



DENVER
THE MILE HIGH CITY

**City and County of Denver
Retail Food Establishment Regulations
Chapter 23 Denver Revised Municipal Code**

**Adopted by the Board of Environmental Health on July 12, 2007
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Amends and supersedes the Retail Food Establishment Regulations adopted April 8, 1999

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AUTHORITY: These regulations are adopted by the Board of Environmental Health pursuant to the authority granted by Charter Section A8.3-2 in order to amplify and augment the requirements of Chapter 23, Denver Revised Municipal Code, and here in after (DRMC).

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CHAPTER 1-Purpose and Definitions

Section 1-101 Purpose

The following regulations shall be applied for the protection of public health.

Section 1-102 Definitions

The following words and phrases, for the purposes of these regulations, shall have the following meanings respectively ascribed to them.

“Adulterated Food” shall mean any food deemed to be adulterated by the Colorado Food and Drug Act.

“Approved” shall mean satisfactory to the manager based on determination of conformance with applicable, documented standards and good public health practices.

“Board” shall mean the board of environmental health of the City and County of Denver.

“Bulk Foods” shall mean unpackaged or unwrapped foods, either processed or unprocessed, in aggregate containers from which quantities desired by the consumer are withdrawn. “Bulk Foods” does not include fresh fruits, fresh vegetables, nuts in the shell, salad bars, bulk pet foods, potentially hazardous foods, and bulk nonfood items.

“Clean in Place (CIP)” shall mean cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. CIP does not include the cleaning of equipment such as band saws, slicers or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

“Commercial Design” shall mean all equipment meeting recognized commercial sanitation criteria by organizations, such as the National Sanitation Foundation (NSF), Underwriters Laboratories (UL) sanitation standards, Environmental Testing Laboratories, Inc. (ETL) sanitation standards, Baking Industry Sanitation Standards Committee (BISSC), or other comparable design criteria approved by the manager.

“Comminuted” shall mean reduced in size by methods including chopping, flaking, grinding, or mincing. This includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat which have been reduced in size and combined, such as sausages made from two or more meats.

“Commissary” shall mean an approved catering establishment, restaurant, or other approved place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

“Contamination” shall mean to make unfit for use by the introduction or potential introduction of unwholesome or undesirable elements.

“Corrosion-Resistant Materials” shall mean those materials which maintain their original surface characteristics under prolonged contact with food, the normal use of cleaning compounds and bactericidal solutions, and other conditions of use.

“Critical Control Point” shall mean any point in a food preparation process at which loss of control might result in an unacceptable consumer health risk.

“Director” shall mean the director of excise and licenses of the City and County of Denver and the director's authorized representative.

“Dry Storage Area” shall mean a room or area used for the storage of non-potentially hazardous packaged or containerized food and dry goods such as single-service items.

“Easily Cleanable” shall mean surfaces are readily accessible and fabricated of such materials and finishes that residue can be effectively removed by normal cleaning methods.

“Employee” shall mean any person working in a retail food establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food, utensils or equipment.

“Equipment” shall mean an article used in the operation of a retail food establishment, such as, but not limited to a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, range, scale, sink, slicer, stove, table, thermometer, or ware washing machine. Equipment does not include items used for handling or storing large quantities of packaged foods received from a supplier in a cased or over wrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

“Extensively Remodeled” shall mean any major alteration of an existing configuration in any retail food establishment, which might affect the food operation that results in one or more of the following conditions:

- A. An increase in seating capacity, including service provided anywhere on the premises, by twenty (20) percent or more in either a single construction project or an incremental series of construction activities;
- B. Any alteration or revision of a retail food establishments or related equipment that requires a building or construction permit pursuant to the Denver Building Code.
- C. Routine maintenance, repairs or cosmetic changes shall not be considered extensive remodeling;
- D. Any change or alteration made in the non public areas that result in a reduction or increase of total space by twenty-five (25) percent or more; or any diminution of the facility’s capabilities to handle food and utensils in a sanitary manner that creates potentially hazardous conditions.

“Fish” shall mean fresh or saltwater finfish, crustaceans, and other forms of aquatic animal life (including, but not limited to alligator, frog, aquatic turtle, jelly fish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and includes any edible human food product derived in whole or in part from fish, including fish that has been processed in any manner.

“Food” shall mean any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

“Food Peddler” shall mean a mobile vendor who is not operating from a mobile retail food establishment or a pushcart.

“Food-Contact Surfaces” shall mean those surfaces of equipment and utensils, excluding ventilation hoods, which normally come into contact with food, and those surfaces from which food may drain, drip, or splash back onto surfaces in contact with food.

“Game Animal” shall mean an animal, the products of which are food that is not classified as domestic cattle, sheep, swine, goat, poultry, or fish. Game Animals includes: animals such as, reindeer, elk, deer, antelope, bison, rabbit, squirrel, bear, and muskrat; not aquatic reptiles, such as: rattlesnakes; aquatic mammals; and exotic animals, such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo, water buffalo, species of foreign domestic cattle, such as Ankole, Gaya, Yak, and other animals approved by the Manager.

“Ground Beef” means meat that is derived from the voluntary striated muscle of beef, with a maximum of thirty percent total fat by weight, with no water, phosphates, extenders, or binders added.

“HACCP Plan” shall mean a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles.

“Hazard” shall mean a biological, chemical, or physical property that might cause an unacceptable consumer health risk.

“Hermetically Sealed Container” shall mean a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

“Highly Susceptible Population” means persons who are more likely than other people in the general population to experience food borne disease because they are immunocompromised, preschool age children, or older adults; and they obtain food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center hospital or nursing home, or nutritional or socialization services such as a senior center.

“Hygroscopic” shall mean readily taking up and retaining moisture.

“Imminent Health Hazard” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on:

- A. The number of potential injuries or illnesses, and
- B. The nature, severity, and duration of the anticipated injury or illness.

“Kitchenware” shall mean all multi-use utensils other than tableware, used in the storage, preparation, transportation or serving of food.

“Law” shall mean applicable local, state, and federal statutes, regulations, and ordinances.

“Licensee” shall mean the person to whom the Department of Excise and License issues a license for operation of a business under chapter 23 of the Denver Revised Municipal Code.

“Linens” shall mean fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

“Manager”, when not otherwise described, shall mean the manager of environmental health of the City and County of Denver and the manager’s authorized representative.

“Meat” means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals.

“mg/L” shall mean milligrams per liter, which is the metric equivalent of parts per million (ppm).

“Mobile Retail Food Establishment” shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

“Modified Atmospheric Packaging” shall mean the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen; displacing the oxygen with another gas or combination of gases; or otherwise controlling the oxygen content in a package to a level below what is normally found in the surrounding atmosphere, which is twenty-one (21) percent oxygen. Reduced oxygen packaging includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging including sous vide.

“Molluscan Shellfish” shall mean any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

“Nonfood-Contact Surfaces” shall mean all surfaces other than food-contact surfaces.

“Non-potentially Hazardous Food” shall mean:

- A. Hard-boiled eggs with shells intact which have been air-cooled;
- B. foods with a water activity (aw) value of eighty-five one hundredths (0.85) or less;
- C. foods with a measurement of acidity (pH) of four and six tenths (4.6) or below;

- D. foods which have been adequately commercially processed and remain in their unopened hermetically-sealed container; or
- E. food for which laboratory evidence acceptable to the Manager demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms, the growth of Salmonella enteritidis in eggs or the slower growth of Clostridium botulinum cannot occur.

“**Number of Employees**” shall mean the monthly average number of persons in the retail food establishment who work full time, or the full time equivalent of part time workers, and receive anything of value for their services during the proceeding twelve (12) month period , or at the time of application for a license, whichever is greater.

“**Packaged**” shall mean bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or food processing plant.

“**Person**” shall mean a natural person, partnership, association, company, corporation, or other legal entity or a manager, agent, servant, officer or employee of any of them.

“**Person in Charge**” shall mean the individual present at a retail food establishment who is responsible for the operation at the time of inspection. If no individual is responsible, then any employed person present is the person in charge.

“**Personal Care Items**” shall mean items or substances that may be poisonous, toxic, or a source of contamination which are used to maintain or enhance a person’s health, hygiene, or appearance, such as medicines, first aid supplies, cosmetics, toiletries, toothpaste and mouthwash.

“**pH**” shall mean the measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

“**Physical Facilities**” shall mean the structure and interior surfaces of a retail food establishment including attachments, such as light fixtures and heating or air conditioning system vents.

“**Poisonous or Toxic Materials**” shall mean substances not intended for ingestion and are included in four categories:

- A. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- B. Pesticides, which include substances such as insecticides and rodenticides;
- C. Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and
- D. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

“**Potentially Hazardous Food**” shall mean a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

- A. The rapid and progressive growth of infectious or toxigenic microorganisms; or
- B. The growth and toxin production of Clostridium botulinum; or
- C. In raw shell eggs, the growth of Salmonella enteritidis.

The phrase “Potentially hazardous food” shall also include any food of animal origin that is raw or heat-treated; any food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic in oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified in subparagraphs A, B and C of this definition.

“Poultry” means any domesticated bird such as chickens, turkeys, ducks, geese, or guineas and any migratory waterfowl, game bird, such as pheasant, partridge, quail, grouse, or guinea, or pigeon, or squab.

“Premises” shall mean the physical facility, its contents, and the contiguous land or property and its facilities and contents that may impact retail food establishment personnel, facilities or operations.

“Primal Meat Cuts” shall mean any of various wholesale cuts into which a carcass of a food animal is divided.

“Pushcart” shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service.

“Ready-to-Eat Food” shall mean food that is edible without further washing, cooking, or additional preparation and that is reasonably expected to be consumed in that form.

“Reconstituted” shall mean dehydrated food products recombined with water or other liquids.

“Restaurant” shall mean any retail food establishment primarily engaged in the sale of prepared food, drink, or both for human consumption and consumption is allowed on the premises.

“Retail Food Establishment” shall mean a retail operation that stores, prepares, or packages food for sale for human consumption or serves or otherwise provides food for sale for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises, unless such retail operation is excluded from regulation and licensing by section 1-103 of these regulations.

“Safe Materials” shall mean articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristic of any food. If materials are food additives or color additives as defined in section 25-5-402(3) or (12), CRS of the “Colorado Pure Food and Drug Law”, as used, they are “safe” only if they are used in conformity with all applicable regulations of the U.S. Food and Drug Administration.

“Sanitization” shall mean the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety-nine and nine hundred and ninety-nine, one thousands (99.999) percent reduction, of representative disease microorganisms of public health importance.

“Shellstock” shall mean raw, in-shell, molluscan shellfish.

“Shucked Shellfish” shall mean molluscan shellfish that have one or both shells removed.

“Single-Service Articles” shall mean cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, place mats, doilies, wrapping materials, toothpicks and similar articles intended for one-time, one-person use and then discarded after use.

“Single-Use Articles” shall mean utensils and bulk food containers designed and constructed to be used once and discarded.

“Smooth” shall mean a food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of (100 grit) number three (3) stainless steel; a nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall, or ceiling having an even or level surface with no roughness, projections, perforations, pits, or inclusions that render it difficult to clean.

“Sub-primal Meat Cuts” shall mean cuts made in the retail food establishment from primal meat cuts.

“Support Animal” shall mean a trained animal, such as a guide or service animal, that accompanies a person with a disability to assist in managing the disability and enables the person to perform functions that the person would otherwise be unable to perform.

“Tableware” shall mean eating, drinking, and serving utensils for table use, such as forks, knives, and spoons; including bowls, cups, serving dishes, tumblers and plates.

“Temporary Retail Food Establishment” shall mean a retail food establishment, other than a licensed mobile retail food establishment or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

“Utensil” shall mean any implement used in the storage, preparation, transportation, or service of food.

“Warewashing” shall mean the cleaning and sanitizing of equipment and utensil food-contact surfaces.

“Water Activity” (aw) shall mean a measure of free moisture in a food and is indicated by the symbol aw.

Section 1-103 Exclusions

The following types of establishments shall be excluded from regulation and licensing under these regulations:

- A. Private homes;
- B. Personal Care Boarding Homes, as defined in Chapter 26 DRMC, that are licensed for less than 20 beds;
- C. Child Care establishments as defined Chapter 11 DRMC;
- D. Motor vehicles used only for the transport of food;
- E. Establishments preparing and serving only hot coffee, hot tea, instant hot beverages, popcorn with no added ingredients other than salt and butter and non-potentially hazardous doughnuts or pastries obtained from sources complying with all laws related to food and food labeling;
- F. Establishments that handle only non-potentially hazardous prepackaged food and operations serving only commercially prepared, prepackaged foods requiring no preparation other than the heating of food within its original container or package;
- G. Farmers markets and sellers that offer only uncut fresh fruit and vegetables for sale;
- H. Automated food merchandising enterprises that supply only prepackaged non-potentially hazardous food or drink in bottles, cans, or cartons only, and operations that dispense only chewing gum or salted nuts in their natural protective covering; and
- I. The donation, preparation, sale, or service of food by a nonprofit or charitable organization in conjunction with an event or celebration if such donation, preparation, sale, or service of food does not exceed the duration of the event or celebration or a maximum of fifty-two days within a calendar year; the event or celebration takes place in the City and County of Denver, and the nonprofit or charitable organization resides or is principally located within the City and County of Denver.

CHAPTER 2-Management and Personnel

Part 2-1 Supervision

Section 2-101 Responsibilities

The operator shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the retail food establishment during all hours of operation.

The operator shall educate and monitor employees to ensure conformance to these regulations.

Section 2-102 Demonstration

Based on the risks of food borne illness inherent to the food operation, during inspections and upon request the person in charge shall demonstrate to the regulatory authority knowledge of food borne disease prevention, application of the Hazard Analysis Critical Control Point principles, and the requirements of these rules and regulations. The person in charge shall demonstrate this knowledge by:

- A. Complying with these rules and regulations; or
- B. Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; or
- C. Responding correctly to the inspector's questions as they relate to the specific food operation. These areas of knowledge include:
 1. Describing the relationship between the prevention of food borne disease and the personal hygiene of a food employee;
 2. Explaining the responsibility of the person in charge for preventing the transmission of food borne disease by a food employee who has a disease or medical condition that may cause food borne disease;
 3. Describing the symptoms associated with the diseases that are transmissible through food;
 4. Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs and fish;
 5. Stating the required temperatures and times for the safe cooking, refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;
 6. Describing the relationship between the prevention of food borne illness and the management and control of the following:
 - a. Cross contamination,
 - b. Hand contact with ready-to-eat foods,
 - c. Hand washing, and
 - d. Maintaining the food establishment in a clean condition and in good repair;
 7. Explaining the relationship between food safety and providing equipment that is:
 - a. Sufficient in number and capacity, and
 - b. Properly designed, constructed, located, installed, operated, maintained, and cleaned;
 8. Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
 9. Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
 10. Identifying poisonous or toxic materials in the food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
 11. Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of food borne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of these rules and regulations.

