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GOVERNING
FOOD ESTABLISHMENTS



Approvals

Peter Smayda
Chair, Board of Environmental Health

Amends and Supersedes the Food Establishment Regulations adopted July 12, 2007 and amended October 11, 2007 and June 27, 2014

Ronita

Manager, Department of Environmental Health

Date of Manager's Signature: 4/6/17

Justin M. Brown
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AUTHORITY: These regulations are adopted by the Board of Environmental Health pursuant to the authority granted by Charter Section 2.12.4(B) in order to amplify and augment the requirements of Chapter 23 of the Denver Revised Municipal Code (“D.R.M.C.”).

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CHAPTER 1: PURPOSE, DEFINITIONS AND EXCLUSIONS

1-1 PURPOSE

The purpose of this rule is to safeguard public health and provide to consumers Food that is safe, unadulterated, and honestly presented. This rule establishes definitions; sets standards for management and personnel, Food operations and Equipment and facilities; and provides for Food Establishment plan review, License issuance, Inspections, Employee restriction and enforcement. This rule is the standard for the Department and its authorized agents and Employees and should be applied uniformly. When no apparent imminent health risk will result, the Executive Director may approve existing Equipment, facility design, or Food production procedure that was in place prior to the effective date of this rule.

1-2 DEFINITIONS

The following terms are defined for the purposes of the rules and regulations.

“Allergens” See “Major Food Allergens” definition.

“Approved” means acceptable to the Executive Director based on determination of conformity with principles, practices, and generally recognized standards that protect public health.

“Asterisk” or “*” means any section or portion thereof denoted with an * indicates it is a Critical Item.

“a_W” means Water Activity which is a measure of the free moisture in a Food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_W.

“Balut” means an embryo inside a fertile Egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

“Beverage” means any liquid for personal consumption, including water.

“Board” means the Board of Environmental Health of the City and County of Denver.

“Bulk Food” means Bulk foods as defined in Section 25-4-1302, C.R.S.

“Cart” means a Mobile Retail Food that is a non-motorized unit designed so Food is served from the exterior of the unit, and which is intended to physically report to and operate from a Commissary for servicing, restocking and maintenance each operating day.

“Catering Operation” means a Retail Food Establishment that provides a contracted, prearranged number of meals and/or Food products that are prepared at a licensed Retail Food Establishment for service and consumed at the same or another prearranged offsite location

and not available for individual purchase.

“Certified Food Protection Manager” means a Person in Charge who is certified by an accredited program for Food protection.

“CFR” means Code of Federal Regulations. Citations in this rule to the CFR refer sequentially to the title, and part or section numbers, such as 40 CFR § 180.194 refers to Title 40, Section 180.194.

“Clean in Place” or **“CIP”** means 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 and Sanitization of Equipment such as band saws, cutting boards, slicers or mixers that are subjected to in-place manual cleaning without the use of an automated CIP system.

“Code” means the Denver Revised Municipal Code.

“Commercial Design” means Equipment that is certified or classified by an American National Standards Institute (ANSI) accredited certification program, 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 as approved by the Executive Director during a standardized Equipment review.

“Commingle” means:

- A. To combine Shellstock harvested on different days or from different growing areas as identified on the tag or label, or
- B. To combine Shucked Shellfish from containers with different container codes or different shucking dates.

“Comminuted” means 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” means a facility that is approved by the Executive Director as a base of operation for a Temporary Retail Food Establishment, cart, mobile Food Establishment, Catering Operation or other Food operation where Food, containers, or supplies are kept, handled, prepared, Packaged or stored and is constructed and operated in compliance with the rules and regulations.

“Conditional Employee” means a potential Food Employee to whom a job offer is made,

conditional on responses to subsequent medical questions or examinations designed to identify potential Food Employees who may be suffering from a disease that can be transmitted through Food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

“Contamination” means exposure to or contact with a contaminant. Actions or conditions that may contaminate or cause Contamination include: unsanitary Food-Contact Surfaces, coughing, sneezing, spitting, unnecessary handling, flooding, draining, leakage from overhead pipes, and condensation. “Contaminant” means a substance, organism, or entity that might cause disease or threaten public health, and includes soil, dust, insects, rodents, other pests, and Poisonous or Toxic Materials.

“Critical Control Point” means any point in a Food Preparation process at which loss of control might result in an unacceptable consumer health risk.

“Critical Item” means a provision of these rules and regulations that, if in noncompliance, is more likely than other violations to contribute to Food Contamination, illness, or environmental degradation health hazard. These are items denoted in these rules and regulations with an Asterisk. Critical items are also referred to as Type 1 Violations.

“Critical Limit” means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a Critical Control Point to minimize the risk that the identified Food safety hazard may occur.

“Cross Connection” means any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptor, Equipment or device, to which it may be possible for non-potable, used, unclean, polluted or contaminated water or other substances, to enter any part in such potable water system under any condition.

“Cut Leafy Greens” means fresh leafy greens where the leaves have been cut, shredded, sliced, chopped, or torn. The term “leafy greens” includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term “leafy greens” does not include herbs such as cilantro or parsley.

“Department” means the City and County of Denver Department of Environmental Health and its Employees.

“Director” means the Director of Excise and Licenses of the City and County of Denver and the Director’s authorized representative.

“Drinking Water” means water that meets criteria as specified in Section 25-1.5-201 et seq., C.R.S. Drinking water includes the term “water” except where the term used connotes that the water is not potable, such as “boiler water,” “mop water,” “rainwater,” “wastewater,” and “nondrinking water.”

“Dry Storage Area” means a room or area used or designated for the storage of Packaged or

containerized Bulk Food that is not potentially hazardous (time and temperature control for Food safety) and dry goods such as Single-Service Articles.

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

“Egg” means the shell egg of avian species such as chicken, duck, goose, guinea, quail, Ratites or turkey. Egg does not include:

- A. A Balut;
- B. The egg of reptile species such as alligator; or
- C. An Egg Product.

“Egg Product” means all, or a portion of, the contents found inside Eggs separated from the shell and pasteurized in a Food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid Eggs. Egg Product does not include Food which contains Eggs only in a relatively small proportion such as cake mixes.

“Employee” means the Licensee, Person in Charge, Food Employee, person having supervisory or management duties, person on the payroll, volunteer, person performing work under contractual agreement, or other person working in a Food Establishment.

“EPA” means the U.S. Environmental Protection Agency.

“Equipment” means an article used in the operation of a 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, Utensils, stove, table, Temperature Measuring Device, or Ware Washing machine. Equipment does not include items used for handling or storing large quantities of Packaged Food received from a supplier in a cased or over wrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

“Event Coordinator” means the individual or entity responsible for permitting, obtaining approvals, and maintaining compliance with applicable Codes for a Temporary Event.

“Executive Director” when not otherwise described, shall mean the Executive Director of the Department of Environmental Health of the City and County of Denver and the Executive Director’s authorized representatives.

“Extensively Remodeled” means any major alteration of an existing configuration in any 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 a minimum of fifteen (15) seats or twenty (20) percent, whichever

is greater in either a single construction project or an incremental series of construction activities;

- B. Any alterations or revisions of a Food Establishments or related Equipment that require a building or construction permit pursuant to the Denver Building Code. Routine maintenance, repairs or cosmetic changes shall not be defined as extensive remodeling;
- C. Changes or alterations made in the nonpublic areas that result in a reduction or increase of total space by twenty-five (25) percent or more;
- D. The facility's capabilities to handle Food, Equipment, and Utensils in a sanitary manner have been diminished due to a Food process, or significant menu change.

“Fish” means fresh or saltwater finfish, crustaceans, and other forms of aquatic animal life (including, alligator, frog, aquatic turtle, jelly fish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption. “Fish” includes any edible human Food product derived in whole or in part from fish, including fish that has been processed in any manner.

“Food” means any raw, cooked, or processed edible substance, gum, ice, Beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, including marijuana infused products.

“Food-Contact Surfaces” means those surfaces of Equipment and Utensils, excluding ventilation hoods, with which Food normally comes in contact, and those surfaces from which Food may drain, drip, or splash back onto surfaces in contact with Food.

“Food Employee” means an individual who works directly with unpackaged Food, Food Equipment or Utensils, or Food-Contact Surfaces. A Food Employee does not include Employees who are hostesses, servers and/or others who do not directly handle Food or clean Equipment and Utensils.

“Food Establishment” means an 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, whether such Food is consumed on or off the Premises, unless such operation is excluded from regulation and licensing by Part 1-3 of these rules and regulations.

“Food Peddler” means a mobile vendor who is not operating from a Mobile Retail Food Establishment.

“Food Preparation” means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of Food, but does not include trimming of produce for display prior to sale.

“Food Processing Establishment” means an establishment in which Food is processed, prepared, Packaged, and distributed for human consumption and approved by the Executive Director. This term does not include a Retail Food Establishment or Commissary operation.

“Game Animal” means an animal, the products of which are Food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR § 301.2 definitions, or as Poultry, or Fish. This includes mammals such as, reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, bear, and nonaquatic reptiles such as land snakes. “Game Animal” does not include Ratites.

“Ground Beef” means Meat that is derived from the voluntary striated muscle of beef, with a maximum of thirty percent total fat by weight, without water, phosphates, extenders, or binders added.

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

“Hand Antiseptic” means a topical application that is rubbed on skin intended to reduce the bacterial load.

“Hand Washing Sink” means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands and exposed portions of the arms only.

“Hermetically Sealed Container” means 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 foodborne 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” means readily taking up and retaining moisture.

“Injected” means manipulating Meat to which a solution has been introduced into its interior by processes that are referred to as “injecting,” “pump marinating,” or “stitch pumping.”

“Inspection” means an Inspection of a Food Establishment conducted by the Department to ensure compliance by such establishment with these rules and regulations.

“Juice” means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. Juice does not include, for purposes of HACCP, liquids, purees, or concentrates

that are not used as Beverages or ingredients of Beverages.

“Kitchenware” means all multi-use Utensils other than Tableware, used in the storage, preparation, transportation or serving of Food.

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

“License” means the document issued by the Department of Excise and Licenses that authorizes a person to operate a Food Establishment under Chapter 23 of the D.R.M.C..

“Licensee” means the person to whom the Department of Excise and License issues a license for operation of a business under Chapter 23 of the D.R.M.C.

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

“Major Food Allergen”

- A. “Major Food Allergen” means: milk, Egg, Fish (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or a Food ingredient that contains protein derived from a Food, as specified in this paragraph.
- B. “Major Food Allergen” does not include: Any highly refined oil derived from a Food specified in paragraph (1) of this definition and any ingredient derived from such highly refined oil; or any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

“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.

“Mechanically Tenderized”

- A. “Mechanically Tenderized” means manipulating Meat with deep penetration by processes that may be referred to as blade tenderizing, jaccarding, pinning, needling, or using blades, pins, needles or any mechanical device.
- B. “Mechanically Tenderized” does not include processes by which solutions are Injected into Meat.

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

“Mobile Retail Food Establishment” means a Retail Food Establishment that is a wheeled vehicle, trailer, or Cart that is readily moveable and designed for the service of Food from the

interior of the unit and that is intended to physically report to and operate from a Commissary for servicing, restocking, and maintenance each operating day.

“Molluscan Shellfish” means 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” means all surfaces other than Food-Contact Surfaces.

“Non-Continuous Cooking” means the cooking of Food in a Food Establishment using a process in which the initial heating of the Food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. This does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

“Operator” means any Person who has decision-making authority over business operations.

“Packaged” means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a Food Establishment or Food processing plant. This does not include a wrapper, carry-out box, or other nondurable container used to containerize Food with the purpose of facilitating Food protection during service and receipt of the Food by the consumer.

“Person” means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

“Person in Charge” means the individual present at a Food Establishment who is responsible for the operation at the time of Inspection. If an individual is not identified as responsible, then any employed person present is the Person in Charge.

