectly with the sewer to comply with the plumbing laws of the City.

SEC. 5-2.33 CONSTRUCTION OF PREMISES. All premises where meat or meat food products, fish or dressed poultry are kept, stored, handled, manufactured or offered for sale, shall have a smooth impervious interior finish with no open joints or cracks in floors, walls or ceiling. Such interior shall be painted with washable paint or other material satisfactory to the Health Officer and shall be so refinished when in his judgment it becomes necessary. All working places and table tops shall be constructed of impervious materials or such other materials as may be satisfactory to the Health Officer. Such premises must be fly-proof and have adequate light and ventilation and be provided with a porcelain sink of adequate size with hot and cold running water.

SEC. 5-2.34 RACKS, REFUSE CANS. All meat racks, rails, hooks or brackets must be of metal. Metal cans for scraps and trimmings and other refuse and garbage must be provided with tight metal covers and sufficient in number and size to care for all refuse.

SEC. 5-2.35 LAVATORY EQUIPMENT. Sufficient lavatories, toilets and clothes closets for all employees and, where women are employed, separate lavatories, toilets and clothes closets with adequate light and ventilation, must be provided, together with an ample supply of soap, towels, and toilet paper. Such toilets shall not open directly into any room in which food is prepared, stored or handled.

SEC. 5-2.36 DOORS. FAN. All markets shall be provided with flytight outward swinging doors. A four blade fast traveling fan, or fans of sufficient size to prevent the entrance of flies or other insects must be installed at or near door entrance when it is desired to keep such door or doors open.

SEC. 5-2.37 PROTECTION OF FOOD PRODUCTS. It shall be the duty of every occupant or owner or lessee of any meat shop or slaughter house, or other premises where meat or meat food products, fish or poultry are kept, stored, handled, manufactured or offered for sale, to protect his foodstuffs, and other wares from dust, dirt, flies and vermin, and to prevent as far as possible, handling by prospective buyers, by the use of suitable glass cases, wire screens or other methods approved by the Health Officer, and to cause the abatement and destruction of vermin and flies wherever found.

SEC. 5-2.38 CLEANLINESS OF EMPLOYEES. All persons handling any of the foods mentioned in this Article shall, at all times, keep their persons and wearing apparel in a clean condition. All aprons, gowns, smocks and other outer wearing apparel which is worn must be of a material which can be easily washed and cleaned.

SEC. 5-2.39 DELIVERY VEHICLES. IDENTIFICATION. All vehicles used for delivery shall be lettered with the name and address of business, with letters at least three (3) inches high on small vehicles and six (6) inches high on large trucks and drays.

SEC. 5-2.40 SLAUGHTERING ESTABLISHMENTS. All parts of slaughtering establishments, including the slaughter houses, storage rooms for meats, markets, factories, trucks, carts, wagons or other receptacles, stables, or corrals used for live stock, shall be kept in a clean, wholesome condition. All trucks, wagons and other receptacles or conveyances must be provided with at least one freshly cleaned canvas cover and at least two freshly cleaned lots of burlap each week, sufficient in size to cover the load in its entirety.

SEC. 5-2.45 TRADE-NAMES ON HAM OR BACON. All smoked hams and bacon must bear a trade-name, trade-mark or the name of the person, firm or corporation producing such product. The name of person, firm or corporation Producing such product must be stamped on each ham or bacon in letters not less than one inch (1") in height and must be stamped in such a manner as to be perfectly legible. Each side of bacon shall bear not less than two (2) of said trade-names, trade-marks or names of the person, firm or corporation

producing said product, each of which shall be placed not less than two (2) inches from each end of said side of bacon in such a manner that at least one (1) stamp will appear on each half of the side of bacon. The hams shall bear at least one (1) such trade-name, trade-mark or the name of the person, firm or corporation producing said product.

SEC. 5-2.46 STAMPS, TRADE-MARK. APPROVAL. All stamps for meat or meat products, trade-names, trade-marks or names of producers, must be approved by the Health Department.

SEC. 5-2.50 ADULTERATED FOOD. DETERMINATION. It shall be the duty of the Health Officer or his deputies in determining what constitutes diseased meat, fish or poultry or meat, fish or poultry unwholesome or otherwise unfit for human consumption to be guided by the rules and regulations of the Bureau of Animal Industry of the United States Department of Agriculture or the California State Department of Agriculture, governing the inspection of meats, meat food products and the factories where the same are handled or manufactured.

SEC. 5-2.51 AUTHORITY AND DUTY TO INSPECT. The Health Officers and his deputies shall have full power at all times to enter every building, room, basement, cellar or any place occupied or used or suspected of being occupied or used, for the slaughter, manufacture, preparation, storage, sale or distribution of meat or meat food products, and to inspect the premises and all utensils, implements, receptacles, fixtures, furniture and machinery used for purposes herein stated.

SEC. 5-2.52 ADULTERATED FOOD. CONFISCATION. The Health Officer or his deputies shall have power to confiscate, destroy or denature adulterated, decayed or unwholesome fish or diseased poultry or unstamped meat or meat food products.

SEC. 5-2.53 EXAMINATION OF EMPLOYEES. The Health Officer or his deputies shall have the further power to cause the physical examination of persons engaged in the handling of foodstuffs. Said physical examination shall consist of any of the commonly accepted methods that the Health Officer may deem necessary, provided, however, that refusal of any individual to submit to such examination shall constitute sufficient cause for the Health Officer to revoke the permit provided for in this Article.

SEC. 5-2.60 MILK PRODUCTS. INSPECTION. It shall be unlawful for any person to sell or deliver to a consumer in the City of Hayward any raw milk or any dairy products which have not been inspected and approved at points of production and during processing and handling, by qualified inspectors employed by a governmental agency.