Section 2-103 Person in Charge

The person in charge shall ensure that:

- A. Employees are effectively cleaning their hands, by routinely monitoring the employees' hand washing;
- B. Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
- C. Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe food borne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under section 4-401 of these regulations;
- D. Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- E. Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;
- F. Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified under section 3-308 of these regulations;
- G. Employees are minimizing bare hand contact with ready-to-eat food by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment; and
- H. Employees are properly trained in food safety as it relates to their assigned duties.

Part 2-2 Employee Health

Section 2-201 Restrictions Regarding Ill or Otherwise Infected Employees

No employee, while infected with a communicable disease that can be transmitted by foods or who is a carrier of organisms that can cause such a disease or while afflicted with a boil, an infected wound on an exposed body part, or an acute respiratory infection, shall work in a retail food establishment in any capacity in which there is a likelihood of such an employee contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

Any employee with a pustular lesion, such as a boil or infected wound, on any exposed portions of the body, shall keep such lesion covered by a dry, waterproof, durable, tight fitting bandage and a single-use glove, if on the hands or wrist, that shields the wound from direct contact with food or equipment.

Section 2-202 Reporting

It shall be the responsibility of the employee to report to the person in charge when infected with or a carrier of a communicable disease or an organism that may be transmitted by food.

Section 2-203 Excluding of Infected Employees

The person in charge shall exclude an employee from a retail food establishment if the employee is diagnosed with an infection where there is a likelihood of such employee contaminating as specified in section 2-201 of these regulations.

Section 2-204 Removal of Exclusions

The person in charge may, with the Manager's approval, remove exclusion, imposed under section 2-203 of these regulations.

Section 2-205 Discharges from the Eyes, Nose and Mouth

Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose or mouth may not work with exposed food, clean equipment, utensils, and linens, or unwrapped single-service or single-use articles.

Part 2-3 Authorized Personnel

Only persons necessary to the operation and maintenance of the retail food establishment shall be allowed in food preparation, food storage, food equipment storage, and ware washing areas.

Part 2-4 Personal Cleanliness

Section 2-401 Cleaning Procedures

- A. Food employees shall clean their hands and exposed portions of their arms for at least twenty (20) seconds and shall use the following cleaning procedures:
 - 1. Vigorous friction on the surfaces of the lathered fingers, finger tips, areas between the fingers, hands and exposed portions of the arms for at least fifteen (15) seconds, followed by:
 - 2. Thorough rinsing under clean, running warm water; and
 - 3. Immediately follow the cleaning procedure with thorough drying of cleaned hands and arms.
- B. Food employees shall pay particular attention to the areas underneath the fingernails during the cleaning procedure.
- C. If approved and capable of removing the types of soils encountered in the food operations involved, an automatic hand washing facility may be used by food employees to clean their hands.

Section 2-402 When to Wash

Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and:

- A. When returning to the kitchen after using the toilet room;
- B. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking;
- C. When switching between working with raw foods of animal origin and working with ready-to-eat foods;
- D. After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- E. During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
- F. Before donning single-use gloves for working with food, and between removing soiled gloves and putting on clean gloves;

- G. After handling soiled equipment or utensils;
- H. After caring for or handling any animals;
- I. After engaging in any activities that contaminate the hands;
- J. After handling fish in aquariums, shellfish, or crustacean in display tanks.

Section 2-403 Hand Sanitizers

Hand sanitizers may be used in addition to but not in place of proper hand washing.

Section 2-404 Where to Wash

Food employees shall clean their hands in a hand sink or approved automatic hand washing facility and may not clean their hands in a sink used for food preparation or ware washing, or in a utility sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

Section 2-405 Fingernail Care

- A. Food employees shall keep their fingernails clean, trimmed, filed and maintained so the edges and surfaces are cleanable and not rough.
- B. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.
- C. This section does not apply to employees such as counter staff who serve only beverages and wrapped or packaged foods, or hostesses and wait staff who present a minimal risk of contaminating exposed foods, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.

Section 2-406 Clothing

Employees shall wear clean outer clothing to prevent cross-contamination.

Section 2-407 Jewelry

- A. While preparing food, food employees may not wear jewelry, including medical information jewelry, on their arms and hands.

This section does not apply to the wearing of a single ring.

- B. This section does not apply to employees such as counter staff who serve only beverages and wrapped or packaged foods, or hostesses and wait staff who present a minimal risk of contaminating exposed foods, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.

Section 2-408 Dressing Rooms and Locker Areas

- A. If employees routinely change clothes within a retail food establishment, rooms or areas shall be designated and used for that purpose.

These designated rooms or areas shall not be used for food preparation, food storage, food display, warewashing, or storage of utensils and equipment.

- B. Lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings.

Lockers or other suitable facilities may only be located in designated dressing rooms or areas, or in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

Part 2-5 Hygienic Practices

Section 2-501 General

Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

Section 2-502 Eating, Drinking or Using Tobacco

- A. Except as specified in paragraph B of this section, employees shall consume food, drink or use tobacco only in designated areas. Such designated areas must be located so that eating or tobacco use of an employee does not result in contamination of food, equipment, utensils, or other items needing protection.
- B. An employee may drink from a closed beverage container if the container is clean; it does not contaminate the employee's hands; and it is stored to prevent the contamination of exposed food, clean equipment, utensils, linens, unwrapped single-service and single-use articles.

Section 2-503 Hair Restraints

- A. Except as provided under paragraph B of this section, employees engaged in food preparation shall wear hair restraints, such as hats, hair coverings, nets, or other effective means, to effectively keep hair from contacting exposed food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.
- B. This section does not apply to employees such as counter staff who serve only beverages and wrapped or packaged foods, or hostesses and wait staff who present a minimal risk of contaminating exposed foods, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.

CHAPTER 3- Food

Part 3-1 Characteristics

Section 3-101 General

Food shall be in sound condition free from spoilage or contamination and shall be safe for human consumption.

Food shall be obtained from approved sources that comply with the applicable laws relating to food and food labeling.

Food prepared in a private home shall not be used or offered for sale.

Section 3-102 Fish and Shellfish

- A. Fresh and frozen shucked molluscan shellfish (oysters, clams, mussels or scallops) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shellstock processor, shucker-packer, or repacker, and the state shellstock certification number issued according to law.

Shucked molluscan shellfish shall be kept in the container in which they were received until used or sold.

Each original container of unshucked molluscan shellfish shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and certification number issued by the State or foreign shellfish control agency, where applicable.

Shellstock from one tagged or labeled container shall not be commingled with shellstock from another container before being ordered by the consumer.

- B. Except as specified in paragraph C of this section, before service or sale in ready-to-eat form, raw, raw-marinated, lightly cooked-marinated, marinated, or partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of:
1. Minus four degrees Fahrenheit (-4° F) (-20°C) or below for one hundred and sixty-eight (168) hours (7 days) in a freezer; or
 2. minus thirty-one degrees Fahrenheit (-31° F) (-35° C) or below for fifteen (15) hours in a blast freezer.

The freezing temperature and time to which the fish are subjected shall be recorded, retained and made readily available upon request at the food establishment for ninety (90) calendar days after the time of service or sale of the fish.

If the fish are frozen by the retail food establishment and/or supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to the proper temperature and for a time specified in this section may substitute for the records required.

- C. If the fish are tuna of the species *Thunnus alalunga*, *Thunnus albacares* (Yellowfin tuna), *Thunnus atlanticus*, *Thunnus maccoyii* (Bluefin tuna, Southern), *Thunnus obesus* (Bigeye tuna), or *Thunnus thynnus* (Bluefin tuna, Northern). The fish may be served or sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as specified under paragraph B of this section.

Part 3-2 Sources and Specifications

Section 3-201 Hermetically Sealed Food

The use of food from hermetically sealed containers that was not prepared in an approved food-processing establishment is prohibited.

Hermetically sealed packages shall be handled so as to maintain product and container integrity.

Food items that are spoiled or that are in damaged containers that may affect the product and those food items that have been returned to, or are being detained by, the retail food establishment because of spoilage, container damage, or other public health considerations shall be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the manager.

Section 3-202 Dry Milk and Dry Milk Products

Dry milk and milk products used, served or offered for sale shall be made from pasteurized milk and milk products.

Section 3-203 Reconstitution of Dry Milk, Dry Milk Products and Non-Dairy Products

Dry milk, dry milk products and non dairy creaming, whitening or whipping agents may be reconstituted with potable water on the premises only when they will be stored in sanitized, covered containers and cooled to forty one degrees Fahrenheit (41° F) (7° C) or below within four (4) hours after preparation.

Reconstituted dry milk cannot be substituted for use as a Grade A fluid milk product in its final form (i.e. for drinking, over cereal, etc.)

Section 3-204 Fluid Milk, Fluid Milk Products, and Frozen Dessert Mix

Fluid milk and fluid milk products used, served or offered for sale shall comply with the Colorado Grade A pasteurized Fluid Milk and Milk Products Regulation.

Only pasteurized mix from an approved licensed dairy plant may be mixed and/or frozen by a counter freezer.

Section 3-205 Wild Mushrooms

- A. Except as specified in paragraph B of this section, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert approved by the regulatory agency.
- B. This section does not apply to cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the regulatory agency that has jurisdiction over the operation; or wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

Section 3-206 Game Animals and Exotic Species

Game animals and exotic species may be received for sale or service provided they are slaughtered and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.

Section 3-207 Eggs

Only clean shell eggs meeting applicable grade standards or pasteurized shell, liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.

Section 3-208 Ice

Only ice, which has been manufactured from potable water and handled in a sanitary manner, shall be used or offered for sale.

Ice offered for sale shall be packaged and properly labeled.

Ice for human consumption shall be dispensed only by employees with scoops, tongs, or other ice dispensing utensils, or through automatic self-service, ice dispensing equipment.

Ice dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice.

Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination.

Section 3-209 Ice Used as Exterior Coolant, Prohibited as Ingredient

Ice used as a cooling medium for food storage, food containers or food utensils shall not be used or sold for human consumption.

Section 3-210 Storage or Display of Food in Contact With Water or Ice

- A. Packaged food may be stored in direct contact with potable ice or potable water if the packaging, wrapping, or container is not subject to entry of water.
- B. Except as specified in C and D of this section, unpackaged food may not be stored in direct contact with undrained ice.

- C. Whole raw fruits and whole or cut raw vegetables, such as celery or carrot sticks or cut potatoes; and tofu may be immersed in potable ice or potable water.
- D. Raw chicken and raw fish that are received immersed in potable ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

Section 3-211 Juice

- A. Pre-packaged juice shall be obtained pasteurized; in a sterile shelf-stable form in a hermetically sealed container; or otherwise treated under an approved HACCP plan as specified in 21 CFR section 120.24, (2003) to attain a five (5) log reduction of the most resistant microorganism of public health significance.
- B. Juice packaged in a retail establishment and sold exclusively and directly to its consumers does not have to be processed in conformance with an approved HACCP plan, but if packaged shall bear the phrase:

“WARNING: This product has not been pasteurized, and therefore, may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems”

and meet the requirements of the Federal Fair Packaging and Labeling Act.

Part 3-3 Protection from Contamination after Receiving

Section 3-301 Preventing Contamination from Hands.

- A. Food employees shall wash their hands as specified under Section 2-402 of these regulations.
- B. Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- C. Except when washing fruits and vegetables as specified under Section 3-305.A of these regulations or except as specified in D of this section, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- D. Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:
 1. Written procedures are maintained in the food establishment and made available to the regulatory authority upon request that include:
 - a. A listing of the ready-to-eat food categories that are touched by bare hands;
 - b. Hand washing facilities are, equipped, maintained, are easily accessible and in proximity to the work station(s) where the bare hand contact procedure is conducted as specified under Section 5-208 B, C, D, E of these regulations;
 - c. A written employee health policy that details how the food establishment will comply with Sections 2-201, 2-202, 2-203, 2-204, 2-205 and 2-206 of these regulations including health conditions upon which the food employee will not be allowed to work and acknowledgement of their responsibilities as specified under Sections 2-201 and 2-202 of these regulations;

- d. An employee training program that includes:
 - i. The risks of contacting the ready-to-eat foods with bare hands;
 - ii. Proper hand washing as specified under Section 2-401 of these regulations;
 - iii. When to wash their hands as specified under Section 2-402 of these regulations;
 - iv. Where to wash their hands as specified under Section 2-404 of these regulations;
 - v. Proper fingernail maintenance as specified under Section 2-405 A of these regulations;
 - vi. Prohibition of jewelry as specified under Section 2-407 A of these regulations; and
 - vii. Good hygienic practices as related to Sections 2-501 and 2-502 of these regulations.

2. Hands are washed prior to food preparation and as necessary to prevent cross contamination as specified under Sections 2-401, 2-402, and 2-404 of these regulations by food employees during all hours of operation when the specific ready-to-eat foods are prepared.

3. In addition to the requirements specified in Section 2-402 of these regulations, "When to Wash," food employees contacting ready-to-eat foods with bare hands utilize two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

- a. Double hand washing;
- b. Nail brushes;
- c. A hand antiseptic after hand washing as specified under section 2-403 of these regulations;
- d. Incentive programs that encourage food employees not to work when they are ill with a communicable disease that can be transmitted by foods as specified in section 2-201 of these regulations; or
- e. Other control measures approved by the regulatory authority.

4. Corrective actions are immediately taken when paragraphs D.1-3 of this section are not followed.

- E. If a food establishment is found to be in non-compliance with the requirements listed in paragraphs D.1-4 of this section and a civil penalty has been issued in accordance Chapter 23 DRMC as a result of this non-compliance, the Manager may revoke the food establishment's allowance for food employees to contact ready-to-eat foods with their bare hands.
- F. If the allowance for a food establishment to contact ready-to-eat foods with bare hands is voluntarily discontinued by the food establishment or revoked as provided for in paragraph E of this section, a food establishment may not reinstate bare hand contact with ready-to-eat foods without prior written approval from the Manager.

Section 3-302 General

At all times, including while being stored, prepared, displayed, dispensed, packaged or transported. Food shall be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, other toxins, probe-type price tags or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, overhead leakage or condensation, or other agents of public health significance.

Hanging primal cuts and quarters or sides of meat, and uncut raw fruits and vegetables do not need to be over wrapped or covered.

Foods in original individual packages must be over wrapped or covered if the package has been torn or broken.

During transportation, including transportation to another location for service or catering operations, food shall meet the requirements of these regulations relating to food protection, food storage and temperature maintenance of potentially hazardous foods.

Section 3-303 Cross-Contamination Control

Each time there is a change in processing between raw beef, raw pork, other raw meats, raw poultry, raw fish and molluscan shellfish or from raw to ready-to-eat foods, food-contact surfaces and utensils shall be cleaned and sanitized in accordance with these regulations.

Salads and other ready-to-eat foods may also be prepared simultaneously in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

Slash-resistant gloves used to protect hands during operations requiring cutting shall be handled in a manner which will prevent the cross-contamination between raw and ready-to-eat foods.