“Personal Care Items” means 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, and toiletries such as lotion, toothpaste and mouthwash.

“pH” means 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” means the structure and interior surfaces of a Food Establishment including floors, walls, ceilings, lighting, and Premises, including, but not limited to accessories such as soap and towel dispensers and attachments, such as light fixtures and heating or air conditioning system vents.

“Poisonous or Toxic Materials” means 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” means a Food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. This includes an animal Food that is raw or heat-treated; a Food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, Cut Leafy Greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and a Food that because of the interaction of its a_w and pH values is designated as product assessment required (PA) in table A or B of this definition:

TABLE A. Interaction of pH and a_w for control of spores in Food heat-treated to destroy vegetative cells and subsequently Packaged				
A_w Values	pH Values			
	4.6 OR LESS	>4.6 – 5.6	> 5.6	
≤ 0.92	NON-PHF* FOOD	NON-PHF FOOD	NON-PHF FOOD	
>0.92 - .95	NON-PHF FOOD	NON-PHF FOOD	PA***	
>0.95	NON-PHF FOOD	PA	PA	
* PHF means Potentially Hazardous Food				
*** PA means product assessment required				
TABLE B. Interaction of pH and a_w for control of vegetative cells and spores in Food not heat treated or Food heat-treated but not Packaged				
A_w Value	pH Values			
	<4.2	4.2 - 4.6	>4.6 - 5.0	>5.0
<0.88	NON-PHF* FOOD	NON-PHF FOOD	NON-PHF FOOD	NON-PHF FOOD
0.88 - 0.90	NON-PHF FOOD	NON-PHF FOOD	NON-PHF FOOD	PA***
>0.90 - 0.92	NON-PHF FOOD	NON-PHF FOOD	PA	PA
>.92	NON-PHF FOOD	PA	PA	PA
* PHF means Potentially Hazardous Food				

*** PA means product assessment required

“Potentially Hazardous Food” does not include:

- A. An air-cooled hard-boiled Egg with shell intact, or an Egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable Salmonellae;
- B. A Food in an unopened, Hermetically Sealed Container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
- C. A food that has been made using a standardized recipe and three samples from separate batches of which have been laboratory-verified to have pH or a_w value, or interaction of a_w and pH values, designated as a non-Potentially Hazardous Food in Table A or B of this definition;
- D. A Food that is designated as product assessment required (PA) in Table A or B of this definition and three samples from separate batches of which have undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that Food is precluded due to:
 - 1. Intrinsic factors including added or natural characteristics of the Food such as preservatives, antimicrobials, humectants, acidulants, or nutrients;
 - 2. Extrinsic factors including environmental or operational factors that affect the Food such as packaging, modified atmosphere such as Reduced Oxygen Packaging, shelf life and use, or temperature range of storage and use; or
 - 3. A combination of intrinsic and extrinsic factors;
- E. A Food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the subparagraphs (A)-(D) of this definition even though the Food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

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

“Premises” means:

- A. The physical facility, its contents, and the contiguous land or property under the control of the Licensee.
- B. The physical facility, its contents, and the land or property not described in

Subparagraph (A) of this definition if its facilities and contents are under the control of the Licensee and may impact Food Establishment personnel, facilities, or operations, and a Food Establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, prison, petting zoo, or livestock show.

“Primal Meat Cuts” means a basic major cut into which carcasses and sides of Meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

“Ratite” means a flightless bird such as an emu, ostrich, or rhea.

“Ready-to-Eat Food” means Food that is edible without further washing, cooking, or additional preparation and that is reasonably expected to be consumed in that form. Ready-to-eat Food does not include whole, raw fruits and vegetables that are intended for washing by the consumer before consumption.

“Reconstituted” means dehydrated Food products recombined with water or other liquids.

“Reduced Oxygen Packaging”

A. Reduced Oxygen Packaging means:

1. The reduction of the amount of oxygen in package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and
2. A process as specified in (A)(1) of this definition that involves a Food for which the hazards *Clostridium Botulinum* or *Listeria Monocytogenes* require control in the final Packaged form.

B. Reduced Oxygen Packaging includes:

1. Vacuum packaging, in which air is removed from a package of Food and the package is Hermetically Sealed so that a vacuum remains inside the package;
2. Modified atmosphere packaging, in which the atmosphere of a package of Food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the Food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;
3. Controlled atmosphere packaging, in which the atmosphere of a package of Food is modified so that until the package is opened, its composition is

different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring Food, and impermeable packaging material;

4. Cook chill packaging, in which cooked Food is hot filled into impermeable bags which have the air expelled and are then Sealed or crimped closed. The bagged Food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotropic pathogens; or
5. Sous vide packaging, in which raw or partially cooked Food is placed in a Hermetically Sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotropic Sousepathogens.

C. "Reduced Oxygen Packaging" does not include:

1. Placing product in a bag and sealing it immediately prior to or after, cooking, cooling, or reheating the product as long as the product is:
 - a. Labeled with the time and date the product is placed in bag; and
 - b. Removed from the bag within 48 hours of the time the product is placed in the bag.
2. Product handled as specified in (C1) above except that it can be stored in the bag for greater than forty-eight (48) hours provided it is frozen for any time in excess of forty-eight (48) hours and the start date/time of freezing and end/date time of freezing are labeled as applicable on the stored product.

"Refuse" means solid waste not carried by water through the Sewage system.

"Reminder" means a written statement concerning the health risk of consuming animal Food raw, undercooked, or without otherwise being processed to eliminate pathogens.

"Re-service" means the transfer of Food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another Person.

"Responsible Party" means the Licensee, manager, or Person in Charge of a regulated operation.

"Restrict" means to limit the activities of a Food Employee so that there is not a risk of transmitting a disease that is transmissible through Food and the Food Employee does not work with exposed Food, clean Equipment, Utensils, Linens, or unwrapped Single-Service Articles or Single-Use Articles.

"Retail Food Establishment" means 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 1-3 of these rules and regulations.

“Risk” means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a Food.

“Safe Materials” means 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), C.R.S. 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” means 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 99.999% reduction, of representative disease microorganisms of public health importance.

“Sealed” when referring to design and construction means free of cracks or other openings that allow the entry or passage of moisture or debris.

“Service Animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purpose of this definition. The work or tasks performed by a Service Animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of Allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

“Sewage” means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

“Shellstock” means raw, in-shell, Molluscan Shellfish.

“Shucked Shellfish” means Molluscan Shellfish that have one or both shells removed.

“Single-Service Articles” means 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 consumer use and then discarded after use.

“Single-Use Articles” means Utensils and Bulk Food containers designed and constructed to be used once and discarded. This includes items such as wax paper, butcher paper, plastic wrap, formed aluminum Food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number ten (10) cans which do not meet the materials, durability, strength, and cleanability specifications under Sections 4-101 and 4-201 of these rules and regulations for multiuse Utensils.

“Slacking” means the process of moderating the temperature of a Food such as allowing a Food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen Food such as shrimp.

“Smooth” means a Food-Contact Surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of one-hundred (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.

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

“Temperature Measuring Device” means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of Food, air, or water.

“Temporary” means in operation not more than fourteen (14) consecutive days and not more than fifty-two (52) days per year.

“Temporary Event” means a single community event or celebration or recurring farmers market that operates for a period of time of not more than fourteen (14) consecutive days and not more than fifty-two (52) days per year. Temporary Events may include town celebrations, fairs and festivals.

“Temporary Retail Food Establishment” means a Food Establishment that is limited to operating at Temporary Events only.

“Type 1 Violation” means a provision of these rules and regulations that, if in noncompliance, is more likely than other violations to contribute to Food Contamination, illness, or an environmental health hazard. These are items denoted in these rules and regulations with an Asterisk and are otherwise known as critical violations.

“Type 2 Violation” means a provision in this Code that is not designated as a Type 1 Violation;

Type 2 Violations include an item that usually relates to general sanitation, operational controls, sanitation standard operation procedures (SSOPs), facilities or structures, Equipment design, or general maintenance and are otherwise known as noncritical violations.

“USDA” means the U.S. Department of Agriculture.

“Utensil” means a Food contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of Food such as Kitchenware or Tableware that is multiuse, Single-Service Articles, or Single-Use Articles.

“Variance” means authorization by the Board of Environmental Health to depart from the terms of Chapter 23 of the D.R.M.C. and these rules and regulations that is issued in accordance with the Board’s authority under Chapter 24 of the D.R.M.C.

“Ware Washing” means the cleaning and sanitizing of Food-Contact Surfaces of Equipment and Utensils.

“Water Activity” See aW.

“Whole Muscle Intact Beef” means whole muscle beef that is not Injected, Mechanically Tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

1-3 EXCLUSIONS

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

- A. Any private homes;
- B. Personal Care Boarding Homes, as defined in Chapter 26 of the D.R.M.C., that are licensed for fewer than twenty (20) beds;
- C. Motor vehicles used only for the transport of Food;
- D. Establishments preparing and serving only hot coffee, hot tea, instant hot Beverages, popcorn without added ingredients other than salt, butter, or powdered flavor, and non-potentially hazardous doughnuts or pastries obtained from sources complying with all Laws related to Food and Food labeling;
- E. Establishments that handle only non-potentially hazardous prepackaged Food;
- F. Farmers markets and sellers that offer only uncut fresh fruit and vegetables for sale;
- G. 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

- H. 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

2-1 SUPERVISION

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 Food Establishment during all hours of operation.

The Operator shall educate and monitor Employees to ensure conformance to these regulations.

In a Food Establishment with two or more separately licensed operations that are the legal responsibility of the same license holder and that are located on the same premise, the license holder may, during specific time periods when Food is not being prepared, Packaged, or served, designate a single Person in Charge who is present on the Premises during all hours of operation, and who is responsible for each separately licensed Food operation on the Premises.

2-102 Demonstration

Based on the risks of foodborne illness inherent to the Food operation, during Inspections and upon request the Person in Charge shall demonstrate to the regulatory authority satisfactory knowledge of foodborne disease prevention, application of the Hazard Analysis and 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 by not having Type 1 Violations during the current Inspection;
- 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 foodborne disease and the personal hygiene of a Food Employee;
2. Explaining the responsibility of the Person in Charge for preventing the transmission of foodborne disease by a Food Employee who has a disease or medical condition that may cause foodborne disease;
3. Describing the symptoms associated with the diseases that are transmissible through Food;
4. Explaining the significance of the relationship between maintaining the time and temperature of Potentially Hazardous Food and the prevention of foodborne illness;
5. Explaining the hazards involved in the consumption of raw or undercooked Meat, Poultry, Eggs and Fish;
6. Stating the required temperatures and times for the safe cooking of Potentially Hazardous Food including Meat, Poultry, Eggs and fish; refrigerated storage, hot holding, cooling, and reheating of Potentially Hazardous Food;
7. Explaining the details of how the Person in Charge and Food Employees comply with the HACCP Plan, if a plan is required by the Law, this code, or a written agreement between the Department and the Food Establishment;
8. Describing the relationship between the prevention of foodborne illness and the management and control of the following:
 - a. Cross Contamination;
 - b. Hand contact with ready-to-eat Food;
 - c. Hand washing; and
 - d. Maintaining the Food Establishment in a clean condition and in good repair.
9. 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.

10. Explaining correct procedures for cleaning and sanitizing Utensils and Food-Contact Surfaces of Equipment;
11. 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;
12. 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;
13. Identifying Critical Control Points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of these rules and regulations;
14. Explaining the details of how the establishment complies with conditions of any approved Variance; or any Department-approved time as a public health control plan for Potentially Hazardous Food; or with any HACCP Plan required by the Department;
15. Explaining the responsibilities, rights, and authorities assigned by these rules and regulations to the:
 - a. Food Employee;
 - b. Conditional Employee;
 - c. Person in Charge; and
 - d. Regulatory authority.
16. Explaining how the Person in Charge, Food Employees, and Conditional Employees comply with reporting responsibilities and exclusion or restriction of Food Employees;
17. Describing Food identified as Major Food Allergens and the symptoms that a major Food allergen could cause in a sensitive individual who has an allergic reaction.

