

1202
ORDINANCE 2002

(7 of 1982)

AN ORDINANCE REQUIRING PERMITS FOR THE OPERATION OF RESTAURANTS, PROVIDING FOR FEES FOR SUCH PERMITS, FOR INSPECTIONS, REPORTS AND EXAMINATIONS BY THE HEALTH OFFICER, FOR THE GRADING AND REGRADING OF RESTAURANTS ACCORDING TO CERTAIN SANITARY REQUIREMENTS AND THE FIXING OF PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Donora as follows:

SECTION ONE: Applicability: No person shall operate a restaurant in the Borough of Donora who does not possess a valid permit issued by the Health Officer. Only persons who comply with the requirements of this Ordinance shall be issued such a permit, which shall be posted in a conspicuous place. This permit may be temporarily suspended by the Health Officer for the violation by the Holder of any of the terms of this Ordinance or revoked for serious or repeated violations after a hearing before Borough Council.

SECTION TWO: Definitions: For purposes of this Ordinance, the following definitions shall apply in interpretation and enforcement:

(a) Restaurant shall mean and include any restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, drug store and soda fountain serving food, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

(b) Food shall mean and include all articles used for food, drink, confectionery or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

(c) Utensils shall mean and include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with food or drink comes in contact during storage, preparation, or serving.

(d) Health Officer shall be that person appointed by Council to that position.

(e) Person shall mean and include any person, firm, partnership, corporation or association.

SECTION THREE: Permits and Fees: Each person applying for a permit shall pay the sum of \$30.00 to the Borough Secretary if the application is made between January 1 and June 30 of the calendar year. If said application is made between July 1 and December 31 of the calendar year, the fee shall be \$15.00. The permit as issued by the Health Officer shall be valid for one calendar year or portion thereof.

SECTION FOUR: Inspections, Reports and Examinations: The Health Officer shall make bi-annual inspections of every restaurant within the Borough of Donora. If at such inspection, the Health Officer discovers the violation of any item of sanitation required for the grade of restaurant then held, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied. The second inspection shall be used in determining compliance with the grade requirements of this Ordinance. Any violation of the same item of this Ordinance of such second inspection shall call for immediate degrading or suspension of permit.

One copy of the inspection report shall be posted by the Health Officer on an inside wall of the restaurant. This report shall not be defaced or removed by any person except the Health Officer.

The person operating the restaurant shall on request of the Health Officer permit access to all parts of the establishment and shall permit copying of records of food purchased.

SECTION FIVE: Grading: There shall be three grades of restaurants, A, B and C. Each restaurant shall be provided with a specific grade after the Health Officer has inspected the same. Each restaurant shall display at all times, in a place designated by the Health Officer, the Notice stating the grade of the establishment.

Attached to this Ordinance is a list of standards which state the sanitation requirements for Grade A, Grade B and Grade C restaurants. This list is hereby incorporated by reference into the terms of this Ordinance as if it was set forth in its entirety. The Health Officer shall provide each person operating a restaurant with this list when his first inspection is made after the enactment of this Ordinance.

SECTION SIX: Regrading and Reinstatement of Permit: Any Person may at any time make application for regrading or the reinstatement of the permit.

Within one week after the receipt of a satisfactory written application, accompanied by a statement signed by the applicant that the violated provision or provisions of this Ordinance have been conformed with, the Health Officer shall make a reinspection and, in case the findings indicate compliance, shall award the higher grade or reinstate the permit.

SECTION SEVEN: Enforcement and Penalties: This Ordinance shall be enforced by the duly appointed Health Officer of the Borough of Donora. Any Person violating the terms of this Ordinance shall be guilty of a summary offense, and upon conviction before the District Justice, be sentenced to pay a fine of not less than \$100.00 nor more than \$300.00 plus the costs of prosecution. Each day such violation is committed or permitted to continue shall be deemed a separate offense and shall be punishable as such.

SECTION EIGHT: Severability and Repealer: If any section, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

All Ordinances or parts of Ordinances inconsistent with the terms of this Ordinance are hereby repealed.

ORDAINED AND ENACTED this 27th day of DECEMBER, 1982

Anthony A. Massafra
President of Council

EXAMINED AND APPROVED this 6 day of Jan, 1983.

George Labor
Mayor

ATTEST:

Robert M. Samaschak

GRADING OF RESTAURANTS

The grading of all restaurants shall be based upon the following standards:

(a) Grade A Restaurants - Sanitation Requirements

All Grade A restaurants shall comply with all of the following items of sanitation.

Item 1 - Floors

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

Item 2 - Walls and Ceilings

Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in a material and color which will not conceal the presence of dirt. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

Item 3 - Doors and Windows

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

Item 4 - Lighting

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

Item 5 - Ventilation

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

Item 6 - Toilet Facilities

Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees, conforming with the ordinances of the Borough of Donora. In restaurants hereafter constructed, toilet rooms shall not open directly into any room in which food, drink or utensils are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated.

Item 7 - Water Supply

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

Item 8 - Lavatory Facilities

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

Item 9 - Construction of Utensils and Equipment

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

Item 10 - Cleaning and Bactericidal Treatment of Utensils and Equipment

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

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

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

Item 11 - Storage and Handling of Utensils and Equipment

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

Item 12 - Disposal of Wastes

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

Item 13 - Refrigeration

All readily perishable food and drink shall be kept at or below 45° F, except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

Item 14 - Wholesomeness of Food and Drink

All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor. This requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All shellfish shall be from approved sources and, if shucked, shall be kept until used in the containers in which they were placed at the shucking plant. Oysters, clams or other shellfish, if served on the shell, must be served in the original shell, but the use of crab shells in any manner whatsoever in the preparation or serving of food is prohibited.

Item 15 - Storage, Display and Serving of Food and Drink

All food and drink shall be so stored, displayed and served as to be protected from dust, flies, vermin, infection, overhead leakage and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches and rodents shall be used.

Item 16 - Cleanliness of Employees

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

Item 17 - Miscellaneous

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

(b) Grade B Restaurants

Grade B restaurants shall mean those which fail to comply with Items 1, 2, 4, 5 or 17, but which conform with all other items of sanitation required for Grade A restaurants.

(c) Grade C Restaurants

Grade C restaurants shall mean those which fail to comply with either the Grade A or the Grade B requirements.