Section 3-304 Pasteurized Eggs, Substitute for Shell Eggs for Certain Recipes

Raw shell eggs shall not be used as an ingredient in the preparation of uncooked, ready-to-eat menu items. Commercially pasteurized egg and egg products may be substituted for raw shell eggs in such items.

Pasteurized eggs may also be substituted for raw shell eggs where holding is required for menu items such as scrambled eggs, omelets, French toast, Monte Cristo sandwiches, etc.

Pooling of raw shell eggs is allowed only if the eggs are forty-one degrees Fahrenheit (41° F) (5° C) or below when they are cracked and maintained at forty-one degrees Fahrenheit (41° F) (5° C) or below until cooked.

Section 3-305 Washing Fruits and Vegetables/Additives

- A. All raw fruits and raw vegetables including those that will be cut, combined with other ingredients, or otherwise processed into food products by the retail food establishment shall first be thoroughly cleaned with potable water.

Whole, raw fruits and raw vegetables intended for washing by the consumer before consumption need not be washed before sale.

- B. An indirectly drained food preparation sink with an approved eighteen inch (18") self-draining drain board or alternate approved methods shall be provided to prevent cross-contamination of clean raw fruits and vegetables.

In establishments where vegetable preparation is limited to a few items and in limited quantity, and either single-service tableware or a mechanical dishwasher is used, the three-compartment sink may be used for food preparation if the sink is indirectly drained and the sink and drain board are cleaned and sanitized between changes in use.

- C. Application of sulfating agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B1, poultry, crab meat (except canned), mixed nuts, whole grains, whole grain flours, and enriched bakery products is prohibited.

Section 3-306 In-Use Utensils, Between Use Storage

To avoid unnecessary manual contact with the food, suitable dispensing utensils and single-service articles shall be used by employees and consumers.

Consumer display and self-service of bulk food shall meet the requirements of section 25-4-1301 et seq., CRS.

Dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food; or stored clean and dry; or stored in potable running water as in a running water dipper well; or stored at temperatures of one hundred thirty-five degrees Fahrenheit (135° F) (57°C) and above, or forty-one degrees Fahrenheit (41° F) (5° C) and below.

Section 3-307 Wiping Cloths

- A. Cloths used for wiping food spills on food-contact surfaces shall be cleaned and rinsed frequently in one of the sanitizing solutions permitted in these regulations and used for no other purpose.

These cloths shall be saturated with the proper concentration of sanitizing solution.

- B. Cloths used for cleaning nonfood-contact surfaces shall be clean and rinsed as specified in paragraph A of this section and used for no other purpose.

These cloths shall be saturated with the proper concentration of sanitizing solution between uses.

- C. Dry or moist cloths that are used with raw foods of animal origin shall be kept separate from cloths used for other purposes.

Moist cloths used with raw foods of animal origin shall be kept in a separate sanitizing solution.

- D. Single-use disposable towels are permitted in lieu of wiping cloths or sponges if discarded after each use.

- E. Cloths used for wiping food spills on tableware, such as plates and bowls being served to the consumer, shall be clean, dry, and used for no other purpose.

- F. Sponges shall not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

Section 3-308 Re-Use of Tableware

Re-use of soiled tableware by self-service consumers returning to the service area for additional food is prohibited.

Beverage cups and glasses are exempt from this requirement where filling equipment is designed to prevent cross contamination.

The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are being refilled.

Section 3-309 Refilling Returnables

A take-home food container may not be refilled at a retail food establishment with a potentially hazardous food.

Returnables refilled with food that is not potentially hazardous shall be clean.

Section 3-310 Food Storage

- A. Containers of food shall be stored a minimum of six inches (6"), or fifteen (15) centimeters, above the floor or stored on dollies, skids, racks, or open-ended pallets, provided such equipment is easily movable, either by hand or with the use of pallet-moving equipment that is on the premises and used.

Such storage areas shall be kept clean.

- B. Pressurized beverage containers, cased food in waterproof containers such as bottles or cans, milk containers in plastic crates, and waterproof, easily moveable, covered containers may be stored on a floor that is cleaned not exposed to floor moisture.

- C. Packaged food, once the container is opened in the retail food establishment prior to use or retail sale, shall be kept covered.

Food, whether raw or prepared, if removed from the container in which it was originally packaged, shall be stored in a clean, covered container, except during necessary periods of preparation.

Primal cuts, quarters or sides of meat, or processed meats, such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered or placed on clean, sanitized metal racks in such a manner as to preclude contamination of any food products in storage.

Section 3-311 Food Storage, Prohibited Areas

Food may not be stored in locker areas unless the food is completely packaged; in toilet rooms and their vestibules; in dressing rooms; in garbage rooms; in mechanical rooms; under sewer lines that are not shielded to intercept potential drips; under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed; under other sources of contamination; or in recycling rooms.

Section 3-312 Food Display

- A. Except for nuts in the shell, whole raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of:
 - 1. Packaging; or
 - 2. Food shields at counters, service lines, salad bars or
 - 3. Display cases, or
 - 4. Other effective means of protection.
- B. French style, hearth baked or hard-cruste d loaves and rolls may be considered properly wrapped if contained in an open-end bag of sufficient size to enclose the loaves or rolls.
- C. Bulk food that is available for consumer self-dispensing shall meet the requirements of 25-4-1301 et seq., CRS.
- D. Whole fresh fish, whole fresh-frozen fish, whole crustacea, and un-shucked shellfish shall be displayed in mechanically refrigerated display units or shall be displayed:
 - 1. In crushed ice in self-draining display units; and
 - 2. A sufficient supply of crushed ice shall be placed on the product, and shall be replenished as needed, to maintain a temperature throughout the product no higher than forty-one degrees Fahrenheit (41° F); and
 - 3. In a manner that does not allow the liquids to accumulate in the gut of the fish; and
 - 4. The ice shall be completely changed no less than every seventy-two (72) hours and more frequent if needed to maintain these items in a safe and sanitary manner; and
 - 5. Open display units must be covered during the period of time the facility is closed for business
- C. Live blue crabs, offered for consumer self-service, do not need to be stored on ice but must be culled frequently to remove any dead or weakened animals.

Section 3-313 Condiments, Protection

Condiments shall be protected from contamination by being kept in protective dispensers, in food displays provided with the proper utensils, in original containers that are designed for dispensing, or in individual packages or portions.

Section 3-314 Consumer Self-service Operations

- A. Unpackaged or unwrapped raw animal food, such as beef, lamb, pork, poultry and fish that is not whole (i.e. fillets, gutted, decapitated, etc.) shall not be offered for consumer self-service.

This does not apply to consumer self-service of:

1. Ready-to-eat foods at buffets or salad bars, including Retail Food Establishments that serve food such as sushi or raw shellfish; or
 2. Ready-to-cook individual portions for immediate cooking and consumption on the premises such as consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue.
- B. Whole fresh fish, whole fresh-frozen fish, whole crustacea, and unshucked shellfish may be offered for consumer self-service. The display must comply with section 3-312 of this regulation.

Section 3-315 Reservice

Once served to a consumer, portions of leftover food shall not be served again except that packaged food, other than potentially hazardous food, that is still in an unopened package and is still in sound condition, may be re-served.

Part 3-4 Destruction of Organisms of Public Health Concern

Section 3-401 Temperature

- A. The temperature of potentially hazardous foods shall be forty-one degrees Fahrenheit (41° F) (5 °C) or below or one hundred thirty-five degrees Fahrenheit (135° F) (57 °C) or above, at all times except during necessary periods of preparation or as otherwise provided in this code.
- B. Equipment for cooling, heating and holding food, cold and hot, shall be sufficient in number and capacity to provide required food temperatures.
- C. Fluid milk and milk products, molluscan shellstock, and shell eggs may be received at their respective temperatures according to laws governing their distribution.

Section 3-402 Cooking Potentially Hazardous Foods

Unless otherwise ordered by the immediate consumer, potentially hazardous foods processed within the retail food establishment shall be cooked to a uniform internal temperature of one hundred forty degrees Fahrenheit (140° F) (60° C), except that:

- A. Poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat or poultry shall be cooked to a uniform internal temperature of at least one hundred sixty-five degrees Fahrenheit (165° F) (74° C) for fifteen (15) seconds.
- B. Rare roast beef and rare beef steak shall be cooked to a uniform internal temperature of at least one hundred thirty degrees Fahrenheit (130° F) (55° C) for fifteen (15) seconds.
- C. Eggs, fish, pork and lamb shall be cooked to a uniform internal temperature of one hundred forty-five degrees Fahrenheit (145° F) (63 °C) for fifteen (15) seconds.
- D. Ground beef shall be cooked to a uniform internal temperature of one hundred forty-five degrees Fahrenheit (145° F) (63 °C) for three (3) minutes, or one hundred fifty degrees Fahrenheit (150° F) (66° C) for one (1) minute, or one hundred fifty-five degrees Fahrenheit (155° F) (68° C) for fifteen (15) seconds, or to one hundred fifty-eight degrees Fahrenheit (158° F) (70° C) for less than one (1) second.
- E. Game animals shall be cooked to a uniform internal temperature of one hundred fifty-five degrees Fahrenheit (155° F) (68 °C) for fifteen (15) seconds.

- F. Comminuted fish, meat and game animals shall be cooked to a uniform internal temperature of one hundred fifty-five degrees Fahrenheit (155° F) (68° C) for fifteen (15) seconds.
- G. Raw animal foods cooked in a microwave oven shall be:
 - 1. Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
 - 2. Covered to retain surface moisture;
 - 3. Heated to a temperature of at least one hundred sixty-five degrees Fahrenheit (165° F) (74 °C) in all parts of the food; and
 - 4. Allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.
- H. Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of one hundred thirty-five degrees Fahrenheit (135° F) (57° C).

Section 3-403 Reheating

- A. Food warmers and other hot food holding units shall not be used to reheat potentially hazardous foods unless the equipment is specifically designed for that purpose.

If a retail food establishment proposes to use equipment for reheating that is not designed for reheating, written procedures documenting use must be approved by the Manager.

- B. Except as specified under paragraphs C and D of this section, potentially hazardous foods that have been cooked and then refrigerated shall be rapidly reheated within two hours to a uniform internal temperature of one hundred sixty-five degrees Fahrenheit (165° F) (74° C) or higher before being placed in hot food storage holding units which shall maintain product temperature at one hundred thirty-five degrees Fahrenheit (135° F) (57 °C) or above at all times.
- C. Except as specified in paragraph C of this section, food reheated in a microwave oven shall be heated to a uniform internal temperature of at least one hundred sixty-five degrees Fahrenheit (165° F) (74 °C) and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.
- D. Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a uniform internal temperature of at least one hundred thirty-five degrees Fahrenheit (135° F) (57° C) for hot holding.
- E. Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

Part 3-5 Limitation of Growth of Organisms of Public Health Concern

Section 3-501 Thawing

Potentially hazardous foods shall be thawed:

- A. Under refrigeration or conditions that maintain the food temperature at forty-one degrees Fahrenheit (41° F) (5 °C) or below;

- B. Completely submerged under running water:
 - 1. At a water temperature of seventy degrees Fahrenheit (70° F) (21° C) or below, and
 - 2. with sufficient water velocity to agitate and float off loose particles in an overflow, and
 - 3. for a period of time that does not allow thawed portions of food to rise above forty-one degrees Fahrenheit (41° F) (5° C) for more than four (4) hours;
- C. In a microwave oven only when the food will be immediately transferred to a conventional cooking process as part of a continuous operation, or when the entire, uninterrupted cooking process takes place in the microwave oven, or returned immediately to cold storage;
- D. Under conditions that does not allow any portions of the food to be above forty-one degrees Fahrenheit (41° F) (5° C); or
- E. As part of the conventional cooking process.

Section 3-502 Cooling

Cooked potentially hazardous food shall be cooled from one hundred thirty-five degrees Fahrenheit (135° F) (57° C) to seventy degrees Fahrenheit (70° F) (21° C), or below, within two (2) hours; and from seventy degrees Fahrenheit (70° F) (21° C) to forty-one degrees Fahrenheit (41° F) (5° C), or below, within four (4) hours.

Potentially hazardous food that has been prepared from ingredients at ambient temperature, such as reconstituted milk and canned products, shall be cooled to forty-one degrees Fahrenheit (41° F) (5° C), or below, within four (4) hours.

Fluid milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to forty-one degrees Fahrenheit (41° F) (5° C) or below within four (4) hours.

Section 3-503 Cooling Methods

Cooling shall be accomplished as required in Section 3-502 of these regulations, by using one or more of the following methods based on the type of food being cooled:

- A. Placing the food in shallow pans;
- B. Separating the food into smaller or thinner portions;
- C. Using rapid cooling equipment;
- D. Stirring the food in a container placed in an ice water bath;
- E. Using containers that facilitate heat transfer;
- F. Adding ice as an ingredient; or
- G. Other effective methods that meet the requirements of section 3-502 of these regulations.

When using food containers to cool food, food shall be arranged in the container to provide maximum heat transfer through the container walls; and loosely covered, or uncovered if protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food.

Section 3-504 Time as a Public Health Control

Time only, rather than time in conjunction with temperature, may be used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, if:

- A. The food is marked or, otherwise identified, with the time within which it shall be cooked, served, or discarded;
- B. The food is served or discarded within four (4) hours from the point in time at which the food was removed from temperature control;
- C. Food in unmarked containers or packages, or for which the time expires, is discarded; and
- D. Written procedures approved by the Manager that ensure compliance with paragraphs A-C of this section are maintained in the establishment and made available to the regulatory authority upon request.
- E. In a retail food establishment that serves a highly susceptible population, both time and temperature shall be used as a public health control for raw eggs.

Section 3-505 Modified Atmosphere Packaging, Criteria

- A. A retail food establishment that packages food using a modified atmosphere packaging method shall have an approved HACCP plan that contains the information specified and that:
 - 1. Identifies the food to be packaged;
 - 2. limits the food packaged to a food that does not support the growth of Clostridium botulinum because it:
 - a. Has an aw of ninety-one one hundredths (0.91) or less,
 - b. Has a pH of four and six tenths (4.6) or less,
 - c. Is a meat product cured at a processing plant regulated by the U.S. Manager of Agriculture using a combination of nitrites, nitrates, and salt that at the time of processing consists of one hundred twenty milligrams per liter (120 mg/L) or higher concentration of sodium nitrite and brine concentration of at least three and one half percent (3.50%) and is received in an intact package, or
 - d. Is a food with a high level of competing organisms such as raw meat or raw poultry.
 - 3. Specifies methods for maintaining food at forty-one degrees Fahrenheit (41° F) (5° C) or below;
 - 4. Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background, with instructions to:
 - a. Maintain the food at forty-one degrees Fahrenheit (41° F) (5° C) or below, and
 - b. Discard the food if not consumed within fourteen (14) calendar days of its packaging.
 - 5. Limits the refrigerated shelf life to no more than fourteen (14) calendar days from packaging to consumption, or the original manufacturer's "sell by" or "use by" date, whichever occurs first;

6. Includes operational procedures that:
 - a. Minimize handling of food with bare hands,
 - b. Identify a designated area and the method by which:
 - i) Physical barriers or methods of separation of raw foods of animal origin and ready-to-eat foods minimize cross-contamination, and
 - ii) Access to the processing equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation, and
 - iii) Delineate cleaning and sanitization procedures for food-contact surfaces;
 7. Describes the training program that assures the individual responsible for the modified atmosphere packaging operation understands the:
 - a. Concepts required for a safe operation,
 - b. Equipment and facilities, and
 - c. Procedures specified in paragraph A.6 of this section.
- B. Except for fish that is frozen before, during and after packaging, a food establishment may not package fish using a modified atmosphere packaging method.