2-103 Person in Charge

The Person in Charge shall educate and monitor Employees to ensure that:

- A. Employees are effectively cleaning their hands, by routinely monitoring the Employees' hand washing;
- B. Employees are visibly observing the Food as it is received to determine that it is from approved sources, delivered at the required temperatures, protected from Contamination, unadulterated, and accurately presented, by routinely monitoring the Employees' observations and periodically evaluating Food upon receipt;
- C. Employees are properly cooking Potentially Hazardous Food, being particularly careful in cooking Food known to cause severe foodborne 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 in Section 4-401 of these rules and 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 3-411 of these rules and regulations;
- G. Employees prevent 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;
- H. Employees are properly trained in Food safety as it relates to their assigned duties;
- I. Food Employees and Conditional Employees are informed of their responsibilities to report their illnesses and infections transmissible through Food to the Person in Charge, so that the Person in Charge may exclude or Restrict any Employees who are ill, have a boil or wound, and when to notify the Manager of illnesses;
- J. Employees and other Persons such as delivery and maintenance Persons and pesticide applicators entering the Food Preparation, Food storage and Warewashing areas comply with these rules and regulations; and

- K. Consumers who order raw or partially cooked Ready-to-Eat Food of animal origin are informed as specified under Section 3-801 of these rules and regulations that the Food is not cooked sufficiently to ensure its safety.

***2-2 EMPLOYEE HEALTH**

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 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 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.

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.

2-203 Excluding of Infected Employee

The Person in Charge shall exclude an Employee from a 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

2-204 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 Articles or Single-Use Articles.

2-3 AUTHORIZED PERSONNEL

Only persons necessary to the operation and maintenance of the Food Establishment shall be allowed in Food Preparation, Food storage, Food Equipment storage, and Ware Washing areas.

2-4 PERSONAL CLEANLINESS

***2-401 General**

Food Employees shall keep their hands and exposed portions of their arms clean.

***2-402 Cleaning Procedure**

- A. Food Employee shall clean their hands and exposed portions of their arms including surrogate prosthetic devices for hands or arms with soap and water 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;
 - 2. Thorough rinsing under clean, running warm water; and
 - 3. Immediately follow the cleaning procedure with thorough drying of cleaned hands and arms with disposable or single use towels or a mechanical hand drying device.
- B. Food Employees shall pay attention to removing soil 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 installed and operated as per Section 5-208(I) of these rules and regulations may be used by Food Employees to clean their hands.

***2-403 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 Articles and Single-Use Articles and:

- A. Before leaving the restroom, and after returning to Food and beverage preparation, Food storage, Equipment storage and Ware Washing areas from using the restroom;
- B. After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating or drinking;
- C. When switching between working with raw Food of animal origin and working with Ready-to-Eat Food;

- 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 handling or putting on 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; or
- J. After handling Fish in aquariums, shellfish, or crustacean in display tanks.

***2-404 Hand Antiseptics**

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

***2-405 Where to Wash**

Food Employees shall clean their hands in a Hand Washing Sink or Approved automatic hand washing facility and may not clean their hands in a sink used for Food Preparation or Ware Washing, in a dump sink, or in a utility sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

***2-406 Fingernail Care**

- A. Food Employee 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.

2-407 Clothing

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

2-408 Jewelry

Except for a plain ring, such as a wedding band, while preparing Food, Food Employee may not wear jewelry, watches or medical information bracelets on their wrists and hands or any other area of the arm that may interfere with proper handwashing or result in Contamination of Food.

2-5 HYGIENIC PRACTICES

*2-501 General

Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods. Proper hygienic practices must be followed by Food Employees in performing assigned duties to ensure the safety of the Food, prevent the introduction of foreign objects into the Food, and minimize the possibility of transmitting disease through Food.

*2-502 Eating, Drinking and Using Tobacco Products

- A. Except as specified in paragraph B of this section, Food, drink, tobacco, and smoked and vaporized consumable product shall be used only in designated areas. Such designated areas must be located so that eating, drinking, tobacco use or smoked and vaporized product do not result in possible Contamination of Food for service, Equipment, Utensils, or other items needing protection.
- B. Smoking in a Food Establishment is prohibited under Section 25-14-204, C.R.S.
- C. An Employee may drink from a closed Beverage container if:
 - 1. The container is clean;
 - 2. It does not contaminate the Employee's hands; and
 - 3. It is stored to prevent the possible Contamination of exposed Food, packages of Food, Food containers, clean Equipment, Utensils, Linens, and unwrapped Single-Service Articles and Single-Use Articles.
- D. Open or partially consumed Employee Food shall be stored to prevent the possible Contamination of exposed Food, packages of Food, Food containers, clean Equipment, Utensils, Linens, and unwrapped Single-Service Articles and Single-Use Articles.

2-503 Hair Restraints

- A. Except as provided in Section 2-503(B) of these rules and regulations, Food Employees engaged in Food Preparation shall wear hair restraints, such as hats, hair coverings, hair or beard nets, or other effective means, to effectively keep hair from contacting exposed Food, clean Equipment, Utensils, and Linens, and unwrapped Single-Service Articles and Single-Use Articles.
- B. This section does not apply to Employees, such as counter staff who serve only Beverages and wrapped or Packaged Food or hostesses, bartenders, and wait staff who present a minimal risk of contaminating exposed Food, clean

Equipment, Utensils, and Linens, and unwrapped Single-Service Articles and Single-Use Articles.

CHAPTER 3: FOOD

3-1 CHARACTERISTICS

Food shall be safe and unadulterated. Food shall be in sound condition, free from spoilage or Contamination and shall be safe for human consumption. Food shall not contain unsafe or unapproved Food or color additives per 21 CFR § 170-186. Food shall be obtained from Approved sources that comply with the applicable Laws relating to Food and Food labeling. Food prepared or stored in a private home shall not be used, distributed, or offered for sale except for those Foods allowed under the Colorado Cottage Foods Act, § 25-4-1614, C.R.S., provided all applicable conditions are met.

3-2 SOURCES AND SPECIFICATIONS FOR FISH AND SHELLFISH

3-201 Shellfish and Fish

A. Molluscan Shellfish

Molluscan Shellfish shall be obtained from sources according to Law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

B. Maintaining Shellstock Identification

1. 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 after the container is emptied. The tag shall be marked with the empty date, 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. Tags shall be stored in chronological order from the empty date.

If served not fully cooked, Shellstock from one tagged or labeled container shall not be Commingled with Shellstock from another container before being ordered by the consumer.

2. When received by a Food Establishment, unshucked Shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or Shellstock with badly broken shells shall be discarded.
- C. Molluscan Shellfish that are recreationally caught may not be received for sale or service.
- D. Fish that are received for sale or service shall be:
1. Commercially and legally caught or harvested; or
 2. Approved for sale or service.
- E. Raw Shucked Shellfish shall be obtained in nonreturnable packages which bear a legible label that identifies the:
1. Name, address, and certification number of the shucker, packer or repacker of the Molluscan Shellfish; and
 2. The "sell by" or "best if used by" date for packages with a capacity of less than 1.89 L (one-half gallon) or the date shucked for packages with a capacity of 1.89 L (one-half gallon) or more.
- F. Molluscan Shellfish, Original Container.
- Except as specified in Section 3-201(G)-(H) of these rules and regulations, Molluscan Shellfish may not be removed from the container in which they are received other than immediately before sale or preparation for service.
- G. For display purposes, Shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if:
1. The source of the Shellstock on display is identified as specified under Section 3-201(A) of these rules and regulations; and
 2. The Shellstock are protected from Contamination.
- H. Shucked Shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if:
1. The labeling information for the shellfish on display as specified under Section 3-201(E) of these rules and regulations is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and

2. The shellfish are protected from Contamination.

3-202 Parasite Destruction

A. Except as specified in Section 3-202(B) of these rules and regulations, before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked Fish shall be:

1. Frozen and stored at a temperature of -4°F (-20°C) or below for a minimum of 168 hours (7 days) in a freezer;
2. Frozen at -31°F (-35°C) or below until solid and stored at -31°F (-35°C) or below for a minimum of fifteen (15) hours; or
3. Frozen at -31°F (-35°C) or below until solid and stored at -4°F (-20°C) or below for a minimum of twenty-four (24) hours.

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 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.

B. Section 3-202(A) of these rules and regulations does not apply to:

1. Molluscan Shellfish;
2. 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);
3. Fish Eggs that have been removed from the skein and rinsed; or
4. Aquacultured Fish, such as salmon, that:
 - a. If raised in open water, are raised in net-pens; or
 - b. Are raised in land-based operations such as ponds or tanks and are fed formulated feed, such as pellets, that contain no live parasites infective to the aquacultured Fish.
 - c. If raw, raw-marinated, partially cooked, or marinated-partially cooked Fish are served or sold in ready-to-eat form, and the Fish are raised and fed as

specified in Section 3-202(B)(4)(a)-(b) of these rules and regulations, a written agreement or statement from the supplier or aquaculturist stipulating that the Fish were raised and fed as specified in Section 3-202(B)(4)(a)-(b) of these rules and regulations shall be obtained by the Person in Charge and retained in the records of the Food Establishment for ninety (90) calendar days beyond the time of service or sale of the Fish.

3-3 SOURCES AND SPECIFICATIONS

***3-301 Package Integrity**

Food packages shall be in good condition and protect the integrity of the contents so that the Food is not exposed to adulteration or potential contaminants.

***3-302 Hermetically Sealed Food**

- A. The use, distribution, or sale of Food from Hermetically Sealed Containers that was not prepared in an Approved food-processing Establishment or Food Establishment that is Approved for this type of processing, is prohibited.
- B. Hermetically Sealed Containers shall be handled so as to maintain product and container integrity. The "Guide to Can Defects and Basic Components of Double Seam Containers," November 2011, published by the Association of Food and Drug Officials, shall be used to determine 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 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 Executive Director.

***3-303 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.

***3-304 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 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.).

***3-305 Fluid Milk, Fluid Milk Products, and Frozen Dessert Mix**

- A. 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.

- B. Only pasteurized mix from an Approved licensed dairy plant may be mixed and/or frozen by a counter freezer.
- C. Raw milk supplied to and held by Food Establishments for distribution to shareholders shall meet the requirements of Section 25-5.5-117 et seq., C.R.S.
 - 1. Only farms or dairies that are registered with the Colorado Department of Public Health & Environment may distribute raw milk.
 - 2. Only an owner or shareholder of a cow, goat, or dairy herd may distribute raw milk from a Food Establishment. Distribution of raw milk by management or Employees of a Food Establishment that are not owners or shareholders of a cow, goat or dairy herd is prohibited.
 - 3. Only an owner or shareholder of a cow, goat or dairy herd shall receive raw milk from the farm or dairy where the cow or goat is located or from a shareholder of the same cow, goat or dairy herd.
 - 4. Containers used to hold raw milk shall have a prominent warning statement that the milk is not pasteurized, is delivered to the shareholder with the milk or is displayed on a label affixed to the milk container.
 - 5. Storage of raw milk with other Food is prohibited. Raw milk must be stored in a separate refrigerator or cooler that is used only for raw milk and must be stored in a manner where it cannot be mistaken for pasteurized milk. Display or access of raw milk to the public is prohibited.

***3-306 Wild Mushrooms**

- A. Except as specified in Section 3-306(B) of these rules and regulations, 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 Executive Director. To be Approved, an individual must:
 - 1. Identify which county(ies) and Food Establishments they will supply wild mushrooms;
 - 2. Provide the genus and species of the wild mushrooms that will be supplied;
 - 3. Provide written verification detailing their qualifications that demonstrate their ability to identify and pick wild mushrooms that are safe for human consumption such as educational degrees, years of experience, membership to any professional organizations;

4. Provide a written letter of reference from a separate individual who can verify the picker has the expertise. The person supplying the letter of reference must be a recognized mycologist who can attest the picker has the ability to identify the genus and species of wild mushrooms they intend to pick;
 5. Maintain records for at least two (2) years identifying the buyers, the type of mushroom(s) received and the quantity received; and
 6. Supply an invoice to the buyer with each shipment that identifies:
 - a. The variety of mushroom by common name and genus and species;
 - b. The quantity; and
 - c. The suppliers name, address, and date of packing.
- B. This section does not apply to:
1. 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
 2. 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.

***3-307 Meat, Poultry, 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.

- A. Meat and Poultry are required to come from a USDA FSIS inspected facility.
 1. Meats listed in the Federal Meat Inspection Act that require mandatory USDA inspection include cattle, swine, sheep, goats, horse, mule, other equine, and any others as determined by the USDA.
 2. Poultry listed in the Poultry Products Inspection Act that require Mandatory USDA inspection include chicken, geese, duck, turkey, guineas, emu, Ratite, ostrich, squab (pigeon), and any others as determined by the USDA.
- B. Game Animals indigenous to North America such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and any others as determined by the USDA shall go through the USDA Voluntary Meat Inspection Program in order to be considered an Approved source.

- C. Poultry products that are Game Animals are required to be inspected under the USDA Voluntary Poultry Inspection Program. Species include quail, pheasant, dove, other game birds and any others as determined by the USDA.
- D. Any other Game Animal that is obtained from a Retail Food Establishment falls under FDA inspection authority. This would include rattlesnake, bear, alligator, and any others as determined by the USDA.
- E. Game Animals obtained from States that have contracts with the FDA or USDA to conduct inspections of Game Animal Food Processing Establishments are recognized by the Executive Director as being an Approved regulatory authority and Food products received from these states are considered an approved source.

For additional guidance, refer to the Colorado Department of Public Health and Environment issued interpretative memo titled "Determining Approved Source for Meat, Poultry, Game Animals, and Exotic Animal Species."

***3-308 Eggs**

- A. Only clean, intact, Approved 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.
- B. The Egg carton must be new, clean and properly labeled to include that supplier's name and address, Egg grade, size and pack date. *FDA Safe Handling Instructions* on the carton are required.
- C. Eggs can be offered for sale loose or in a basket, but must have an accompanying card or sign that contains the required labeling information including the wash and process date versus a pack date as indicated on a carton.
- D. Pooling of raw shell Eggs is allowed only if the Eggs are 41°F (5°C) or below when they are cracked and maintained at 41°F (5°C) or below until cooked.

3-309 Ice

- A. Only ice, which has been manufactured from Drinking Water and handled in a sanitary manner, shall be used or offered for sale. Ice offered for sale shall be Packaged and properly labeled.
- B. Ice for human consumption shall be drained.

***3-310 Ice Used as Exterior Coolant, Prohibited as Ingredient**

Ice used as a cooling medium for Food storage, Beverage containers, Food containers or Food

Utensils shall not be used or sold for human consumption.

3-311 Storage or Display of Food in Contact with Water or Ice

- A. Packaged Food may be stored in direct contact with Drinking Water if the packaging, wrapping, or container is not subject to entry of water.
- B. Except as specified in Sections 3-111(C) and (D) of these rules and regulations, 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 ice made with Drinking Water.
- D. Raw chicken and raw Fish that are received immersed in ice made with Drinking Water in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

***3-312 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 § 120.24 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.

***3-313 Whole Muscle Intact Beef Steaks**

Whole Muscle Intact Beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in Section 3-801 of these rules and regulations shall be:

- A. Obtained from a Food processing plant that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of Whole Muscle Intact Beef, or
- B. Accepted by the Manager based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the definition of Whole Muscle Intact Beef, and

- C. If individually cut in a Food Establishment:
 - 1. Cut from a Whole Muscle Intact Beef that is labeled by a Food processing plant as specified in Section 3-313(A) or identified as specified in Section 3-313(B) of these rules and regulations;
 - 2. Prepared so they remain intact; and
 - 3. If Packaged for undercooking in a Food Establishment, labeled as specified in Section 3-313(A) or as identified in Section 3-313(B) of these rules and regulations.

3-4 PROTECTION FROM CONTAMINATION AFTER RECEIVING

***3-401 Preventing Contamination from Hands**

- A. Food Employees shall wash their hands as specified under Sections 2-402 and 2-403 of these rules and 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 3-408(A) of these rules and regulations or except as specified in Section 3-401(D) of these rules and regulations, Food Employees may not contact exposed, Ready-to-Eat Food including fruit and vegetables 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 Department 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, easily accessible and in close proximity to the work station(s) where the bare hand contact procedure is conducted as specified in Section 5-208(B)-(J) of these rules and regulations;
 - c. A written Employee health policy that details how the Food Establishment will comply with Sections 2-201, 2-202, 2-203, and 2-204 of these rules and regulations, including health conditions upon which the Food Employee will not be allowed to work and acknowledgement of their responsibilities as specified in Sections 2-201 and 2-202 of these rules and regulations;

- d. An Employee training program that documents completion of the following training areas:
 - (1) The risks of contacting the Ready-to-Eat Food with bare hands;
 - (2) Proper hand washing as specified in Sections 2-401 and 2-402 of these rules and regulations;
 - (3) When to wash their hands as specified in Section 2-403 of these rules and regulations;
 - (4) Where to wash their hands as specified in Section 2-405 of these rules and regulations;
 - (5) Proper fingernail maintenance as specified in Section 2-406 of these rules and regulations;
 - (6) Prohibition of jewelry as specified in Section 2-408 of these rules and regulations; and
 - (7) Good hygienic practices as related to Sections 2-501 and 2-502 of these rules and regulations.
2. Hands are washed prior to Food Preparation and as necessary to prevent cross Contamination as specified in Sections 2-401, 2-402, 2-403 and 2-405 of these rules and 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 2-403 of these rules and regulations, "When to Wash," Food Employees contacting Ready-to-Eat Food 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 in Section 2-404 of these rules and regulations;
 - d. Incentive programs that encourage Food Employees not to work when they are ill with a communicable disease that can be transmitted by Food as specified in Section 2-201 of these rules and regulations; or
 - e. Other control measures Approved by the Executive Director.

4. Corrective actions are immediately taken when the requirements of Section 3-401(D)(1)-(3) are not followed. Accompanying monitoring, corrective actions, and appropriate documentation are required.
- E. If a Food Establishment is found to be in non-compliance with the requirements listed in Section 3-401(D)(1)-(4) of these rules and regulations, or if a confirmed foodborne illness is associated with bare hand contact and ill Employees, the Executive Director may suspend or revoke the Food Establishment's allowance for Food Employees to contact Ready-to-Eat Food with their bare hands.
- F. If the allowance for a Food Establishment to contact Ready-to-Eat Food with bare hands is voluntarily discontinued by the Food Establishment, suspended or revoked as provided for in subparagraph E., a Food Establishment may not reinstate bare hand contact with Ready-to-Eat Food without prior written approval from the Executive Director.

3-402 Glove Use

- A. If used, single-use gloves shall be used for only one task, such as working with Ready-to-Eat Food, or with raw animal Food. Single-use gloves shall not be used for any other purpose, and discarded when damaged, when interruptions occur in the operation, or when the task is completed.
- B. Except as specified in Section 4-402(C) of these rules and regulations, slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with Food that is subsequently cooked as specified in Part 3-5 of these rules and regulations, such as frozen Food or a Primal Meat Cut.
- C. Slash-resistant gloves may be used with Ready-to-Eat Food that will not be subsequently cooked if the slash-resistant gloves have a Smooth, durable, and nonabsorbent outer surface; or if the slash-resistant gloves are covered with a Smooth, durable, nonabsorbent glove or a single-use glove.
- D. Cloth gloves may not be used in direct contact with Food unless the Food is subsequently cooked as specified in Part 3-5 of these rules and regulations such as frozen Food or a Primal Meat Cut.

***3-403 Preventing Contamination When Tasting**

A Food Employee may not use a Utensil more than once to taste Food that is to be sold or served.

***3-404 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 Meat 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 rules and regulations relating to Food protection, Food storage and temperature maintenance of Potentially Hazardous Foods.

***3-405 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 Food, Food-Contact Surfaces and Utensils shall be cleaned and sanitized as specified in Sections 4-403 and 4-404 of these rules and regulations.

Salads and other Ready-to-Eat Food 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.

3-406 Packaged and Unpackaged Food – Separation, Packaging, and Segregation

- A. Food shall be protected from cross Contamination by separating raw animal Food during storage, preparation, holding, and display from:
 - 1. Raw Ready-to-Eat Food including other raw animal Food such as Fish for sushi or Molluscan Shellfish, or other raw Ready-to-Eat Food such as fruits and vegetables, and
 - 2. Cooked Ready-to-Eat Food.
- B. Frozen, commercially processed and Packaged raw animal Food may be stored or displayed with or above frozen, commercially processed and Packaged, Ready-to-Eat Food.

***3-407 Pasteurized Eggs, Substitute for Shell Eggs for Certain Recipes**

Pasteurized Eggs or Egg Products shall be substituted for raw Eggs in the preparation of foods such as Caesar salad, hollandaise or béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and Egg-fortified Beverages that are not cooked as specified in Section 3-502(D) of these rules and regulations. This Section does not apply if there is a consumer advisory in place as specified in

Section 3-8 of these rules and regulations.

3-408 Washing Fruits and Vegetables/Additives/Sulfites

- A. Raw fruits and vegetables, with the exception of whole, raw fruits and vegetables that are intended for washing by the consumer before consumption or as specified in Section 3-408(B)-(D) of these rules and regulations, shall be thoroughly washed in running Drinking Water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form. Commercially, prewashed raw fruits and vegetables that are prepackaged to prevent Contamination do not require further washing prior to use.
- B. Fruits and vegetables from which rinds, peels, husks, or shells are not removed before preparation require washing.
- C. Chemicals for washing fruits and vegetables, criteria.
 - 1. Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR § 173.315.
 - 2. Ozone as an antimicrobial agent used in the treatment, storage and processing of fruits and vegetables in a Food Establishment shall meet the requirements specified in 21 CFR § 173.368.
- D. Application of sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a Food considered to be a good source of vitamin B1; such as Poultry, crab Meat (except canned), mixed nuts, whole grains, whole grain flours or enriched bakery products is prohibited.
- E. Establishments with Food items that require washing, thawing, or cooling shall have a Food Preparation sink. The Food Preparation sink must be supplied with both hot and cold running water, must be indirectly drained to sewer and must be equipped with an Approved eighteen-inch (18") [(46 centimeters (cm))] drain board or an alternate drain table or work space Approved by the Executive Director. If a garbage disposal is to be installed at the Food Preparation sink, it shall be located in the drain board of the sink and must be plumbed as specified in Section 5-205 of these rules and regulations.
- F. In establishments licensed prior to the effective date of these regulations, 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 Warewashing sink may be used for Food Preparation if the sink is indirectly drained and the sink and drain boards are cleaned and sanitized between changes in use.
- G. A Food Preparation sink may only be used for washing Food, cooling, thawing and

other Food Preparation activities.

3-409 In-Use Utensils, Between Use Storage

- A. 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., C.R.S., except as specified in Section 3-409(A)(5)-(6) of these rules and regulations, dispensing Utensils shall be:
1. Stored in the Food with the dispensing Utensil handle extended out of the Food;
 2. Stored on a clean and sanitized surface, if washed and sanitized as specified in Section 4-407(B) of these rules and regulations;
 3. Stored in continuously flowing Drinking Water such as in a dipper well; or
 4. Stored at temperatures of 135°F (57°C) and above or 41°F (5°C) and below.
 5. Utensils may not be stored in cracks and crevices between Equipment.
 6. In-use Utensils may not be stored in sanitizing or cleaning solutions.
- B. 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.