Part 3-6 On-Premises Labeling

Section 3-601 Labeling

- A. When voluntary code date information appears on a retail food establishment or manufacturers' label, it shall not be concealed or altered.
- B. Bulk food available for consumer self-dispensing shall be prominently labeled according to section 25-4-1301et seq, CRS.
- C. If an unpackaged non-bulk food product is manufactured on site and sold at the site where it was manufactured or sold over the counter at a different site, no labeling is required.

However, an ingredient label shall be made available upon request.

If the product is distributed at a location different from the manufacturing site, as a prepackaged item, it must be labeled in accordance with section 25-5-419, CRS and all labeling regulations authorized therein.

- D. A food ingredient, such as flour, sugar, salt, spices, baking powder, cooking oil or vinegar, that is not stored in the original package and is not readily identifiable on sight, shall be stored in a container identifying it by a common name.

Section 3-602 Special Requirements for Highly Susceptible Populations

The following foods may not be served or offered for sale in a ready-to-eat form to persons in a highly susceptible population:

- A. Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare;
- B. A partially cooked animal food such as lightly cooked fish, rare meat, soft cooked eggs that are made from raw shell eggs and meringue;
- C. Raw seed sprouts; and
- D. Juice that is not pasteurized or treated under an HACCP plan as specified in 21 CFR §120.24, (2003), or contains a warning label as specified in Section 3-211.B of these regulations.

CHAPTER 4-Warewashing, Equipment, Utensils, and Linens

Part 4-1 Materials for Construction and Repair

Section 4-101 General

All equipment, utensils and single-service articles shall be fabricated with safe materials; be of commercial design, that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program or a design approved by the manager; fabricated for durability under conditions of normal use; and resistant to denting, buckling, pitting, chipping, and crazing.

Equipment, utensils, and single-service articles shall not impart odor, color, or taste, nor in any manner contribute to the contamination of food.

Equipment and utensils shall be repaired with safe materials and maintained in good repair to comply with the requirements of this code.

Equipment that was installed in a retail food establishment prior to the effective date of these regulations, and that does not fully meet all the design and fabrication requirements of this section, shall be deemed acceptable in the establishment if it is in good repair, capable of being maintained in a sanitary condition, and constructed of nontoxic materials. This allowance does not apply to domestic refrigeration units being used for the cooling or cold holding of potentially hazardous foods.

Replacement equipment and new equipment acquired after the effective date of these regulations shall meet the requirements of these regulations.

Section 4-102 Equipment Requirements

All retail food establishments shall have at a minimum:

Equipment and utensil washing facilities installed and operated in accordance with section 4-403 of these regulations;

hand washing lavatory (ies) accessible to employees involved in food preparation and equipment and utensil washing in accordance with section 5-207 of these regulations;

and a utility facility in accordance with section 5-210 of these regulations.

Part 4-2 Design and Construction

Section 4-201 Food Contact Surfaces

Multi-use food-contact surfaces shall be smooth; free of breaks, open seams, cracks, chips, pits, and similar imperfections; free of sharp internal angles, corners, and crevices; finishes to have smooth welds and joints; and accessible for cleaning and inspection by one of the following methods:

- A. Without being disassembled,
- B. By disassembly without the use of tools, or
- C. By easy disassembly with the use of only simple tools, such as mallets, screwdrivers, or wrenches; that are kept in a readily accessible location near the equipment.

Section 4-202 Use Limitations

- A. Cast iron may only be used as a cooking surface, which can include use in the service of food when used in an uninterrupted process from cooking through service.
- B. Ceramic, china, crystal utensils, and decorative utensils, such as hand-painted ceramic or china, that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

UTENSIL	DESCRIPTION	MAXIMUM LEAD mg/L
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls>1.1 L (1.16 QT)	1
Small Hollowware	Bowls<1.1 L (1.16 QT)	2.0
Flat Utensils	Plates, Saucers	3.0

- C. Copper and copper alloys, such as brass, may not be used in contact with food that has a pH below six (6) (e.g. vinegar, fruit juice, wine, etc.) or used for a fitting or tubing installed between a back flow prevention device and a carbonator.

Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below six (6) in the pre-fermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.

- D. Enamelware is prohibited for any food-contact surface.
- E. Galvanized metal may not be used to fabricate food-contact surfaces of equipment that is used for beverages, moist food, or hygroscopic food.
- F. Clean linens and napkins may be used to line containers used for the service of foods, if the linens and napkins are replaced each time the container is refilled for a new consumer.
- G. Clean cloth gloves may be used in direct contact with food that will be subsequently cooked as required under Part 3-4 of these regulations, such as frozen food or a primal cut of meat.
- H. Pewter may not be used as a food-contact surface.
- I. Solder and flux containing lead in excess of two tenths percent (0.2%), and cadmium, antimony, bismuth, or other toxic chemicals may not be used on surfaces that contact food.

- J. Except as specified in sub-paragraphs 1, 2, and 3 of this section, wood and wicker may not be used as a food-contact surface.
1. Hard maple or an equivalently hard, close-grained, non-absorbent wood, provided it is not cracked, pitted or uncleanable, may be used for:
 - a. Cutting boards, cutting blocks, bakers' tables, bagel boards, and utensils such as rolling pins, doughnut dowels, salad bowls, pizza paddles, and chopsticks; and
 - b. Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of two hundred thirty degrees Fahrenheit (230 °F) (110° C) or above.
 2. Whole, uncut, raw fruits and vegetables, and nuts in the shell may be kept in the original wood or wicker containers until the fruits, vegetables, or nuts are used.
 3. If the nature of the food requires removal of rinds, peels, husks or shells before consumption. The whole uncut, raw food may be kept in untreated wood or wicker containers; or treated wood containers if the containers are treated with a preservative that meets the requirements specified in Preservatives for Wood, 21 CFR § 178.3800.
- K. Cutting surfaces that are scratched and scored must be resurfaced so as to be easily cleaned, or be discarded when these surfaces can no longer be effectively cleaned and sanitized.
- L. Newspapers, cloth, paper, cardboard, towels, contact paper, foil, oil cloth, or similar materials shall not be used as liners for shelves, drawers, or drain boards.
- M. Wrapping of utensils or equipment handles with absorbent or difficult-to-clean material, such as string, wire or tape shall not be allowed.

Section 4-203 Nonfood-Contact Surfaces

Nonfood-contact surfaces shall be constructed of approved materials, in good repair, and be easily maintained in a clean and sanitary condition.

- A. In new or extensively remodeled retail food establishments, wood interior construction in walk-in cooler and freezer units shall be prohibited.
- B. Unfinished wood is not acceptable in food preparation, equipment or warewashing, or food storage areas other than those areas used solely as dry food storage areas.
- C. Surfaces of equipment or other areas which are exposed to splash, food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, durable, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning.
- D. Wicker and wicker-like materials, in good repair can be used for service and display of prepackaged food.

Service of bread or rolls in wicker or wicker-like materials is permissible if lined with dry linens or napkins which are replaced each time the container is refilled for a new customer.

Section 4-204 Clean in Place (CIP) Equipment

CIP equipment shall meet the characteristics of food-contact surfaces and shall be designed and constructed so that cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.

CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

Section 4-205 “V” Threads, Use Limitation

“V” type threads may not be used on food-contact surfaces, except for hot-oil cooking or filtering equipment.

Section 4-206 Hot-Oil Filtering Equipment

Hot-oil filtering equipment shall meet the characteristics specified under food-contact surfaces, section 4-201 of these regulations or CIP equipment, section 4-204 of these regulations and shall be readily accessible for filter replacement and cleaning of the filter.

Section 4-207 Bearings and Gear boxes, Leak proof

Equipment containing bearings and gears requiring lubricants not made of safe materials shall be designed, constructed and maintained to ensure that the lubricant cannot leak, drip, or be forced into food or onto food- contact surfaces.

Equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces shall be lubricated with materials meeting the requirements of Lubricants, 21 CFR § 178.3570.

Section 4-208 Beverage Tubing, Separation

Beverage tubing and cold-plate beverage cooling devices shall not be installed in contact with stored ice.

This section does not apply to cold plates that are constructed integrally with an ice storage bin.

Section 4-209 Ice Units, Separation of Drains

Liquid waste drain lines may not pass through an ice machine or ice storage bin.

Section 4-210 Condenser Unit, Separation

If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dust-proof barrier.

Section 4-211 Molluscan Shellfish Tanks

1. Molluscan shellfish displayed in crushed ice must be maintained at a temperature throughout the product no higher than forty-one degrees Fahrenheit (41°F).
2. Molluscan shellfish displayed in live holding systems shall be protected from contamination by:
 1. Using an FDA approved source for seawater placed in the system; or
 2. Using a commercial mix for artificial seawater mixed with potable drinking water; and
 3. Completely separating mollusks from crustaceans or fish; and
 4. Maintaining the living holding system to insure:
 - a. Mollusks are culled daily to remove dead or weakened animals; and
 - b. Unit is maintained, clean, and in good operation; and
 - c. Self-service utensils are maintained, clean and in accordance with Section 3-306 of these regulations; and
 - d. Water temperature is maintained between forty and sixty degrees Fahrenheit (40-60° F); and
 - e. No more than three pounds (3lbs.) of shellfish for every four (4) gallons of water; and

- f. Backflow prevention devices are installed as required by Denver Building Code; or
5. Using a gravity flow system and/or Ultra-violet disinfection system that is:
 - a. Designed to prevent contaminated water from the crustaceans and fish tanks from coming in contact with the mollusks; and
 - b. Filtered to adequately remove particulate matter and ammonia; and
 - c. Disinfected with ultra-violet or the equivalent to produce coli form free water; and
 - d. Ultra-violet lights are replaced every nine to ten (9-10) months, and extra replacement bulbs are available on premises; and
 6. Water quality shall be maintained and documented as follows:
 - a. Water in the tank(s) shall be tested at least monthly for the presence of coli form bacteria and nitrogen (ammonia); or
 - b. U.V. disinfection system, if used, shall be cleaned, serviced and tested for coliform bacteria every six to eight (6-8) weeks, and
 - c. Testing records shall be available, complete and accurate, and maintained on premises for at least ninety (90) days; and
 - d. A log shall be used to document maintenance, service, and testing, including the daily reading of the water temperature and water salinity for each water filtration system.

Section 4-212 Ventilation and Ventilation Hood Systems

All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

Ventilation systems shall not create an unsightly, harmful, or unlawful discharge.

All ventilation systems shall comply with the requirements of the various Denver Building Codes and the Denver Fire Prevention Bureau.

A. Ventilation Hood Systems

Ventilation hood systems shall be sufficient in number, capacity, and designed and constructed according to the requirements of the various Denver Building Codes and the Denver Fire Prevention Bureau.

Ventilation hood systems and devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces.

Filters or other grease extracting equipment shall be easily removable for cleaning and replacement when not designed for in place cleaning.

B. Special Ventilation

Equipment from which aerosols, obnoxious odors, noxious fumes, or vapors may originate shall be effectively vented to the outside air or vented through an approved ventilation system.

All grease-producing equipment shall be vented through a properly designed ventilation hood and grease collection system.

Condensate-producing equipment may be vented to the outside in mobile units and food establishments through exhaust air ducts or by flow-through ventilation provided no nuisance is created.

1. Intake and exhaust ducts shall be maintained to prevent the entrance of dust, dirt and other contaminating materials.
2. In new or extensively remodeled retail food establishments, all rooms, including restrooms, from which obnoxious odors, vapors, or fumes originate, shall be mechanically vented to the outside unless exempted under paragraph B of this section.

C. Fire Prevention Equipment and Lighting Systems

Fire prevention, extinguishing equipment and lighting systems shall be installed in a ventilation system or hood so as to not create a cleaning problem.

Part 4-3 Location and Installation

Section 4-301 Equipment, and Storage Cabinets, Contamination Prevention.

- A. The storage of cleaned and sanitized equipment, utensils, laundered linens, laundered clothing and single-service and single-use articles, may not be located in locker areas; in toilet rooms and their vestibules; in dressing rooms; in garbage rooms; in mechanical rooms; under water and sewer lines that are not shielded to intercept potential drips; under leaking automatic fire sprinkler heads, or under lines on which water has condensed; under other sources of contamination; or in recycling rooms.
- B. A storage cabinet used for linens or completely packaged single-service or single-use articles may be stored in a locker area.

Section 4-302 Fixed Equipment, Spacing or Sealing

Equipment, including ice makers and ice storage equipment, shall not be located under sewer lines that are not shielded to intercept potential drips or under leaking water lines. Including leaking automatic fire sprinkler heads, or under lines on which water has condensed.

A. Table-Mounted Equipment

1. Table-mounted equipment shall be installed to facilitate the cleaning of the equipment and the adjacent areas.
2. Equipment that is mounted on tables or counters, unless portable, shall be sealed to the table or counter, or elevated on legs to provide at least a four (4) inch (10cm) clearance between the table or counter, except that if no part of the table under the equipment is more than eighteen (18) inches (46 cm) from cleaning access, the clearance space shall be three (3) inches (8 cm) or more; if no part of the table under the equipment is more than three (3) inches (8cm) from cleaning access, the clearance space shall be two (2) inches (5 cm) or more.
3. Equipment is portable within the meaning of section 4-302.A.2 of these regulations if:
 - a. It is small and light enough to be moved easily by one person; or
 - b. Is equipped with a mechanical means of safely tilting the unit for cleaning; and
 - c. It is table-mounted, such as powered mixers, grinder, slicers, tenderizers, and similar equipment; and
 - d. It has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning.

B. Floor-Mounted Equipment.

1. Floor-mounted equipment, unless easily moveable, shall be:
 - a. Sealed to the floor; or
 - b. Elevated on sanitary legs to provide at least a six (6) inch (15 cm) clearance between the floor and equipment, except that equipment may be elevated to provide at least a four (4) inch (10 cm) clearance between the floor and equipment if the floor under the equipment is no more than six (6) inches (15 cm) from cleaning access;
 - c. Display shelving units, display refrigeration units, and display freezer units are exempt from the provisions of Paragraph 1.a and 1.b of this section if they are installed so that the floor beneath the units can be cleaned.
2. Mobility of Equipment. Equipment is easily moveable if:
 - a. It is mounted on commercially designed wheels or casters; and
 - b. It has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.
3. Grease-Use Equipment. Grease-use equipment, in which fats and oils are utilized as the heat transfer agent or which is used in preparation of foods that produce grease, shall be installed to facilitate cleaning around and beneath equipment by means of:
 - a. Rollers or casters with a utility connection that disconnects quickly, or has a flexible utility line of sufficient design and length to permit the equipment to be moved for easy cleaning; or
 - b. Mounted on six (6) inch (15.24 cm) sanitary legs; or
 - c. Cantilever mounted to the wall at least six (6) inches (15.24 cm) above the floor.