3-410 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 rules and regulations and not used for any other purpose. These cloths shall be held between uses in a clean, chemical sanitizer solution at the proper concentration.
- B. Cloths used for cleaning Nonfood-Contact Surfaces shall be clean and rinsed as specified in Section 3-410(A) of these rules and regulations and not used for any other purpose. These cloths shall be held between uses in a clean, chemical sanitizer solution at the proper concentration.
- C. Cloths that are used with raw Food of animal origin shall be kept separate from cloths used for other purposes. Cloths used with raw Food of animal origin shall be kept in a separate sanitizing solution.

- D. Dry, single-use disposable towels are permitted for wiping Food spills in lieu of wiping cloths 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 not used for any other purpose.
- F. Sponges shall not be used in contact with Food-Contact Surfaces.
- G. Wet wiping cloths shall be laundered daily.
- H. Dry wiping cloths shall be laundered as necessary to prevent Contamination of Food and clean serving Utensils.

3-411 Re-Use of Tableware

- A. Except as specified in Section 3-411(B) of these rules and regulations, re-use of soiled Tableware is prohibited.
- B. Beverage cups and glasses may be refilled where filling Equipment is designed to prevent cross Contamination, provided the actuating lever or mechanism and filling device of Beverage dispensing Equipment is designed to prevent contact with the lip-contact surface of glasses or cups that are being refilled.

3-412 Refilling Returnables

- A. A take-home or personal Food container shall not be refilled at a Food Establishment with a Potentially Hazardous Food.
- B. Returnables refilled with Food that is not potentially hazardous shall be clean.
- C. Personal take-out Beverage containers, such as thermally insulated bottles, non-spill coffee cups, and promotional Beverage glasses, may be refilled by Employees or the consumer if refilling is a Contamination-free process.

3-413 Food Storage

- A. Containers of Food shall be stored a minimum of six inches (6"), [15 centimeters (cm)], 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 clean and not exposed to floor moisture.

- C. Packaged Food, once the container is opened in the Food Establishment prior to use or 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 or cooling. Foods uncovered during preparation or cooling shall be protected from Contamination.

Primal Meat 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.

3-414 Food Storage, Prohibited Areas

Food may not be stored:

- A. In locker areas unless the Food is completely Packaged;
- B. In toilet rooms and their vestibules;
- C. In dressing rooms;
- D. In rooms designated for garbage, recycling, or composing collection;
- E. In mechanical rooms;
- F. Under sewer lines that are not shielded to intercept potential drips;
- G. Under leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed;
- H. Under open stairwells;
- I. Under other sources of Contamination; or
- J. In a private home.

3-415 Food Display

- A. Except for nuts in the shell and 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 packaging; Food shields at counters, service lines, salad bars; display cases; and other effective means of protection.
- B. French style, hearth baked or hard-crust ed 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 Section 25-4-1301 et seq., C.R.S.
- 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;
 - 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 not higher than forty-one degrees Fahrenheit (41°F)(5°C);
 - 3. In a manner that does not allow the liquids to accumulate in the gut of the Fish;
 - 4. The ice shall be completely changed not 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.
- E. 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.

3-416 Condiments, Protection

- A. Condiments shall be protected from Contamination by being kept in protective dispensers, in Food displays as specified in Section 3-311(A) of these rules and regulations, and are provided with the proper Utensils, in original containers that are designed for dispensing, or in individual packages or portions.
- B. Adding additional product before the container is emptied, cleaned and sanitized is prohibited.

***3-417 Consumer Self-service Operations**

- A. Unpackaged or unwrapped raw animal Food, such as beef, lamb, pork, Poultry and Fish shall not be offered for consumer self-service. This does not apply to consumer self-service of Ready-to-Eat Food at buffets or salad bars that serve Food such as sushi or raw shellfish or 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. Consumer self-service operations such as buffets and salad bars shall be monitored by Food Employees trained in safe operating procedures.

***3-418 Re-service**

Once served to a consumer, portions of leftover Food shall not be served again to a different consumer 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.

3-5 DESTRUCTION OF ORGANISMS OF PUBLIC HEALTH CONCERN

***3-501 Temperature**

- A. The temperature of Potentially Hazardous Foods shall be 41°F (5°C) or below or 135°F (57°C) or above, at all times except during necessary periods of preparation or as otherwise provided in these regulations.
- 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.
- D. A Food that is labeled frozen and shipped frozen by a Food processing plant shall be received and stored frozen.
- E. Upon receipt, Potentially Hazardous Food shall be free of evidence of previous temperature abuse.

***3-502 Cooking Potentially Hazardous Food**

Potentially Hazardous Foods processed within the Food Establishment shall be cooked to a uniform internal temperature of 135°F (57°C), except that:

- A. Poultry, stuffed Ratite, stuffed Fish, stuffed Meat, stuffed pasta, stuffed Poultry, or stuffing containing Fish, Meat or Poultry shall be cooked to a minimum uniform internal temperature of at least 165°F (74°C) for fifteen (15) seconds.
- B. Whole Meat roasts including beef, corned beef, lamb, pork, and cured pork roasts such as ham, shall be cooked:
 - 1. In an oven that is preheated to the temperature specified for the roast's weight in the following chart and that is held at that temperature:

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 10 lbs. (4.5 kg)	10 lbs. (4.5 Kg) or more
Still Dry	350°F (177°C) or more	250°F (121°C) or more
Convection	325°F (163°C) or more	250°F (121°C) or more
High Humidity ¹	250°F (121°C) or less	250°F (121°C) or less

¹ Relative humidity greater than ninety percent (90%) for at least one (1) hour as measured in the cooking chamber or the oven; or in a moisture-impermeable bag that provides one-hundred percent (100%) humidity.

and

- As specified in the following chart, to heat all parts of the Food to a temperature and for the holding time that corresponds to that temperature:

Temperature °F(°C)	Time ¹ in Minutes	Temperature °F(°C)	Time ¹ in Seconds
130 (54.4)	112	147 (63.9)	134
131 (55.0)	89	149 (65.0)	85
133 (56.1)	56	151 (66.1)	54
135 (57.2)	36	153 (67.2)	34
136 (57.8)	28	155 (68.3)	22
138 (58.9)	18	157 (69.4)	14
140 (60.0)	12	158 (70.0)	0
142 (61.1)	8		
144 (62.2)	5		
145 (62.8)	4		

¹ Holding time may include post oven heat rise.

- A raw or undercooked Whole Muscle Intact Beef steak may be served or offered for sale in a ready-to-eat form if:
 - The Food Establishment serves a population that is not a Highly Susceptible Population;
 - The steak is labeled to indicate that it meets the definition of “Whole Muscle Intact Beef;” and
 - The steak is cooked on both the top and bottom to a surface temperature of 145°F (63°C) or above and a cooked color change is achieved on all external surfaces.

- D. Eggs, Fish, pork, lamb, and other Meats shall be cooked to a uniform minimum internal temperature of 145°F (63°C) for fifteen (15) seconds.
- E. Eggs that are not prepared in response to a consumer's order or for immediate service shall be cooked to 155°F (68°C).
- F. Ground Beef and Poultry shall be cooked to a minimum internal temperature of 145°F (63°C) for three (3) minutes, or 150°F (66°C) for one (1) minute, or 155°F (68°C) for fifteen (15) seconds, or to 158°F (70°C) for less than one (1) second.
- G. Game Animals shall be cooked to a minimum internal temperature of 145°F (63°C) for fifteen (15) seconds except as specified in Section 3-502(K) of these rules and regulations.
- H. Comminuted Fish, Meat, Game Animals and beef including Mechanically Tenderized or Injected Meats other than Whole Muscle Intact Beef steak, shall be cooked to a minimum internal temperature of 155°F (68°C) for fifteen (15) seconds.
- I. 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 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.
- J. Fruit and vegetables that are cooked for hot holding shall be cooked to a temperature of 135°F (57°C).
- K. Unless otherwise ordered by the immediate consumer and the consumer is informed as specified in Section 3-502(K)(1)(a)–(c) of these rules and regulations below:
 - 1. A raw animal Food such as raw Egg, raw Fish, raw-marinated Fish, raw Molluscan Shellfish, or steak tartare; or a partially cooked Food such as lightly cooked Fish, soft cooked Eggs, or rare Meat other than Whole Muscle Intact Beef steaks as specified in Section 3-502(C) of these rules and regulations, may be served or offered for sale upon consumer request or selection in a ready-to-eat form if:
 - a. As specified in Section 3-702(A)-(C) of these rules and regulations, the Food establishment serves a population that is not a Highly Susceptible Population;

- b. The Food, if served or offered for service by consumer selection from a children's menu, does not contain Comminuted Meat; and
- c. The consumer is informed as specified in part 3-8 "Consumer Advisory" that to ensure its safety, the Food should be cooked as specified in Section 3-502(A)-(K) of these rules and regulations.

***3-503 Non-Continuous Cooking of Raw Animal Foods**

- A. Raw animal foods that are cooked using a Non-Continuous Cooking process shall be:
 - 1. Subject to an initial heating process that is no longer than sixty minutes in duration;
 - 2. Immediately after initial heating, cooled according to the time and temperature parameters specified for cooked Potentially Hazardous Food (time /temperature control for safety Food) in Section 3-603(A) of these rules and regulations;
 - 3. After cooling, held frozen or cold, as specified for Potentially Hazardous Food in Section 3-501(A) of these rules and regulations;
 - 4. Prior to sale or service, cooked using a process that heats all parts of the Food to a temperature of at least 165°F (74°C) for fifteen (15) seconds;
 - 5. Cooled according to the time and temperature parameters specified for cooked Potentially Hazardous Food (time /temperature control for safety Food) in Section 3-603(A)-(C) of these rules and regulations if not either hot held as specified in Section 3-501(A) of these rules and regulations, served immediately, or held using time as a public health control as specified in Section 3-605(A)-(B) and regulations after complete cooking; and
 - 6. Prepared and stored according to written procedures Approved by the Manager that:
 - a. Are maintained in the Food Establishment and are available to the Department upon request;
 - b. Describe how the requirements specified in Section 3-503(A)(1)-(5) of these rules and regulations are to be monitored and documented by the Responsible Party and the corrective actions to be taken if the requirements are not met;
 - c. Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that must be cooked as specified in Section 3-503(A)(4) of these rules and regulations prior to being

offered for sale or service; and

- d. Describe how the foods, after initial heating but prior to cooking as specified in Section 3-504(A)(4) of these rules and regulations, are to be separated from ready-to eat foods as specified in Section 3-406 of these rules and regulations.

***3-504 Reheating**

- A. Except as specified in Sections 3-504(B) and (C) of these rules and regulations, Potentially Hazardous Foods that have been cooked and then refrigerated shall be rapidly reheated within two (2) hours to a uniform internal temperature of 165°F (74°C) or higher before being placed in hot Food storage holding units which shall maintain product temperature at 135°F (57°C) or above at all times. 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.
- B. Except as specified in Section 3-504(C) of these rules and regulations, Food reheated in a microwave oven shall be heated to a uniform internal temperature of at least 165°F (74°C) and the Food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.
- C. 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 within two (2) hours to a uniform internal temperature of at least 135°F (57°C) for hot holding.

3-505 Preparation for Immediate Service

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.

3-6 LIMITATION OF GROWTH OF ORGANISMS OF PUBLIC HEALTH CONCERN

3-601 Thawing

Except as specified in Section 3-601(D) of these rules and regulations, Potentially Hazardous Foods shall be thawed:

- A. Under refrigeration that maintains the Food temperature at 41°F (5°C) or below; or
- B. Completely submerged and with packaging removed under running water:
 1. At a water temperature of 70°F (21°C) or below,

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 Ready-to-Eat Food to rise above 41°F (5°C); or
 4. For a period of time that does not allow thawed portions of a raw animal Food requiring cooking as specified in Section 3-502 of these rules and regulations to be above 41°F (5°C), for more than 4 hours including:
 - a. The time the Food is exposed to the running water and the time needed for preparation for cooking, or
 - b. The time it takes under refrigeration to lower the Food temperature to 41°F (5°C).
- C. As part of a cooking process if the Food that is frozen is:
1. Cooked as specified in Section 3-502 of these rules and regulations, or
 2. Thawed in a microwave oven and immediately transferred to conventional cooking Equipment, with no interruption in the process; or
- D. Using any procedure if a portion of frozen Ready-to-Eat Food is thawed and prepared for immediate service in response to an individual consumer's order.

3-602 Slacking

Frozen Potentially Hazardous Food that is slacked to moderate the temperature shall be held:

- A. Under refrigeration that maintains the Food temperature at 41°F (5°C) or less, or
- B. At any temperature if the Food remains frozen.

***3-603 Cooling**

- A. Cooked Potentially Hazardous Foods shall be cooled from 135°F (57°C) to 41°F (5°C) or below, in six (6) hours, provided the Food is cooled from 135°F (57°C) to 70°F (21°C) within the first two (2) hours.
- B. Potentially Hazardous Foods that has been prepared from ingredients at ambient temperature, such as Reconstituted milk and canned products, shall be cooled to 41°F (5°C), or below, within four (4) hours.
- C. 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 41°F (5°C) or below within four (4) hours.

- D. When the temperature of Food in a cooling process is below 135°F (57°C) and the Food is not being actively cooled, it shall be time controlled as specified in Section 3-605 of these rules and regulations.

3-604 Cooling Methods

- A. Cooling shall be accomplished as specified in Section 3-603 of these rules and regulations, by using one or more of the following methods based on the type of Food being cooled:
 - 1. Placing the Food in shallow pans;
 - 2. Separating the Food into smaller or thinner portions;
 - 3. Using rapid cooling Equipment;
 - 4. Stirring the Food in a container placed in an ice water bath;
 - 5. Using containers that facilitate heat transfer;
 - 6. Adding ice as an ingredient; or
 - 7. Other effective methods that meet the requirements of Section 3-603 of these rules and regulations.
- B. When using Food containers to cool Food, Food shall be:
 - 1. Arranged in the container to provide maximum heat transfer through the container walls; and
 - 2. Loosely covered, or uncovered if protected from overhead Contamination during the cooling period to facilitate heat transfer from the surface of the Food.

***3-605 Time as a Public Health Control**

- A. Except as specified in Section 3-605(D) of these rules and regulations, if time without temperature control is 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 sale or service; or for Food in a cooling process when the temperature of the Food is less than 135°F (57°C) and the Food is not being actively cooled:
 - 1. Written procedures shall be prepared in advance, maintained in the Food Establishment and made available to the Department upon request that specify:

- a. Methods of compliance with Sections 3-605(B)(1)-(3) or (C)(1)-(5) of these rules and regulations; and
 - b. Methods of compliance with Section 3-501 of these rules and regulations for Food that is prepared, cooked and refrigerated before time is used as a public health control.
- B. If time without temperature control is used as the public health control up to a maximum of four (4) hours:
1. The Food shall have an initial temperature of 41°F (5°C) or less when removed from cold holding temperature control, or 135°F (57°C) or greater when removed from hot holding temperature control;
 2. The Food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the Food is removed from temperature control;
 3. The Food shall be cooked and served, served at any temperature if ready-to-eat, or discarded, within four (4) hours from the point in time when the Food is removed from temperature control; and
 4. The Food in unmarked containers or packages, or marked to exceed a four (4) hour limit shall be discarded.
- C. If time with temperature control is used as the public health control up to a maximum of six (6) hours:
1. The Food shall have an initial temperature of 41°F (5°C) or less when removed from temperature control and the Food temperature may not exceed 70°F (21°C) within a maximum time period of six (6) hours;
 2. The Food shall be monitored to ensure the warmest portion of the Food does not exceed 70°F (21°C) during the six (6) hour period, unless an ambient air temperature is maintained that ensures the Food does not exceed 70°F (21°C) during the six (6) hour holding period;
 3. The Food shall be marked or otherwise identified to indicate:
 - a. The time when the Food is removed from 41°F (5°C) or less cold holding temperature control, and
 - b. The time that is six (6) hours past the point in time when the Food is removed from cold holding temperature control;

4. The Food shall be:
 - a. Discarded if the temperature of the Food exceeds 70°F (21°C), or
 - b. Cooked and served, served at any temperature if ready-to-eat, or discarded within a maximum of six (6) hours from the point in time when the Food is removed from 41°F (5°C) or less cold holding temperature control; and
 5. The Food in unmarked containers or packages, or marked with a time that exceeds the six (6) hour limit, shall be discarded.
- D. If time control is used during a cooling process as specified in Section 3-603 of these rules and regulations:
1. The Food shall be marked with the time the temperature of any portion of the Food falls below 135°F (57°C); and
 2. The Food shall be monitored to ensure the temperature of all portions falls below 70°F (21°C) within two (2) hours and below 41°F (5°C) within six (6) hours.
- E. A Food Establishment that serves a Highly Susceptible Population may not use time as specified in Sections 3-605(A), (B) or (C) of these rules and regulations, as the public health control for raw Eggs.

3-606 Specialized Processing Methods

- A. Unless otherwise Approved, a Food Establishment shall develop an HACCP Plan and, except as stated in Section 3-606(A)(4) of these rules and regulations, obtain written approval from the Executive Director prior to engaging in any of the following:
1. Smoking of Food as a method of Food preservation rather than as a method of flavor enhancement;
 2. Curing or drying Food outside of Approved hot and cold storage temperatures specified in Section 3-501 of these rules and regulations for a period of time that exceeds four (4) hours;
 3. Using Food additives or adding components to alter the pH or Water Activity:
 - a. As a method of Food preservation rather than as a method of flavor enhancement, or
 - b. To render a Food so that it is not potentially hazardous.

4. Packaging Food using a Reduced Oxygen Packaging method except as specified in Section 3-607 of these rules and regulations where a barrier to clostridium botulinum in addition to refrigeration exists;
 5. Operating a Molluscan Shellfish life-support system display tank used to store or display shellfish that are offered for human consumption;
 6. Custom processing animals that are for personal use as Food and not for sale or service in a Food Establishment;
 7. Sprouting seeds or beans; or
 8. Other specialized processing methods.
- B. For a Food Establishment that is required to have an HACCP Plan, the plan and specifications shall indicate:
1. A categorization of the types of Potentially Hazardous Foods that are specified in the menu, such as soups and sauces, salads, and bulk solid foods, such as Meat roasts, or other foods that are specified by the Manager;
 2. A flow diagram by specific Food or category type identifying Critical Control Points and providing information on the following:
 - a. Ingredients, materials, and Equipment used in the preparation of that Food, and
 - b. Formulations or recipes that delineate methods and procedural control measures that address the Food safety concerns involved;
 3. Food Employee and supervisory training plan that addresses the Food safety issues of concern;
 4. A statement of standard operating procedures for the plan under consideration including clearly identifying:
 - a. Each Critical Control Point;
 - b. The Critical Limits for each Critical Control Point;
 - c. The method and frequency for monitoring and controlling each Critical Control Point by the Food Employee designated by the Person in Charge;
 - d. The method and frequency for the Person in Charge to routinely verify that the Food Employee is following standard operating procedures and monitoring Critical Control Points;

- e. Action to be taken by the Person in Charge if the Critical Limits for each Critical Control Point are not met;
- f. Records to be maintained by the Person in Charge to demonstrate that the HACCP Plan is properly operated and managed; and
- g. Additional scientific data or other information, as required by the Department, supporting the determination that Food safety is not compromised by the proposal.

***3-607 Reduced Oxygen Packaging**

- A. A Food Establishment that packages Potentially Hazardous Food using a Reduced Oxygen Packaging method shall control the growth and toxin formation of *Clostridium botulinum* and the growth of *Listeria monocytogenes* and have an Approved HACCP Plan that contains the information specified under Section 3-606 of these rules and regulations and that:
 - 1. Identifies the Food to be Packaged;
 - 2. Except as specified in Section 3-607(B)-(D) of these rules and regulations, requires that the Packaged Food shall be maintained at 41°F (5°C) or less and meet at least one (1) of the following criteria:
 - a. Has an a_W of 0.91 or less;
 - b. Has a pH of 4.6 or less;
 - c. Is a Meat or Poultry product cured at a Food processing plant regulated by the U.S. Department of Agriculture (USDA) using substances specified in 9 CFR § 424.21, and is received in an intact package; or
 - d. Is a Food with a high level of competing organisms such as raw Meat, raw Poultry, or raw vegetables.
 - 3. 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 41°F (5°C) or below, and
 - b. Discard the Food if within fourteen (14) calendar days of its packaging if it is not served for on-Premises consumption, or consumed if served or sold for off-Premises consumption.

4. Limits the refrigerated shelf life to no more than fourteen (14) calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first;
 5. Includes operational procedures that:
 - a. Prohibit contacting Ready-to-Eat Food with bare hands as specified in Section 3-401 of these rules and regulations,
 - b. Identify a designated area and the method by which:
 - (1) Physical barriers or methods of separation of raw foods of animal origin and Ready-to-Eat Foods minimize cross-Contamination, and
 - (2) Access to the processing Equipment is restricted to responsible trained personnel familiar with the potential hazards of the operation; and
 - c. Delineate cleaning and Sanitization procedures for Food-Contact Surfaces;
 6. Describes the training program that assures the individual responsible for the Reduced Oxygen Packaging operation understands the:
 - a. Concepts required for a safe operation;
 - b. Equipment and facilities; and
 - c. Procedures specified in Section 3-607(A)(5) of these rules and regulations.
- B. Except for Fish that is frozen before, during and after packaging, a Food Establishment may not package Fish using a Reduced Oxygen Packaging method.
- C. Except as specified in Section 3-607(B) of these rules and regulations, a Food Establishment that packages Potentially Hazardous Food using a cook-chill or sous vide process shall:
1. Implement a HACCP Plan that contains the information as specified in Section 3-606 of these rules and regulations;
 2. Ensure the Food is:
 - a. Prepared and consumed on the Premises, or prepared and consumed off the Premises but within the same business entity with no distribution or sale of the Packaged product to another business entity or the consumer;
 - b. Cooked to heat all parts of the Food to a temperature and for a time as specified in Section 3-502 of these rules and regulations;

- c. Protected from Contamination before and after cooking as specified in Sections 3-401 through 3-406 of these rules and regulations;
 - d. Placed in a package with an oxygen barrier and Sealed before cooking, or placed in a package and Sealed immediately after cooking and before reaching a temperature below 57°C (135°F);
 - e. Cooled to 41°F (5°C) in the Sealed package or bag as specified in Section 3-603 of these rules and regulations and
 - (1) Cooled to 34°F (1°C) within forty-eight (48) hours of reaching 41°F (5°C) and held at that temperature until consumed or discarded within thirty (30) days after the date of packaging;
 - (2) Held at 41°F (5°C) or less for no more than seven (7) days, at which time the Food must be consumed or discarded; or
 - (3) Held frozen with no shelf life restriction while frozen until consumed or used.
 - f. Held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily;
 - g. If transported off-site to a satellite location of the same business entity, equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation; and
 - h. Labeled with the product name and the date Packaged.
3. Maintain the records required to confirm that cooling and cold holding refrigeration time/temperature parameters are met as part of the HACCP Plan and:
- a. Make such records available to the Department upon request; and
 - b. Hold such records for at least 6 months; and
4. Implement written operational procedures as specified in Section 3-607(A)(5) of these rules and regulations, and a training program as specified in Section 3-607(A)(6) of these rules and regulations.
- D. A Food Establishment that packages cheese using a Reduced Oxygen Packaging method shall:

1. Limit the cheeses Packaged to those that are commercially manufactured in a Food processing plant with no ingredients added in the Food Establishment and that meet the Standards of Identity as specified in 21 CFR § 133.150, 21 CFR § 133.169, or 21 CFR § 133.187;
 2. Have an HACCP Plan that contains the information specified in Section 3-607 of these rules and regulations;
 3. Labels the package on the principal display panel with a "use by" date that does not exceed thirty (30) days from its packaging or the original manufacturer's "sell by" or "use by" date, whichever occurs first; and
 4. Discards the reduced oxygen Packaged cheese if it is not sold for off-Premises consumption or consumed within thirty (30) calendar days of its packaging.
- E. When applying a Reduced Oxygen Packaging process, Food Establishments shall notify the Department in advance and indicate the method proposed (i.e. cook-chill, sous vide).
- F. If the retail location where Food is Packaged is outside of Denver, the facility shall maintain a copy of the Approved HACCP Plan at their Denver location along with proof of HACCP Plan approval by the regulatory agency that has jurisdiction where the Food was Packaged.