C. Space between Adjoining Units

1. The space between adjoining units, and between or above a unit and the adjacent wall or ceiling, shall be closed unless exposed to seepage, in which event it shall be sealed; or sufficient space shall be provided to facilitate easy cleaning between, behind, and beside or above all such equipment. (See Fig. 1 and Fig. 2).
2. Space required between or behind walls or equipment shall be based on the following distances: (See Fig. 1 and Fig. 2)

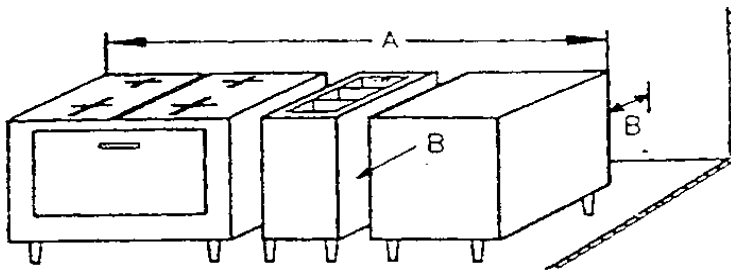


FIGURE 1

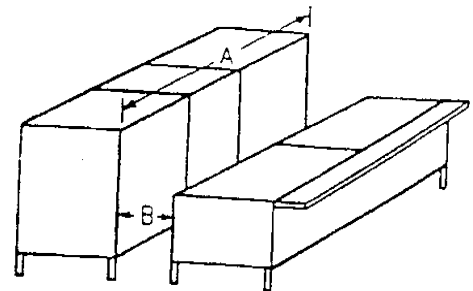


FIGURE 2

- a. When distance "A" is two (2) feet (0.61 M) or less, distance "B" must be at least six (6) inches (15 cm).
 - b. When distance "A" is over two (2) feet (0.61 M) but less than six (6) feet (1.8 M), distance "B" must be at least twelve (12) inches (30 cm).
 - c. When distance "A" is six (6) feet (1.8 M) or more, then distance "B" must be at least eighteen (18) inches (46 cm).
3. When rollers or casters are installed on equipment, the space requirements between adjoining units may not apply.

D. Aisles and Working Spaces.

Aisles and working spaces between units of equipment and between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact.

All easily moveable storage equipment such as dollies, skids, racks, and open-ended pallets shall be positioned to provide accessibility to working areas.

E. Kick Plates, Removable.

Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being removable by one of the methods specified in section 4-201 of these regulations or capable of being rotated open; and removable or capable of being rotated open without unlocking equipment doors.

Part 4-4 Testing Devices-Cleaning Facilities

Section 4-401 Thermometers

Indicating thermometers shall be provided and used.

Thermometers with glass sensors and stems encased in a shatterproof coating may be used.

A food product thermometer shall be cleaned and sanitized before use or storage.

- A. Food product thermometers shall have a numerical scale, printed record, or digital readout in increments no greater than two degrees Fahrenheit (2 ° F) (1°C) and shall be accurate to plus or minus two degrees Fahrenheit (±2° F) (1° C).

Food product thermometers shall be capable and used to determine required food temperature(s).

- B. A temperature measuring device that is capable of measuring the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods such as meat patties and fish fillets, if this type of food is prepared.
- C. Ambient air and warewashing thermometers shall have a numerical scale, printed record, or digital readout in increments no greater than two degrees Fahrenheit (2° F) (1° C) and shall be accurate to plus or minus three degrees Fahrenheit (±3° F) (2°C).
- D. Each mechanically refrigerated and each hot food storage unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer.

Thermometers used to measure the air temperature of cold holding units shall be conspicuously located in the upper one-third of the unit.

Thermometers used to measure the air temperature of hot food storage units shall be conspicuously located in the lower one-third of the unit.

- E. Thermometers shall be calibrated as necessary to ensure their accuracy.
- F. Where it is impractical to install thermometers on equipment, such as heat lamps, calrod units, or insulated food transport carriers, a food product thermometer, as required in part A of this section, shall be available and used to check internal food temperature.

Section 4-402 Sanitizing Solutions, Testing Devices

A test kit or other device that accurately measures the concentration in parts per million (mg/L) of the sanitizing solution shall be available and used.

Section 4-403 Equipment and Utensil Cleaning and Sanitization

A. Manual cleaning and Sanitization

1. Except as specified in paragraph 3 of this section, a sink with at least three compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

Each compartment of the sink shall be supplied with hot and cold potable running water.

2. Sink compartments shall be self-draining and large enough to accommodate immersion of the largest equipment and utensils.

If equipment or utensils are too large for the sink compartments, a warewashing machine or alternative equipment as specified in paragraph 3 of this section shall be used.

3. Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and the regulatory authority has approved the use of the alternative equipment.

Alternative manual warewashing equipment may include high-pressure detergent sprayers; low-or line-pressure spray detergent foamers; other task-specific cleaning equipment; brushes or other implements; and two-compartment sinks as specified under paragraph 4 of this section.

4. A two-compartment sink may be used only if:

- a. The retail food establishment must have its use approved by the regulatory authority; and
- b. The nature of warewashing is limited to batch operations such as between cutting one type of raw meat and another or cleanup at the end of a shift, where the number of items cleaned is limited, and where the cleaning and sanitizing solutions are made up immediately before use and drained immediately after use.

If a detergent sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is not a distinct water rinse between the washing and sanitizing steps, then the detergent-sanitizer shall be approved and used according to the manufacturer's specifications.

- c. A two-compartment sink may not be used for warewashing operations such as where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.
5. In manual warewashing operations, a thermometer shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

The temperature of the wash solution shall be maintained at not less than one hundred ten degrees Fahrenheit (110° F) (43° C) unless a different temperature is specified on the cleaning agent manufacturer's label instructions.

6. Approved self-draining drain boards, or utensil racks large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

Alternate approved methods may be used in lieu of the drain board sizing specified according to the following:

FACILITY	CLEAN DRAINBOARDS	SOILED DRAINBOARDS
Bar Sink	Eighteen Inches (18") (46 cm)	Eighteen Inches (18") (46 cm)
Single Service	Twenty-four Inches (24") (60 cm)	Twenty-four Inches (24") (60 cm)
Multi-use Service	Thirty-six Inches (36") (91 cm)	Thirty-six Inches (36") (91 cm)

7. Equipment and utensils shall be pre-flushed or pre-scraped, and when necessary, pre-soaked to remove gross food particles and soil.
8. When a three-compartment sink is utilized for warewashing, the operation shall be conducted in the following sequence:
 - a. The sinks shall be cleaned and sanitized before use; and
 - b. Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot, not less than one hundred ten degrees Fahrenheit (110° F) (43° C) detergent solution that is kept clean and at a concentration indicated on the manufacturer's label; and
 - c. Equipment and utensils shall be rinsed free of detergent and abrasive with clean water in the second compartment; and
 - d. Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in section 4-403.A.10.b-d of these regulations.
9. When pressure spray methods are utilized for cleaning and sanitizing, the equipment and utensils shall be thoroughly flushed with a detergent-sanitizer solution until the article is free of food particles and soil.

The detergent-sanitizer shall be used in accordance with the manufacturer's instructions and shall be of the type that does not require a potable water rinse when used according to those instructions.

10. The food-contact surfaces of all equipment and utensils shall be sanitized by:
 - a. Immersion for at least one half (½) minute in clean, hot water of a temperature of at least one hundred seventy degrees Fahrenheit (170° F) (77° C); or
 - b. Immersion for at least one (1) minute in a clean solution containing a minimum of fifty (50) parts per million (mg/L) and no more than two hundred (200) parts per million (mg/L) of available chlorine as a hypochlorite and having a temperature of at least seventy-five degrees Fahrenheit (75° F) (24° C); or
 - c. Immersion for at least one (1) minute in a clean solution containing at least twelve and five tenths (12.5) parts per million (mg/L) of available iodine, having a pH range not higher than five (5), unless otherwise certified to be effective by the manufacturer, and at a temperature of at least seventy-five degrees Fahrenheit (75° F) (24° C); or
 - d. Immersion in a clean solution containing a quaternary ammonia product or any other chemical sanitizing agent allowed under Sanitizers, 21 CFR § 178.1010.
 - e. Treatment with steam that is free from materials or additives other than those specified in 21 CFR 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or

- f. Rinsing, spraying, or swabbing with a chemical sanitizing solution containing at least the strength required for that particular sanitizing solution under section 4-403.A.10.b-d of these regulations for equipment too large to sanitize by immersion.

11. When hot water is used for sanitizing, the following equipment shall be provided and used:

- a. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink which is capable of maintaining the water at a temperature of at least one hundred seventy degrees Fahrenheit (170° F) (77°C); and
- b. A numerically-scaled indicating thermometer, accurate to plus or minus three degree Fahrenheit ($\pm 3^\circ$ F) ($\pm 2^\circ$ C), located convenient to the sink for frequent checks of water temperature; and
- c. Utensil racks, baskets, or other appropriate means to permit complete immersion of utensils and equipment in the hot water.

12. Chemicals used for sanitization shall not have concentrations higher than the maximum permitted under Sanitizers, 21 CFR § 178.1010.

B. Mechanical Cleaning and Sanitization

1. Cleaning and sanitizing may be done by spray-type, immersion warewashing or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils.

These machines and devices shall be properly installed and maintained in good repair.

Machines and devices shall be operated in accordance with manufacturer's instructions.

Utensils and equipment placed in the machine shall be exposed to all warewashing cycles.

Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.

2. The pressure of final rinse water supplied to spray-type warewashing machines shall not be less than fifteen (15) pounds per square inch (1.05 kg per sq cm). No more than twenty-five (25) pounds per square inch (1.76 kg per sq cm) measured in the water line immediately upstream from the final rinse control valve.

A one quarter ($\frac{1}{4}$) inch (6.4 millimeters) Iron Pipe Size (IPS) valve shall be provided immediately upstream from the final control valve to permit checking the flow pressure of the final rinse water.

In all new installations, a pressure gauge shall be provided for use with the IPS valve.

This section does not apply to a machine that uses only a pumped sanitizing rinse.

3. Machine or water-line mounted numerically scaled indicating thermometers, accurate to plus or minus three degree Fahrenheit $\pm 3^\circ$ F ($\pm 2^\circ$ C), shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

4. **Rinse water tanks**, shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water.

Conveyors in warewashing machines shall be accurately timed to ensure proper exposure times in wash and rinse cycles in accordance with manufacturer's specifications attached to the machines.

5. **Self-draining drainboards** shall be provided and be large enough to accommodate all soiled and cleaned items.

Drainboards or alternate approved equipment shall not be located and constructed in a manner that interferes with the proper use of the warewashing facilities.

6. Equipment and utensils shall be flushed or scraped and when necessary, soaked to remove gross food particles and soil prior to being washed in a warewashing machine unless a pre-wash cycle is a part of the warewashing machine operation.

Equipment and utensils shall be placed in racks, trays, baskets, or on conveyors, in a way that exposes all food-contact surfaces to be unobstructed application of detergent wash and clean rinse waters, and that permits free draining.

7. **Chemical sanitizing** warewashing machines (single-tank, stationary-tank, door-type machines, and spray-type glass washers) may be used provided that:

- a. The temperature of the wash water shall not be less than one hundred twenty degrees Fahrenheit (120° F) (49° C);
- b. The wash water shall be kept clean; and
- c. Chemicals added for sanitization purposes shall be automatically dispensed; and
- d. Utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration; and
- e. The chemical sanitizing rinse water temperature shall not be less than seventy-five degrees Fahrenheit (75° F) (24° C) nor less than the temperature specified by the machine's manufacturer; and
- f. Chemical sanitizers shall be approved by the Manager.

8. **Hot water sanitizing** warewashing machines may be used, provided that wash water and pumped rinse water is kept clean, and water is maintained at not less than the temperatures stated in this section, 4-403.B.8.a-e of these regulations.

Final rinse temperature refers to the temperature of the water at the entrance of the manifold.

Achieving a utensil and/or equipment surface temperature of one hundred sixty degrees Fahrenheit (160° F) (71° C) is an acceptable means of testing the sanitization process of a hot water sanitizing warewashing machine.

- a. Single-tank, stationary-rack, dual-temperature machines:
Wash temperature 150° F (66° C)
Final rinse temperature 180° F (83° C)
- b. Single-tank, stationary-rack, single-temperature machine:
Wash temperature 165° F (74° C)
Final rinse temperature 165° F (74° C)
- c. Single-tank, conveyor machine:
Wash temperature 160° F (72° C)
Final rinse temperature 180° F (83° C)
- d. Multi-tank, conveyor machine:
Wash temperature 150° F (66° C)
Pumped rinse temperature 160° F (72° C)
Final rinse temperature 180° F (83° C)

- e. Single-tank, pot, pan, and utensil washer (either stationary or moving rack):

Wash temperature	140° F (60° C)
Final rinse temperature	180° F (83° C)
- 9. All warewashing machines shall be thoroughly cleaned daily and as needed to maintain them in a satisfactory operating condition.
- 10. A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine which includes:
 - a. Temperatures required for washing, rinsing, and sanitizing;
 - b. Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse;
 - c. Conveyor speed required for conveyor machines or cycle time required for stationary-rack machines; and
 - d. Required type and concentration of sanitizing solutions.

C. Drying

Unless used immediately after sanitization, all equipment and utensils shall be air-dried.

Towel drying shall not be permitted.

Utensils that have been air-dried may be polished with cloths, which are maintained clean and dry.

Section 4-404 Food Establishments without Cleaning Facilities

Retail food establishments that do not have facilities for proper cleaning and sanitizing of utensils and equipment shall not prepare food, package food, or dispense unpackaged food other than whole, uncut raw fruits, raw vegetables, and whole nuts in the shell.

Section 4-405 Food-Contact Surfaces of Equipment and Utensils

- A. Utensils and food-contact surfaces of equipment shall be cleaned and sanitized:
 - 1. Except as specified in paragraph B of this section, before each use with a different type of raw animal food, such as beef, fish, lamb, pork, or poultry;
 - 2. Each time there is a change from working with raw animal foods to working with ready-to-eat foods;
 - 3. Between uses with raw fruits or vegetables and with potentially hazardous food;
 - 4. At any time during the operation when contamination may have occurred; and
 - 5. After final use each working day.
- B. Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be cleaned and sanitized at intervals not to exceed four (4) hours.