3-608 Breeding Mixtures

- A. Containers of dry breeding mixtures (containing flour, cornmeal, spices, etc.) into which raw animal foods such as Poultry and Fish are repeatedly dipped, may be used for a total period of up to seven (7) days and stored at room temperature, provided that:
1. Containers are stored covered in a clean dry area overnight and/or when not in use as specified in Sections 3-413 and 3-414 of these rules and regulations;
 2. The breeding mixture is sifted at a minimum of every four (4) hours to remove excess moisture and dough balls while in use; and
 3. Containers are completely emptied, cleaned and sanitized and the breeding mixtures discarded at intervals of no greater than seven (7) days.
- B. If this procedure is used, the Person in Charge must have a system in place to indicate the date the breeding must be discarded.

3-7 ON-PREMISES LABELING

3-701 Labeling

- A. When voluntary code data 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 as specified in Section 25-4-1301 et seq., C.R.S.
- 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.
- D. If a Packaged Food product is manufactured and sold on or off site for customer self-service, it must be labeled as specified in Section 25-5-401 et seq., C.R.S. and all labeling regulations authorized therein
- E. A Food ingredient, such as flour, sugar, salt, spices, dried herbs, potato flakes, 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.

3-702 Special Requirements for Highly Susceptible Populations

- A. Ready-to-eat, Potentially Hazardous Food served in facilities providing Food to Highly Susceptible Populations shall adhere to the following date marking requirements:
 - 1. Except when packaging Food using a Reduced Oxygen Packaging method as specified in Section 3-607 of these rules and regulations, and except as specified in Section 3-702(A)(4)-(5) of these rules and regulations, refrigerated, ready-to-eat, Potentially Hazardous Food prepared and held in a Food Establishment for more than twenty-four (24) hours shall be clearly marked to indicate the date or day by which the Food shall be consumed on the Premises, sold, or discarded when held at a temperature of 41°F (5°C) or less for a maximum of seven (7) days.
 - 2. Except as specified in Section 3-702(A)(4)-(6) of these rules and regulations, refrigerated, ready-to-eat, Potentially Hazardous Food prepared and Packaged by a Food processing plant shall be clearly marked, at the time the original container is opened in a Food Establishment and if the Food is held for more than twenty-four (24) hours, to indicate the date or day by which the Food shall be consumed on the Premises, sold, or discarded, based on the temperature and

time combinations specified in Section 3-702(A)(1) of these rules and regulations and:

- a. The day the original container is opened in the Food Establishment shall be counted as Day 1; and
 - b. The day or date marked by the Food Establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on Food safety.
3. A refrigerated, ready-to-eat, Potentially Hazardous Food ingredient or a portion of a refrigerated, ready-to-eat, Potentially Hazardous Food that is subsequently combined with additional ingredients or portions of Food shall retain the date marking of the earliest-prepared or first-prepared ingredient.
 4. A date marking system that meets the criteria stated in Section 3-702(A)(1) and (2) of these rules and regulations may include:
 - a. Using an Approved method for refrigerated, ready-to-eat Potentially Hazardous Food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
 - b. Marking the date or day of preparation, with a procedure to discard the Food on or before the last date or day by which the Food must be consumed on the Premises, sold, or discarded as specified in Section 3-702(A)(4)(a) of these rules and regulations;
 - c. Marking the date or day the original container is opened in a Food Establishment, with a procedure to discard the Food on or before the last date or day by which the Food must be consumed on the Premises, sold, or discarded as specified in Section 3-702(A)(4)(b) of these rules and regulations; or
 - d. Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided the marking system is disclosed to the Department upon request.
 5. Section 3-702(A)(1) and (2) of these rules and regulations do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
 6. Section 3-702(A)(2) of these rules and regulations does not apply to the following foods prepared and Packaged by a Food processing plant inspected by a Department:

- a. Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured as specified in 21 CFR Part 110;
 - b. Hard cheeses containing not more than thirty-nine percent (39%) moisture as defined in 21 CFR § 133, such as cheddar, gruyere, parmesan and reggiano and romano;
 - c. Semi-soft cheeses containing more than thirty-nine percent (39%) moisture, but not more than fifty percent (50%) moisture, as defined in 21 CFR § 133, such as blue, edam, gorgonzola, gouda and monterey jack;
 - d. Cultured dairy products as defined in 21 CFR § 131, such as yogurt, sour cream and buttermilk;
 - e. Preserved Fish products, such as pickled herring and dried or salted cod, and other acidified Fish products defined in 21 CFR § 114;
 - f. Shelf stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled “Keep Refrigerated” as specified in 9 CFR § 317 and which retain the original casing on the product; and
 - g. Shelf stable salt-cured products such as prosciutto and Parma (ham) that are not labeled “Keep Refrigerated” as specified in 9 CFR § 317.
- B. A Food Establishment that packages Potentially Hazardous Food that will be served in facilities providing Food to Highly Susceptible Populations using a Reduced Oxygen Packaging method as specified in Section 3-607 of these rules and regulations shall have a HACCP Plan that contains the information specified in Sections 3-606 and 3-607 of these rules and regulations and that is provided to the Department for review and approval prior to implementation.
- C. The following foods may not be served or offered for sale in a ready-to-eat form to persons in a Highly Susceptible Population:
- 1. Raw animal Food such as raw Fish, raw-marinated Fish, raw Molluscan Shellfish, and steak tartare;
 - 2. A partially cooked animal Food such as lightly cooked Fish, rare Meat, soft cooked Eggs that are made from raw shell Eggs and meringue;
 - 3. Raw seed sprouts;
 - 4. Juice that is not pasteurized or treated under a HACCP Plan as specified in Section 3-606 of these rules and regulations, or contains a warning label as specified in Section 3-312(B) of these rules and regulations.

- D. Food may not be re-served to or from Highly Susceptible Populations under the following conditions:
1. Any Food served to patients or clients who are under contact precautions, in medical isolation or quarantine, or protective environment isolation may not be reserved to others outside.
 2. Packages of Food from any patients, clients, or other consumers should not be reserved to persons in protective environment isolation.

3-8 CONSUMER ADVISORY

***3-801 Consumption of Animal Foods That Are Raw, Undercooked, or Not Otherwise Processed to Eliminate Pathogens**

- A. Except as specified in Sections 3-502(C) and 3-502(K)(1) and 3-702(A)-(D) of these rules and regulations, if an animal Food such as beef, Eggs, Fish, lamb, milk, pork, Poultry, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another Ready-to-Eat Food, the Responsible Party shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and Reminder, as specified in Section 3-801(B) and (C) of these rules and regulations, using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.
- B. Disclosure shall include:
1. A description of the animal-derived foods, such as “oysters on the half shell (raw oysters),” “undercooked Eggs,” and “hamburgers (can be cooked to order);” or
 2. Identification of the animal-derived foods by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.
- C. Reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states:
1. Regarding the safety of these items, written information is available upon request;
 2. Consuming raw or undercooked Meats, Poultry, seafood, shellfish, or Eggs may increase your risk of foodborne illness; or
 3. Consuming raw or undercooked Meats, Poultry, seafood, shellfish, or Eggs may increase your risk of foodborne illness, especially if you have certain medical

conditions.

CHAPTER 4: WARE WASHING, EQUIPMENT, UTENSILS, AND LINENS

4-1 MATERIALS FOR CONSTRUCTION AND REPAIR

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 Executive Director; 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 rule.

Equipment that is installed or used or features that are constructed in a Food Establishment that do not fully meet all the design and fabrication requirements of these regulations shall not be used unless prior written approval is provided by the Executive Director. The Executive Director may approve such equipment if it is in good repair, capable of being maintained in a clean and sanitary condition, constructed of nontoxic materials, does not present any risk to the public health, and meets the public health intent of these regulations. In considering approval of design elements that do not fully meet the requirements, the Executive Director may provide a conditional approval based on the above considerations as well as additional information submitted by the Responsible Party. 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 except as specified above.

4-102 Equipment Requirements

All Food Establishments shall have at a minimum:

- A. Equipment and Utensil washing facilities installed and operated as specified in Section 4-403 of these rules and regulations except Food Establishments that do not prepare Food, package Food, or dispense unpackaged Food other than whole, uncut raw fruits and vegetables, and whole nuts in the shell;
- B. At least one Hand Washing Sink accessible to all Employees involved in Food Preparation and Equipment and Utensil washing areas as specified in Section 5-208 of these rules and regulations; and
- C. A utility facility as specified in Section 5-210 of these rules and regulations.

4-103 Temporary Food Handling Areas in Regulated Facilities

Temporary handling of exposed Food in an area outside designated and Approved Food Preparation areas requires the accessibility of an Approved hand washing facility with hot and cold water under pressure equipped with soap and single-service drying devices as specified in Section 5-208(C) and (D) of these rules and regulations; and sanitizing solution with wiping cloths as specified in Section 4-40(C) of these rules and regulations. Potentially Hazardous Foods in temporary Food handling areas must be maintained and handled in compliance with all other provisions of these regulations. The Executive Director may impose additional requirements at temporary Food handling areas depending on the risks presented by the design and construction of the temporary area as well as the nature of Food handling occurring. The Executive Director has the right to prohibit any temporary Food handling operation where the Executive Director believes a public health risk is present.

4-2 DESIGN AND CONSTRUCTION

4-201 Food Contact Surfaces

Multi-use Food-Contact Surfaces shall be:

- A. Smooth;
- B. Free of breaks, open seams, cracks, chips, pits, and similar imperfections;
- C. Free of sharp internal angles, corners, and crevices;
- D. Finished to have Smooth welds and joints; and
- E. Accessible for cleaning and Inspection by one of the following methods:
 - 1. Without being disassembled,
 - 2. By disassembly without the use of tools, or
 - 3. 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.

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
Beverage Mugs, cups, pitchers	Coffee Mugs	0.5
Large hollow ware (excluding pitchers)	Bowls ≥ 1.1 L (1.16 QT)	1
Small hollow ware (excluding cups and mugs)	Bowls < 1.1 L (1.16 QT)	2.0
Flat Tableware	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 6 (e.g. vinegar, fruit Juice, wine, carbonated Beverages, etc.). Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the pre-fermentation and fermentation steps of a beer brewing operation such as a brewpub or microbrewery.
- D. Enamelware shall not be used for storage or preparation of acidic Food (e.g., vinegar, tomato based sauces, Juices, etc.).
- 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. Linens and napkins may not be used in contact with Food unless they are used to line a container for the service of foods and 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 specified in Part 3-5 of these rules and regulations such as frozen Food or a Primal Meat Cut.
- H. Pewter alloys containing lead in excess of 0.05% may not be used as a Food-contact surface.
- I. Solder and flux containing lead in excess of 0.2%, and cadmium, antimony, bismuth, or other toxic chemicals may not be used on surfaces that contact Food.
- J. Except as specified in Section 4-202(J)(1)-(3) of these rules and regulations, 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 un-cleanable, 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 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 cannot be effectively cleaned and sanitized.
- L. Newspaper, cloth, paper, oil cloth, cardboard, towels and other nonfood grade surfaces, such as grocery bags or retail store bags, are not Approved Food contact surfaces. This does not preclude the use of grocery bags for customers.
- M. Wrapping of Utensils or Equipment handles with absorbent or difficult-to-clean material, such as string, wire or tape shall not be allowed.