In refrigerated rooms held at forty-one degrees Fahrenheit (41° F) (5° C) or below, an operational cleaning schedule created by the establishment, which is found acceptable by the Manager, may be used.

- C. The food-contact surfaces of cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once each twenty-four (24) hours of use.

This shall not apply to hot-oil cooking equipment and hot-oil filtering systems.

The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

Section 4-406 Nonfood-Contact Surfaces

Nonfood-contact surfaces of equipment, including transport vehicles, shall be cleaned as often as necessary to keep the equipment free from the accumulation of dust, dirt, food particles, and other debris.

Section 4-407 Dry Equipment Cleaning Methods

Dry equipment cleaning methods, such as brushing, scraping, and vacuuming shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous; this cleaning equipment shall not be used for any other purpose.

Part 4-5 Laundry Facilities

- A. If provided, laundry facilities shall be restricted to the washing and drying of linens and work clothes used in the operation.

If such items are laundered on the premises, and electric or gas dryer shall be provided and used, except that it is not necessary to provide an electric or gas clothes dryer given that:

1. On-premise laundering is limited to wiping cloths intended to be used moist, and
2. The laundered wiping cloths are stored in an approved sanitizing solution; or
3. The laundered wiping cloths are air-dried in a laundry room or other approved locations

- B. Laundry facilities shall not be located in food preparation areas.

If located in food storage areas, it shall be operated in a manner that prevents the contamination of food, equipment, utensils, linens, single-service and single-use articles and wiping cloths.

- C. Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags.

Soiled linens shall be stored and transported to prevent contamination of food, clean equipment, clean utensils, single-service and single-use articles.

Part 4-6 Equipment and Utensil Handling and Storage

Section 4-601 Equipment and Utensil Storage

- A. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

Spoons, knives and forks shall be touched only by their handles.

Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

- B. Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches (15.24 cm) above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means.

The food-contact surfaces of fixed equipment shall also be protected from contamination.

Equipment and utensils shall not be placed under sewer lines or water lines that are not protected to intercept potential drips, including leaking automatic fire protection sprinkler heads, or under lines on which water has condensed.

- C. Utensils shall be air-dried before being stored or shall be stored in a self-draining position.
- D. Glasses and cups shall be stored inverted.

Other stored utensils shall be covered or inverted, wherever practical.

Facilities for the storage of knives, forks and spoons shall be designed and used to present the handle to the employee or consumer.

Unless tableware is pre-wrapped, holders for knives, forks and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.

Section 4-602 Single-Service and Single-Use Articles

- A. Single-service articles shall be stored at least six (6) inches (15.24 cm) above the floor in closed cartons or containers, which protect them from contamination.

They shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

- B. Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces, which may come in contact with food or with the mouth of the user.
- C. Single-service knives, forks, and spoons packaged in bulk shall be inserted into holders or be wrapped by employees who have washed their hands immediately prior to sorting or wrapping the utensils.

Unless single-service knives, forks, and spoons are pre-wrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

- D. Single-service and single-use articles may not be reused.
- E. Mollusk and crustacea shells may not be used more than once as serving containers.

Section 4-603 Preset Tableware

Tableware may be preset if it is protected from contamination by being wrapped, covered or inverted; it is exposed and unused settings are removed when a consumer is seated; or it is exposed and unused settings are cleaned and sanitized before further use, if the settings are not removed when the customer is seated.

CHAPTER 5-Water, Plumbing, and Waste

Part 5-1 Water Supply

Section 5-101 General

Adequate, uncontaminated, safe potable water for the needs of the retail food establishment shall be provided from a source constructed, maintained, and operated according to law.

Section 5-102 System Flushing and Disinfection

A drinking water system shall be flushed and disinfected before being placed in service after construction, repair, or modification after an emergency situation, such as a flood, that may introduce contaminants to the system.

Section 5-103 Bottled Drinking Water

Bottled drinking water used or sold in a retail food establishment shall be obtained from approved sources in accordance with Processing and Bottling of Bottled Water, 21 CFR § 129.

Section 5-104 Transportation

All potable water not provided directly by pipe to the retail food establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system.

Both of these systems shall be constructed and operated according to law.

Section 5-105 Non-Potable Water

A non-potable water system is permitted for air conditioning, equipment cooling, and fire protection, and shall be installed according to law.

Non-potable water shall not directly or indirectly contact food or equipment or utensils that contact food.

The piping of any non-potable water system shall be identified so that it is readily distinguishable from piping that carries potable water.

Section 5-106 Pressure and Temperature

Water under pressure of at least fifteen (15) pounds per square inch (psi) (1.05 kg per sq. cm) at the required temperature shall be provided to all fixtures and equipment that use water.

Section 5-107 Hot Water

Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the retail food establishment.

Section 5-108 Steam

Steam used in contact with food or food-contact surfaces shall be free from any unsafe materials or additives not listed in Specific Usage Additives, 21 CFR § 173.310.

Part 5-2 Plumbing System

Section 5-201 General

Plumbing shall be sized, installed, and maintained in accordance with the Denver Building Code.

There shall be no cross-connection between the potable water supply and any non-potable water supply, nor any sources of contamination.

Plumbing shall be designed and constructed according to the Denver Building Code.

Section 5-202 Backflow

A. General.

The potable water system shall be installed to preclude the possibility of backflow.

Devices as required by the Denver Building Code shall be installed to protect against backflow at all fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's flood level rim.

No hose shall be attached to a faucet that is not equipped with a backflow prevention device. An adequate backflow prevention device shall be installed so that it can be serviced and maintained.

B. Backflow Prevention Device, Carbonator

The potable water supply to the carbonated beverage dispensers shall be protected from backflow by at least one of the following methods:

1. An approved air gap; or
2. A vented and screened dual check valve constructed of stainless steel or other material impervious to attack by carbonated water, specifically designed to control the backflow of carbonated water from a soda carbonator, and installed downstream of any copper or copper alloy pipe or fixture; or
3. A reduced pressure zone backflow prevention assembly constructed of stainless steel or other material impervious to attack by carbonated water.

Section 5-203 Conditioning Device Design

A water filter, screen, and other water-conditioning device installed on water lines shall be designed and located to facilitate disassembly for periodic servicing and cleaning.

A water filter element shall be of the replaceable type.

Section 5-204 Grease Trap/Grease Interceptor

If a grease trap or grease interceptor is required by the Denver Wastewater Management Division, those construction, design, and installation requirements shall apply.

When installed inside the establishment, a grease trap or grease interceptor shall be located away from the food preparation area, easily accessible for cleaning.

Section 5-205 Garbage Grinders

In new or extensively remodeled retail food establishments, garbage grinders and/or disposers, if used, shall be installed at the ware washing or food preparation sink, ware washing machine, or as an isolated unit.

The installation will be approved under the following conditions:

- A. Shall not be installed in the basin of a sink;
- B. Shall be directly connected to the sanitary sewer; or
- C. If installed in the drain board of a food preparation sink, the drain board shall be equipped with an indirectly drained scupper/scrap basket or similar device to prevent contamination of food-contact surfaces.

A second approved eighteen (18") (46 cm) inches self-draining drain board or alternate approved methods shall be provided to prevent cross-contamination of food.

Section 5-206 Drainage of Equipment

- A. Ware washing machines, refrigerators, warewashing sinks, food/vegetable preparation sinks, steam kettles, potato peelers, ice bins, ice machines, and similar types of equipment in which food, portable equipment or utensils are placed shall be indirectly connected to the waste line and shall drain into an approved receptor of such size, shape, and capacity to prevent splashing or flooding.

The receptor shall be readily accessible for cleaning and inspection.

Waste lines on warewashing machines located within five (5) (1.5 M) feet of a floor drain may be directly connected on the inlet side of the properly vented floor drain trap, provided the floor drain does not have a back-water valve (see Figure 3).

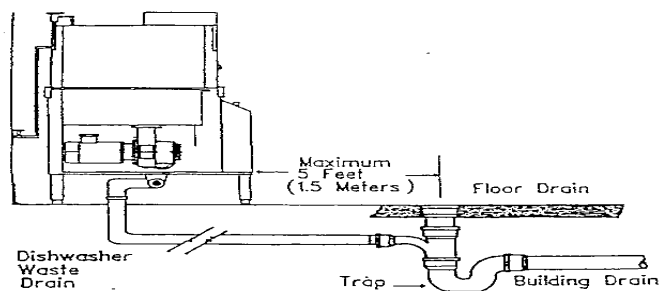


Figure 3

Ware washing sinks installed in new or extensively remodeled establishments may be directly connected to the plumbing waste system. Provided there is a floor drain or floor sink installed within five (5)(1.5 M) feet immediately downstream of the sink waste line and no other fixtures are connected to the waste line (see Figure 4).

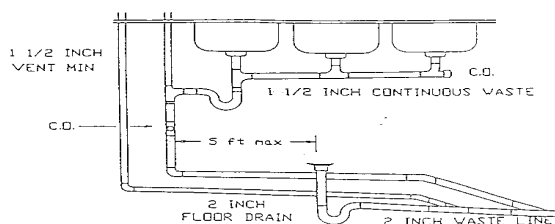


Figure 4

- B. In new or extensively remodeled retail food establishments, each walk-in refrigerator used for iced products, hanging meats or which requires flushing, shall either be equipped with a floor drain, installed only with indirect waste and discharged through an air gap into an approved receptor or constructed so all parts of the floor of such walk-in refrigerator shall be graded to drain to the outside of the refrigerator through a waste pipe, doorway or other opening.

Section 5-207 Drainage System Installation

Drain lines from equipment shall not discharge waste water in a manner that permits the flooding of floors, or the flowing of water across working or walking areas, or into difficult-to-clean areas that create a nuisance.

Section 5-208 Hand washing Lavatory, Water Temperature, and Flow

A. **Fixtures.** The number of fixtures shall comply with the requirements of the Denver Building Code.

B. Accessibility.

Hand sinks shall be conveniently located and unobstructed for employees involved in food and utensil handling.

Hand sinks shall be accessible to employees at all times and used only for handwashing.

Sinks used for food preparation or for washing equipment shall not be used for handwashing.

C. Hand sink Faucets.

Each hand sink shall be provided with hot water, a minimum of ninety degree Fahrenheit (90° F) (35° C), and cold water tempered by means of a mixing valve or combination faucet.

Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least twenty (20) seconds without the need to reactivate the faucet.

Steam mixing valves are prohibited at hand sinks.

D. Hand Cleansing Soap.

A supply of hand-cleansing soap or detergent shall be available at each hand sink.

A supply of dispensed sanitary towels, disposable towels, or a hand-drying device providing heated air shall be conveniently located near each hand sink.

Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand sink

E. Dispensers and Drying Devices.

Hand sink soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

Section 5-209 Toilets and Urinals

A. Toilet facilities shall be installed according to the various Denver Building Codes, shall be the number required by the various Denver Building Codes, shall be conveniently located, and shall be accessible to employees and patrons.

B. Retail food establishments with no space on the premises for consumption of food by patrons are required to provide toilet facilities only for employees.

Patron facilities shall be available where parking is provided primarily for consumption of food on the premise.

In all new or extensively remodeled retail food establishments where parking is provided primarily for consumption of food on the premise, the number of necessary fixtures shall comply with the minimum plumbing fixtures required by the various Denver Building Codes.

C. Employees and patrons may use the same toilet facility provided that patrons have access to them without entering the food preparation, food storage, or warewashing or utensil storage areas of the establishment.

- D. Public toilets in multiple activity areas such as shopping centers, sports centers, etc., may suffice for the use of retail food establishment patrons and employees.

If fixtures are provided in adequate numbers conveniently located to the retail food establishment and available at all times the retail food establishment is in operation.

- E. Toilet facilities, including toilet fixtures and any related vestibules, shall be kept clean and in good repair.

A supply of toilet tissue in a permanently mounted dispenser shall be provided at each toilet at all times.

Easily cleanable receptacles shall be provided for waste materials.

Receptacles shall be emptied at least once a day and more frequently when necessary to prevent excessive accumulation of waste material.

Section 5-210 Utility Facility

In a new or extensively remodeled retail food establishments, at least one conveniently located utility sink or curbed cleaning facility with a floor drain and hot and cold water and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes shall be provided.

The use of hand washing lavatories, warewashing, or food preparation sinks for this purpose is prohibited.

A utility sink cannot be used for handwashing in new or extensively remodeled retail food establishments.

Suitable cleaning equipment and supplies, such as high pressure pumps, hot water, steam, and detergent, shall be provided as necessary for effective cleaning of equipment and receptacles for refuse, recyclables, and returnables.

If approved by the Manager, off-premise cleaning services may be used.

Section 5-211 Sewage

All sewage shall be disposed of by a sewage disposal system constructed, maintained and operated according to law.

Section 5-212 Water Reservoir of Fogging Devices, Cleaning

- A. A reservoir used to supply water to a device, such as a produce fogger shall be installed and maintained in accordance manufacturer's specifications; and cleaned in accordance with manufacturer's specifications or according to the procedure specified in paragraph B of this section, whichever is more stringent.
- B. Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:
1. Draining and complete disassembly of the water and aerosol contact parts;
 2. Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution;
 3. Flushing the complete system with water to remove the detergent solution and particulate accumulation; and
 4. Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty (50) parts per million (ppm) (mg/L) hypochlorite solution.

Part 5-3 Refuse, Recyclables, and Returnables

Section 5-301 Containers

- A. Garbage and refuse shall be held in durable, easily cleanable containers that do not leak and do not absorb liquids.

Plastic bags and/or wet strength paper bags shall be used to line these containers.

Such bags and durable plastic garbage and refuse containers shall be used for storage inside the retail food establishment.

- B. Containers stored in food preparation and utensil washing areas shall be emptied when full.
- C. Containers stored outside the food establishment, including dumpsters, compactors, and compactor systems, shall be easily cleanable, shall be insect and rodent-proof, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use.

Containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

- D. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.
- E. Soiled containers, including dumpsters, compactors, and compactor systems, shall be cleaned at a frequency to prevent insect and rodent attraction.

Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas.

Suitable facilities, detergent, and hot water or steam, shall be provided and used for cleaning containers.

Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

Section 5-302 Storage

- A. Garbage and refuse, on the premises, shall be stored in a manner to be inaccessible to insects and rodents.

Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers provided such materials do not create a nuisance.

- B. Garbage or refuse storage rooms and recycling areas, if provided, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, and shall be insect and rodent resistant.

These areas shall be large enough to store all garbage and refuse containers.

- C. Outside storage areas or enclosures, if provided, shall be kept clean and shall be large enough to store all the garbage and refuse containers.

Garbage and refuse containers, dumpsters, and compactor systems located outside, shall be stored on a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

Section 5-303 Disposal

Garbage, refuse, and recycle materials shall be removed often enough to prevent the development of objectionable odors and the attraction of insects and rodents.

Where garbage or refuse is burned on the premises, it shall be done by controlled incineration in accordance with the law.

Areas around incineration units shall be kept clean and orderly.

Section 5-304 Storage Areas, Redeeming Machines, Equipment, and Receptacles, Location

- A. An area designated for refuse, recyclables, returnables and a redeeming machine for recyclables or returnables, except as specified in Paragraph B of this section, shall be located separate from food, equipment, utensils, linens, and single-service and single-use articles, and a public health nuisance is not created.
- B. A redeeming machine may be located in the packaged food storage area or consumer area of a retail food establishment if food, equipment, utensils, linens, and single-service and single-use articles are not subject to contamination from the machines and a public health nuisance is not created.
- C. The location of equipment and receptacles for refuse, recyclables and returnables may not create a public health nuisance or interfere with the cleaning of adjacent space.

CHAPTER 6-Physical Facilities

Part 6-1 Floors

Section 6-101 Floor Construction

Floors and floor coverings in all food preparation, food storage, warewashing areas, walk-in refrigeration units, dressing rooms, locker rooms, utility sink areas, toilet rooms, garbage rooms, and around permanently installed buffets, salad bars and soft drink dispensers shall be constructed of smooth, durable, nonabsorbent, light colored material and shall be maintained in good repair.

Areas subject to spilling or dripping of grease or fatty substances shall be of grease-resistant material.

Nothing in this section shall prohibit the use of anti-slip floor coverings in areas where necessary for safety reasons.

Floors which are water flushed or which receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, shall be provided with properly installed trapped drains and graded to drain.

In all new establishments, floor drains and floor sinks shall be installed to be accessible for cleaning.

Section 6-102 Floor Carpeting

Carpeting, if used as a floor covering, shall be of closely-woven construction, properly installed, easily cleanable, and maintained in good repair.

Carpeting shall not be used in food preparation, warewashing, food storage, utility sink areas, or in toilet room areas where urinals or fixtures are located.

Carpeting is permitted in the retail sales area provided it is maintained in good repair and kept clean.

Section 6-103 Utility Line Installation

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor.

In all new or extensively remodeled food establishments, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

Section 6-104 Floor Junctures

All floors installed in food preparation, food storage and warewashing areas, and in walk-in refrigerators, dressing or locker rooms, utility sink areas, and toilet rooms, shall provide a coved juncture between the floor and wall.

In all cases, the juncture between the floor and wall shall be closed and sealed.

Section 6-105 Prohibited Floor Covering

Cardboard, newspapers, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors.

Section 6-106 Mats and Duckboards

Mats and duckboards shall be designed to be removable, easily cleanable, and maintained in good repair.

Part 6-2 Walls and Ceilings

Section 6-201 Construction

Walls, wall coverings, and ceilings shall be designed, constructed and installed to be smooth and easily cleanable.

Except for in dry storage units, walls, including non-supporting partitions, wall coverings and ceilings of walk-in refrigerating units, food preparation areas, food storage areas, equipment-washing and warewashing areas shall be smooth, nonabsorbent, and easily cleanable.

Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.

Acoustical material, free of porous perforations, smooth and durable enough to be washed with a cloth or sponge, may be used.

Walls, including non-supporting partitions and wall coverings in toilet rooms shall be smooth, nonabsorbent, and easily cleanable.

Porous acoustical ceilings are permitted in toilet rooms and their vestibules.

Section 6-202 Attachments, Exposed Construction

- A. Except as specified in paragraph C of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall-mounted fans, decorative items, and other attachments shall be easily cleanable.
- B. Studs, joists, and rafters shall not be exposed in those areas listed in section 6-201 of these regulations. If exposed in other rooms or areas, they shall be kept clean.
- C. In consumer and backbar areas where limited food preparation occurs, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

D. Exposed utility service lines and pipes shall not obstruct or prevent cleaning of walls and ceilings.

Utility service lines or pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in section 6-201 of these regulations.

Part 6-3 Lighting

Section 6-301 Light Intensity

Permanently fixed artificial light sources shall be installed to provide at least fifty (50)(550 lux) foot candles of light on all food preparation surfaces and at warewashing work levels.

Permanently fixed artificial light sources shall be installed to provide, at a distance of thirty (30) inches (76.2 cm) from the floor at least twenty (20) (220 lux) foot candles of light in sales areas, utensil and equipment storage areas, and in lavatory and toilet areas; and at least ten (10) (110 lux) foot candles of light throughout walk-in refrigeration units, dry food storage areas, and in all other areas.

Section 6-302 Light Bulbs, Protective Shielding

- A. Except as specified in paragraph B of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils, linens, or unwrapped single-service and single-use articles.
- B. Shielded, coated or otherwise shatter-resistant bulbs are not required in areas used only for storing food in unopened packages if:
 - 1. The integrity of the packages cannot be affected by broken glass falling onto them; and
 - 2. The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.
- C. An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

Part 6-4 Operation and Maintenance

Section 6-401 Cleaning Physical Facilities

- A. Cleaning of floors, walls, and ceilings shall be done as needed, preferably during periods when the least amount of food is exposed, such as after closing.
- B. Only dustless methods for cleaning floors, walls, and ceilings shall be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust-arresting sweeping compounds with brooms.
- C. Floors, mats, duckboards, walls, ceilings, and attachments (e.g., light fixtures, vent covers, wall and ceiling mounted fans, and similar equipment), and decorative materials (e.g., signs and advertising materials), shall be kept clean.

Mop water shall be changed frequently.

Section 6-402 Cleaning Equipment Storage

Maintenance and cleaning tools, such as brooms, mops, vacuum cleaners, and similar equipment, shall be maintained in good repair and stored in a way that does not contaminate food, utensils, equipment, or linens.

Maintenance and cleaning tools shall be stored in an orderly manner to facilitate the cleaning of the storage area.

Part 6-5 Premises

Section 6-501 General

Retail food establishments and all parts of the property used in connection with operations of the retail food establishment shall be kept free of litter and shall comply with local ordinances.

The outdoor walking and driving areas shall be surfaced with concrete, asphalt, gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and minimize muddy conditions.

These surfaces shall be graded to drain and kept free of litter.

Exterior surfaces of buildings shall be of weather-resistant materials and shall comply with law.

Only articles necessary to the operation and maintenance of the retail food establishment shall be stored on the premises.

Section 6-502 Living Areas

No retail food establishment operation shall be conducted in any area used as living or sleeping quarters.

A retail food establishment operation shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors, and shall comply with local requirements.

CHAPTER 7-Poisonous or Toxic Materials

Section 7-101 Identifying Information, Prominence

Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

Section 7-102 Name

Working containers used for storing poisonous or toxic material, such as cleaners and sanitizers taken from bulk supplies, shall be clearly and individually identified with at least the name of the material.

Section 7-103 Separation

Poisonous or toxic materials shall be stored so they do not contaminate food, equipment, utensils, linens, or single-service and single-use articles by:

- A. Separating the poisonous or toxic materials by spacing or partitioning; and
- B. Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.

Except that equipment and utensil cleaners and sanitizers may be stored in warewashing areas for availability and convenience if such materials are stored to prevent contamination of food, equipment, utensils, linens, or single-service and single-use articles.

- C. Poisonous or toxic materials stored or displayed for retail sale shall be separated from food and single-service articles by spacing, partitioning, or dividers.

These materials shall not be stored or displayed above food or single-service articles.

Section 7-104 Restriction

Only those poisonous or toxic materials required for the operation and maintenance of a retail food establishment, such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents, shall be allowed in a retail food establishment.

However, the above does not apply to packaged poisonous or toxic materials that are for retail sale.

Section 7-105 Use of Materials

Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces.

Poisonous or toxic materials shall not be used in a way that contaminates food, equipment or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

Section 7-106 Food Containers

A container previously used to store poisonous or toxic materials shall not be used as a food contact surface.

A container previously used to store food shall not be used as a container to store toxic materials.

Section 7-107 Chemicals for Washing Fruits and Vegetables, Criteria

Chemicals used to wash whole fruits and vegetables shall meet the requirements of Chemicals Used in Washing or to Assist in the Lye Peeling of Fruits and Vegetables, 21 CFR § 173.315.

Section 7-108 Boiler Water Additives, Criteria

Chemicals used as boiler water additives shall meet the requirements specified in Boiler Water Additives, 21 CFR § 173.310.

Section 7-109 Drying Agents, Criteria

Drying agents used in conjunction with sanitization shall be approved by the Manager

Section 7-110 Personal Medications

Only those medications necessary for the health of employees shall be present in the retail food establishment.

Medications and cosmetics shall be stored in properly labeled containers and located so that food and food-contact surfaces of equipment, utensils, linens, single-service, and single-use articles cannot be contaminated.

Medications requiring refrigeration and stored in a food refrigerator shall be properly identified, double packaged and located on the lowest shelf.

This paragraph does not apply to medications that are stored or displayed for retail sale.

Section 7-111 First Aid Supplies

First aid supplies shall be properly labeled and stored in a way that prevents them from contaminating food and food-contact surfaces, equipment, utensils, linens, single-service and single-use articles.

CHAPTER 8-Insect, Rodent, and Animal Control

Section 8-101 Outer Openings, Protected

- A. Openings to the outdoors shall be protected against the entry of insects and rodents by closed, tight-fitting windows; and solid self-closing, tight-fitting doors; or
- B. If windows or doors are kept open, the openings shall be protected against the entry of insects and rodents by sixteen (16) mesh to one (1) inch (16 mesh to 25.4 mm) screens, properly designed and installed air curtains, or other effective means.
- C. Paragraph B of this section does not apply in customer areas if flying insects and other pests are absent due to the location of the retail food establishment, the weather, or other limiting conditions.
- D. Doors used only for delivery or emergency exit are not required to be equipped with self-closing devices, but shall remain closed at all other times.
- E. All foundations shall be rodent-proof.

Openings between the floor and bottom of outer doors, when closed, shall be no greater than one-fourth inch (1/4") (0.635 cm).

Section 8-102 Controlling Pests

- A. Insects, rodents, and other pests shall be controlled as specified in paragraph B of this section to minimize their presence within the physical facility and its contents; and on the contiguous land or property under the control of the retail food establishment generator.
- B. The presence of insects, rodents, and other pests shall be controlled by routinely inspecting the premises for evidence of pests; using methods, if pests are found, such as trapping devices or extermination and eliminating harborage conditions.

Section 8-103 Insect Control Devices, Design and Installation

- A. Devices used to electrocute flying insects and that may impel insects or insect fragments shall be designed to have escape-resistant trays; and installed so that the devices are not located over a food preparation area; and dead insects and insect fragments are prevented from falling on or being impelled onto exposed food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles.
- B. Devices used to trap insects by adherence may not be installed above exposed food, clean equipment, utensils, linens, or unwrapped single-service and single-use articles unless the device is designed to completely contain the trapped insects.

Section 8-104 Pesticide Application

- A. Only pesticides registered for application in a food establishment are permitted and shall be applied according to label directions.
- B. A pesticide shall be applied so that direct or indirect contact with food, equipment, utensils, linens, and single-service and single-use articles is prevented by removing those items; covering the items with impermeable covers or taking other appropriate preventive actions; and cleaning and sanitizing equipment and utensils after the application of a pesticide.

C. Bait shall be contained in a covered tamper-proof bait station.

D. Tracking powders may not be used in a retail food establishment.

Section 8-105 Removing Birds, Insects, Rodents, and Other Pests

Birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

Section 8-106 Prohibiting of Animals *Amended October 11, 2007*

- A. Live animals shall be excluded from within the retail food establishment, including all interior and exterior dining areas; provided, however, that dogs may be allowed in eligible outdoor dining areas under the conditions stated in paragraph C of this section.

The exclusion regarding live animals does not apply to edible fish, crustacea, shellfish or fish in aquariums.

Live or dead fish bait shall be stored separately from food or food products.

Patrol dogs accompanying security or police officers shall be permitted in offices, storage areas, outside storage areas, and outside areas of the establishment's premises.

Sentry dogs may be permitted to run loose in outside fenced areas for security reasons.

Support animals, including those in training, shall be permitted in customer and office areas.

- B. While on duty, employees shall not touch, pet, or otherwise care for or handle any live animals other than those exempted in paragraph A of this section, pets, support animals, or patrol/sentry dogs.

Employees shall wash hands in accordance with Section 2-401 thru Section 2-404 of these regulations.

- C. Dogs permitted in outdoor dining area.

In strict compliance with the provisions set forth below, retail food service establishments may allow customers to be accompanied by dogs in an outdoor dining area.

The retail food service establishment shall comply with all of the conditions below and may require its customers to comply with conditions of paragraph C. 2. h – n of this section.

Regardless of whether a retail food establishment requires its customers to comply with these conditions, it remains responsible for compliance with them.

Paragraph C of this section does not affect other provisions for support animals.

1. Eligible Outdoor Dining Areas.

a. An eligible outdoor dining area is an area of a retail food service establishment that:

- 1) Complies with and has all required approvals for outdoor eating areas under chapter 59 of the DRMC, including permits issued by the zoning administrator and exceptions authorized by the board of adjustments, and permits issued for placement in the right-of-way under chapter 49 of the DRMC; and all other applicable provisions of the DRMC.
- 2) Has an outdoor dining area that has direct and unobstructed access from the right-of-way or other outside area, which if enclosed by a fence, railing, planters, or other similar object, must have an opening, such as a gate, to the right-of-way or other outside area, and that is unroofed and not enclosed by a screen or other similar enclosure.
- 3) Does not provide table service for food or drinks in the outdoor dining area.

- 4) Is registered with Denver's outdoor dining with dogs registry. The registration shall include the information set forth in C.1.a.4). a) – d) of this section.
 - a) Name(s), location(s), mailing address(es), and telephone number(s) of the retail food establishment and licensee.
 - b) License number and expiration date issued to the retail food establishment by the Department of Excise and License.
 - c) Days of the week and hours of operation during which customers will be permitted to be accompanied by dogs in the outdoor dining area.
 - d) A detailed description of the eligible outdoor dining area, including identification of entryways and exits to it.
- 5) Has not been determined to have violated paragraph C of this section.
- b. The licensee shall update any changes to the information provided in the outdoor dining with dog's registry within thirty (30) days of the change.

If the retail food establishment no longer allows customers to be accompanied by dogs in the outdoor dining area it shall request the Department to remove it from the registry.

2. Conditions.

- a. The retail food establishment shall have signs posted stating that dogs are allowed in the outdoor dining area.

One sign shall be posted in a conspicuous location visible upon entrance to the interior of the retail food establishment, and another sign shall be posted in a conspicuous location visible upon entrance to the outdoor dining area.

Such signage shall also inform patrons that problems with dogs on the premises be reported to the proprietor and may be reported to the Department of Environmental Health.
- b. The retail food establishment shall not permit food or tableware in the outside dining area other than food and tableware brought outside by customers.
- c. The retail food establishment's chairs and tables located in the outdoor eating area shall be easily cleanable.
- d. Sanitizer, equipment, and cleaning supplies shall be provided in the outdoor dining area for use in that area only and shall not be co-mingled with sanitizers, equipment, or cleaning supplies for use inside the establishment.
- e. The retail food establishment shall provide supplies in the outdoor dining area for clean up and removal of dog waste.
- f. The retail food establishment shall provide a refuse container that complies with Part 5-3 of these regulations located outside for disposal of all waste generated from the outside dining area.
- g. While on duty, employees shall not touch, pet, or otherwise care for or handle any dogs in an outdoor dining area. Employees shall wash hands in accordance with Section 2-401 thru Section 2-404 of these regulations.
- h. All chairs and table surfaces shall be cleaned and sanitized with an appropriate product after use by any customer accompanied by a dog.
- i. Spilled food and drink shall be removed from the floor or ground between seatings of all customers.
- j. All dogs are prohibited from entering the interior of the retail food establishment and customers accompanied by dogs may only access the outdoor dining area directly from the right-of-way or other outdoor area.
- k. All dogs in the outdoor dining area must have current vaccination tags affixed to their collars.
- l. All dogs must be on a leash, cord, or chain and held in a manner that complies with chapter 8 of the Denver Revised Municipal Code.

Customers accompanied by dogs shall also keep their dog under control at all times.

- m. No dog is allowed on a seat, chair, table, countertop, or any other furnishings within the outdoor dining area.
- n. All dog waste shall be cleaned up immediately and the affected area shall be sanitized with a disinfectant.

CHAPTER 9-Mobile Retail Food Establishments or Pushcarts

Section 9-101 General

Menus listing all food and beverages to be sold by mobile retail food establishments and pushcarts shall be submitted in writing to the manager for approval prior to certification of the license to the director.

Changes in menus must be submitted in writing to the manager for approval.

A pushcart shall be operated only at the location designated on the license or at a temporary location approved in writing by the manager, and such written permission shall be posted on the pushcart while it is in operation at the temporary location.

The license under which a mobile retail food establishment or pushcart is operating must be firmly attached and visible on the mobile retail food establishment or pushcart at all times.

The location of the approved commissary of the mobile retail food establishment must be made a part of the license and be prominently displayed.

The manager may require the mobile retail food establishment licensee to submit in writing the regular scheduled route on which the mobile retail food establishment operates.

The manager may impose additional requirements to protect against health hazards related to the conduct of the retail food establishment as a mobile operation, and may prohibit the sale of some or all potentially hazardous food.

Section 9-102 Exemptions

Mobile retail food establishment or pushcarts are exempt from requirements for self-contained water or sewage systems, and cleaning and sanitization equipment under the following conditions:

- A. Food is prepared, then packaged in individual servings, transported and stored and served without further handling under conditions meeting the requirements of these regulations; and
- B. Beverages served are not potentially hazardous and are dispensed from covered urns or other protected equipment; and
- C. The required equipment for cleaning and sanitization exists at the commissary.

Section 9-103 Single-service Articles

Only single-service articles shall be provided for use by the consumer.

Section 9-104 Water System

A mobile retail food establishment or a pushcart that does not meet the exemptions of section 9-102 of these regulations shall provide a potable water system under pressure.

The system shall be of sufficient capacity to furnish adequate hot and cold water for food preparation, utensil cleaning, sanitizing, and hand washing in accordance with the requirements of these regulations.

The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled.

The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service.

All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of these regulations.

The water heater capacity shall be adequate to fill the three-compartment sink with one hundred ten degree Fahrenheit (110°F) water without interruptions at a minimum rate of one (1) gallon per minute with reserve capacity to provide a minimum of three (3) gallons per hour of warm water to all hand sinks at all times.

Section 9-105 Waste Retention

All liquid waste, except drainage from clean potable ice, generated by a mobile retail food establishment or pushcart shall be stored in a retention tank that is at least fifteen (15) percent larger than the water supply tank. Liquid waste shall be discharged from the retention tank to an approved sewage disposal system.

Discharge onto the surface of the ground shall be strictly prohibited.

Drainage from clean potable ice can be discharged onto the surface of the ground provided it does not create a nuisance.

All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food establishment.

The waste connection shall be located lower than the water inlet connection to prevent contamination of the potable water system.

Section 9-106 Hand washing Facilities

A mobile retail food establishment or pushcart that does not meet all the restrictions of section 9-102 of these regulations must be equipped with a convenient, accessible hand washing facility for employee hand washing.

Warm running water, soap, and individual paper towels shall be provided.

Section 9-107 Commissary

- A. Mobile retail food establishments or pushcarts shall operate from a commissary or other fixed retail food establishment and shall report at least daily to that location for all supplies and for all cleaning and servicing operations.

An affidavit of commissary must be submitted to the manager and approved by the manager.

The manager shall be notified in writing when a mobile retail food establishment or pushcart moves from one commissary location to another.

However, a fully equipped, mobile retail food establishment shall not be required to report to a commissary every day if:

1. The mobile retail food establishment's potable water system and waste retention system is sufficiently sized or operated properly to serve the needs of the mobile retail food establishment and;
2. The mobile retail food establishment is capable of being maintained in a sanitary condition and;
3. Adequate storage areas are provided within the mobile retail food establishment for food, dry goods, single service articles and cleaning supplies.

Allowance of this provision will occur only if:

1. The mobile retail food establishment will operate in conjunction with an approved commissary, where adequate facilities are provided for food preparation, for cleaning and sanitizing of equipment and utensils, for the storage of additional food, equipment, utensils and other supplies, and for other servicing operations and;
2. Approved arrangements and facilities are provided and used to supply potable water to the mobile retail food establishment and for the disposal of waste water generated by the establishment and;
3. A written operational plan is submitted by the retail food establishment which demonstrates that this process can be accomplished in compliance with these regulations.

Approval of this plan must be granted by the manager.

Once an operational plan is approved, any additions or changes to the approved plan must be approved by the manager prior to implementation.

- B. The commissary, other fixed retail food establishment, or base of operation approved by the Manager, used as a base of operation for mobile retail food establishments or pushcarts, shall be constructed and operated in compliance with the requirements of these regulations.
- C. The commissary licensee or designated representative shall maintain updated records indicating the number and type of vendors that utilize the commissary.

Upon request, such records shall be made readily available to the Department of Environmental Health and shall include:

1. The name and contact information of each vendor utilizing the commissary.
 2. A schedule indicating the dates and times each vendor utilizes the commissary.
 3. A schedule indicating the date of the vendor's last visit to the commissary.
 4. The effective dates of the contract for each vendor.
 5. A copy of each vendor's license.
- D. The commissary licensee or designated representative shall immediately notify the Department of Environmental Health at that point which a vendor discontinues utilizing the commissary as intended.

Section 9-108 Servicing Area

A mobile retail food establishment servicing area shall be provided and shall include protection for any supplying, cleaning, or servicing operations.

Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes that is separate from the location provided for potable water servicing and for the loading and unloading of food and related supplies.

This servicing area will not be required where only packaged food is placed on the mobile food unit or pushcart, or where mobile food units do not contain waste retention tanks.

The surface of the servicing area shall be constructed of a smooth, nonabsorbent material such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

The construction of the walls and ceilings of the servicing area is exempt from the provisions of sections 6-201 and 6-202 of these regulations.

Section 9-109 Servicing Operations

Potable water servicing equipment shall be installed according to the law and shall be stored and handled to protect the water and equipment from contamination.

The mobile retail food establishment liquid waste retention tank shall be thoroughly flushed and drained during the servicing operation.

All liquid waste shall be discharged to a sanitary sewage system in accordance with section 5-211 of these regulations.

CHAPTER 10-Temporary Retail Food Establishments

Section 10-101 Licensing

The director is authorized to issue a temporary retail food establishment license to any person approved by the manager. In addition to the requirements of Chapter 32 DRMC, the application for each license shall state what foods the applicant intends to sell.

A list of approved foods shall be attached to each license and only those foods may be served or sold.

Persons selling only beverages or prepackaged ice cream, frozen milk, frozen dairy or ice confection products can operate multiple facilities at a single event under a single temporary retail food establishment license.

The director is authorized to issue, without payment of fee, a temporary retail food establishment charity license to any person approved by the manager.

The manager may approve such application if:

- A. The applicant is licensed as a retail food establishment by an environmental health agency of the State of Colorado or a subdivision of the State of Colorado, or is licensed as a retail food establishment pursuant to DRMC, Chapter 23;
- B. The applicant would otherwise qualify for a temporary retail food establishment license;
- C. The applicant will be participating in events or celebrations for the benefit of a not-for-profit organization, as that term is defined by the laws of the State of Colorado; or
- D. The applicant will not receive any of the proceeds of any of the events or celebrations, including but no limited to, proceeds or voluntary contributions from the sale of food or beverages and proceeds or voluntary contributions from admission to any event or celebration in which the applicant is a participant.

Applicants shall have their proposed menus and food preparation methods reviewed and approved by the manager prior to the first event of the calendar year in which they plan to participate.

Following menu review and approval, the manager will issue the license application to the applicant.

No changes in the menu shall be made without the approval of the manager.

Section 10-102 Food and Equipment, Use and Limitations

Slicing, dicing, chopping, processing, pre-portioning, mixing, or other extensive preparation of foods on-site is prohibited. Only cooking or assembly of cooked or ready-to-eat foods is permitted.

The manager may impose additional requirements to protect against health hazards related to the conduct of the establishment and may prohibit the sale of some or all potentially hazardous foods.

All foods must be prepared in an approved commissary and stored, held, displayed, served and transported in a safe and sanitary manner.

All on site food handling must be conducted in a manner to protect the food from contamination by the public.

The manager reserves the right of approval for all equipment used by the establishment. Approval is based on design, cleanability, operational needs, and public health significance.

The use of sterno for hot holding of potentially hazardous food in an outdoor setting is prohibited.

All equipment used for grilling, deep fat frying, or similar cooking procedures that produce grease must be properly leveled to allow the trapping of excess grease in an approved container.

Section 10-103 Sewage Disposal and Toilet Facilities

All liquid waste must be disposed of by using a public sewer system or a holding tank that is then emptied into a public sewer system.

Toilet facilities, including portable toilets, must be conveniently located and accessible by the employees during all times the event is open.

An accessible and functioning hand washing facility, including soap, towels, and water under pressure, must accompany any toilet used by food handlers. This sink must be used for hand washing only.

Section 10-104 Employee Hand Washing Facilities

An accessible and approved hand washing facility, including soap and paper towels, must be located and facing inside the perimeter of all establishments unless only pre-packaged food products are served.

Examples of approved hand washing facilities include a portable hand sink that produces water flow within ten (10) seconds of activating a hand pump or opening a valve, or a clean container holding a minimum of five (5) gallons of water with a dispensing valve that will provide a free flow of water for washing hands.

The wastewater must be collected in a bucket or a similar container and disposed of into a sanitary sewer.

Section 10-105 Physical Facilities

Grass, dirt and gravel are prohibited as floors unless it can be shown that no public health problems will result from inadequate drainage, dust or other sources of contamination.

Mats, duckboards and similar materials, when used for flooring, must be made of a nonabsorbent, cleanable grease-resistant material.

The entire establishment, except for the actual grilling and cooking area, must be under a water-resistant canopy or roof.

CHAPTER 11-Food Peddlers

Section 11-101 Licensing

Menus listing all food and beverages to be sold by food peddlers shall be submitted in writing to the manager for approval prior to certification of the license to the director.

Changes in menus must be submitted in writing to the manager for approval.

The license under which a food peddler is operating must be prominently displayed and visible at all times by being attached to the person's clothing or to a cord worn around the neck.

Section 11-102 Commissary

Food peddlers shall operate only from an approved commissary.

An affidavit of commissary must be submitted to the manager and approved by the manager.

The manager shall be notified in writing when a food peddler moves from one commissary location to another.

Food peddlers shall serve only commissary prepared or prepackaged food and non-potentially hazardous foods.

Section 11-103 Food handling and equipment

Food peddlers shall provide only single service articles for use by the consumer.

All foods shall be labeled, stored, prepared, held, displayed, transported, and served as prescribed in these regulations.

The interior of food storage equipment used by food peddlers shall be smooth, easily cleanable, and kept clean and in good repair.

Section 11-104 Records and Reporting

Commissary licensees shall comply with all record keeping and reporting requirements outlined in sections 9-107.C and 9-107.D of these regulations.

CHAPTER 12-Secondary Food Processing, Secondary Food Wholesale, or Both

Licensed retail food establishments, whose principal and primary business function is retail food sales may, without obtaining an additional license, engage in the secondary business of retail food processing, food wholesaling, or both, subject to both these regulations and all regulations applicable to the secondary business.

In the event the applicable regulations are inconsistent, the regulation that, in the opinion of the manager, best protects the public health and safety, shall apply.

CHAPTER 13-Enforcement and Notices

Section 13-101 Posting of Enforcement Actions

A. Circumstances in which Posting of Notice is required.

The Manager shall post a notice of any of the following enforcement actions taken against a retail food establishment:

1. any permanent injunction;
2. any fine;
3. any civil penalty;
4. any closure order, except closure orders issued by the Manager for occurrences beyond the control of the establishment; or
5. any suspension of the establishment's license pursuant to Chapter 32 of the DRMC.

B. Timing of Notice.

If the establishment agreed to the enforcement action, then the public notice shall be posted either at the time any injunction is instituted, any fine or penalty is paid, or at the time of the establishment's closure.

If the enforcement action is ordered by a court or by the Manager, then the public notice shall be posted at the time any appeal period expires if no appeal is filed, or upon exhaustion of all appeals by the establishment.

The public notice shall be posted for thirty days.

C. Form of Notice.

The public notice shall be printed on white, eight and one-half by eleven inch (8 1/2" x 11") paper and shall include the following information:

1. the establishment's name and address;
2. the type of enforcement action taken;
3. the date the enforcement action became final;
4. the specific rule or regulation violated by the establishment;
5. a statement that the public notice must be posted for thirty days;
6. the date the notice expires and may be removed;
7. a statement that removal of the public notice by anyone other than the Manager may result in additional enforcement action; and
8. a statement that members of the public may call the Department of Environmental Health for additional information, and the address and telephone number of the appropriate contact person.

D. Location of Posted Notice.

The public notice shall be posted at the establishment in a conspicuous place clearly visible to the public.

The Manager shall consult with the owner or representative of the establishment regarding the location and method of posting of the public notice, but the Manager shall make the final determination of the location and method of posting in which the notice must be posted at the time of the posting, and shall affix the notice at that location.

The Manager shall note the location of the public notice's posting on the public health inspection comments form.

E. **Removal of Posted Notice.**

An official representative of the Manager shall remove the posted public notice at the time stated in the notice.

If the public notice is moved, removed, defaced, damaged, or blocked from conspicuous view prior to the date stated on the notice by someone other than the Manager, the establishment must contact the Manager immediately so another public notice may be posted.

Failure to notify the Manager may result in additional enforcement action.

Approved for publication and adopted by the Board of Environmental Health at the regular board meeting of July 12, 2007.

Amended Sections 1-102 and 8-106 were approved for publication and adopted by the Board of Environmental Health at the regular board meeting of October 11, 2007.