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 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 Ware Washing, 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.

- E. Newspapers, cloth, paper, cardboard, towels, contact paper, foil, oilcloth, or similar materials shall not be used as liners for shelves, drawers, or drain boards.

4-204 Clean in Place (CIP) Equipment

- A. CIP Equipment shall meet the characteristics of Food-Contact Surfaces and shall be designed and constructed so that:
 - 1. Cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior Food-Contact Surfaces; and
 - 2. The system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.
- B. 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.

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.

4-206 Hot-Oil Filtering Equipment

Hot-oil filtering Equipment shall meet the characteristics specified under Food-Contact Surfaces as specified in Sections 4-201 through 4-204 of these rules and regulations and shall be readily accessible for filter replacement and cleaning of the filter.

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 21 CFR § 178.3570.

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.

4-209 Ice Units, Separation of Drains

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

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.

***4-211 Molluscan Shellfish Tanks**

- A. Except as specified in Section 4-211(B) of these rules and regulations, Molluscan Shellfish life support system display tanks may not be used to store or display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.
- B. Molluscan Shellfish life-support system display tanks that are used to store or display shellfish that are offered for human consumption shall be operated and maintained in accordance with an approval granted by the department or an Approved HACCP Plan that:
 - 1. Is submitted by the Licensee and approved as specified in Section 3-606 of these rules and regulations; and
 - 2. Ensures that:
 - a. Water used with Fish other than Molluscan Shellfish does not flow into the molluscan tank,
 - b. The safety and quality of the shellfish as they were received are not compromised by the use of the tank, and
 - c. The identity of the source of the Shellstock is retained as specified in Section 3-201(B) of these rules and regulations.

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 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. Hood filters or other grease extracting Equipment shall be easily removable for cleaning and replacement when not designed for in place cleaning. Hood filters shall remain in place whenever

- the system is in operation.
- B. 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.
1. Type I hoods shall be installed where cooking appliances produce grease or smoke such as occurs with grills, fryers, broilers, ranges and woks.
 2. Type II hoods shall be installed where cooking or dish washing appliances produce heat, steam or products of combustion but do not produce grease or smoke. This includes steamers, pasta cookers and high temperature sanitizing dish washing machines. This does not apply to under-counter-type commercial dishwashing machines.
 3. Intake and exhaust ducts shall be maintained to prevent the entrance of dust, dirt and other contaminating materials.
 4. In new or Extensively Remodeled Food Establishments, all rooms, including restrooms, from which obnoxious odors, vapors, or fumes originate, shall be mechanically vented to the outside unless exempted under Section 4-212(b) of these rules and regulations.
- C. Except for Mobile Retail Food Establishments, make up air must be filtered and mechanically introduced into the establishment at a volume equal to or greater than what is exhausted.
- D. Fire prevention, extinguishing Equipment and lighting systems shall be installed in a ventilation system or hood so as to not create a cleaning problem.

4-3 LOCATION AND INSTALLATION

4-301 Equipment, and Storage Cabinets, Contamination Prevention

- A. The storage of cleaned and sanitized Equipment, Utensils, laundered Linens, laundered clothing and Single-Service Articles and Single-Use Articles, may not be located:
1. In locker areas;
 2. In toilet rooms and their vestibules;
 3. In dressing rooms;
 4. In garbage, recycling, or composting rooms;
 5. In mechanical rooms;

6. Under water and sewer lines that are not shielded to intercept potential drips;
 7. Under leaking automatic fire sprinkler heads, or under lines on which water has condensed;
 8. In a private home;
 9. Under open stairwells; or
 10. Under other sources of Contamination.
- B. A storage cabinet used for Linens or completely Packaged Single-Service Articles or Single-Use Articles may be stored in a locker area.

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 (10 cm) clearance between the table or counter, except that if not any 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 not any part of the table under the Equipment is more than three (3) inches (8 cm) 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 rules and regulations if:
 - a. It is small and light enough to be moved easily by one person; or
 - b. It is equipped with a mechanical means of safely tilting the unit for cleaning;
 - 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) inches (10 cm) clearance between the floor and Equipment if the floor under the Equipment is not 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 requirements of Section 4-302(B)(1)(a)–(b) if they are installed so that the floor beneath the units can be cleaned.
2. Equipment is easily moveable if:
 - a. It is mounted on commercially designed wheels or casters; and
 - b. It does not have a 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, in which fats and oils are utilized as the heat transfer agent or which is used in preparation of Food that produces 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;
 - 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)
 - 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.

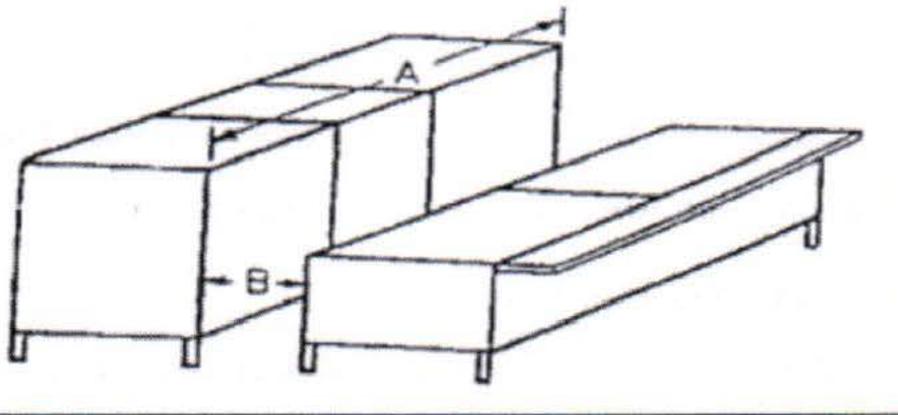


FIGURE 1

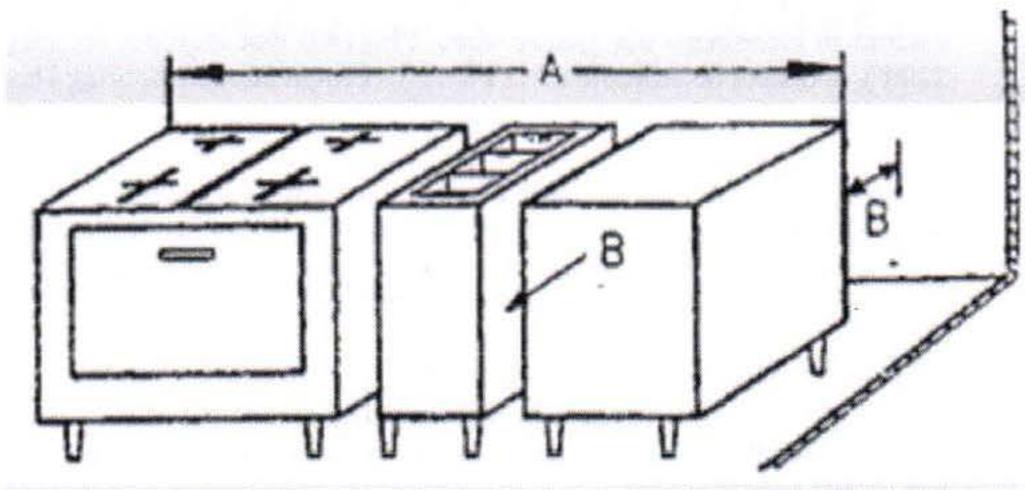


FIGURE 2

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:

1. Removable by one of the methods specified in Section 4-201(E)(1)-(3) of these rules and regulations or capable of being rotated open; and
2. Removable or capable of being rotated open without unlocking Equipment doors.

4-4 EQUIPMENT AND UTENSIL CLEANING AND SANITIZATION-TESTING DEVICES

4-401 Temperature Measuring Devices

Temperature Measuring Devices shall be provided and used to monitor temperatures of Potentially Hazardous Foods. Surfaces of Food Temperature Measuring Devices that come in contact with Food shall be cleaned and sanitized before use or storage.

- A. Temperature Measuring Devices shall be available, used, capable of reading both hot and cold temperatures and shall have a numerical scale, printed record, or digital readout in increments not greater than 2°F (1°C) that includes the range of (0°-220°F), and shall be accurate to ±2°F (1°C). Temperature Measuring Devices shall be capable and used to determine required Food temperature(s).
- B. A Temperature Measuring Device with a suitable small diameter probe that is capable of measuring the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin Food such as Meat patties and Fish fillets, if this type of Food is prepared.
- C. Ambient air and Ware Washing Temperature Measuring Devices shall have a numerical scale, printed record, or digital readout in increments not 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 Temperature Measuring Device. Temperature Measuring Devices used to measure the air temperature of cold holding units shall be conspicuously located in the upper one-third of the unit. Temperature Measuring Devices used to measure the air temperature of hot Food storage units shall be conspicuously located in the lower one-third of the unit.

- E. Temperature Measuring Devices shall be checked and calibrated as necessary to ensure their accuracy.
- F. Where it is impractical to install Temperature Measuring Devices on Equipment, such as heat lamps, calrod units, or insulated Food transport carriers, Temperature Measuring Devices, as required in Section 4-401(A) of these rules and regulations, shall be available and used to check internal Food temperatures.

4-402 Testing Devices

- A. An appropriate test kit or other device designed to accurately measure the concentration in parts per million (mg/L) of the sanitizing solution shall be available and used.
- B. Where chemicals are used to wash fruits and vegetables in the establishment, the chemicals shall be prepared and used in accordance with the manufacturer's labeled instructions.
- C. Where heat Sanitization is used in mechanical Ware Washing machines, an accurate machine or water line mounted temperature gauge must be present. In the event a mounted temperature gauge is not present, an appropriate irreversible registering temperature indicator, such as a maximum read Temperature Measuring Device or heat sensitive tape, shall be available and used to verify proper Sanitization.

4-403 Manual Cleaning and Sanitization

In new or Extensively Remodeled Food Establishments, Equipment and Utensil washing facilities, as specified in Section 4-403(A) of these rules and regulations, shall be provided for washing, rinsing, and sanitizing Equipment and Utensils.

- A. Except as specified in Section 4-403(C) of these rules and regulations, 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.
- B. 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 Ware Washing machine or alternative Equipment as specified in Section 4-403(C) of these rules and regulations shall be used.

- C. Alternative manual Ware Washing 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 Ware Washing Equipment may include:
1. High-pressure detergent sprayers;
 2. Low-or line-pressure spray detergent foamers;
 3. Other task-specific cleaning Equipment;
 4. Brushes or other implements; or
 5. Two-compartment sinks as specified in Section 4-403(D) of these rules and regulations; and mechanical cleaning and Sanitization as specified in Sections 4-404 through 4-406 of these rules and regulations.
- D. A two-compartment sink may be used only if:
1. The Executive Director has Approved its use; and the nature of Ware Washing 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.
 2. A two-compartment sink may not be used for Ware Washing operations such as where cleaning and sanitizing solutions are used for a continuous or intermittent flow of Kitchenware or Tableware in an ongoing Ware Washing process.
- E. In manual Ware Washing operations, a Temperature Measuring Device 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 110°F (43°C) unless a different temperature is specified on the cleaning agent manufacturer's label instructions.
- F. Equipment and Utensils shall be pre-flushed or pre-scraped, and when necessary, pre-soaked to remove gross Food particles and soil.
- G. When a three-compartment sink is utilized for Ware Washing, or when Equipment such as slicers, grinders, kettles, and mixers are cleaned and sanitized in place, the operation shall be conducted in the following sequence:

1. The sinks or Equipment used for Ware Washing shall be cleaned and sanitized before use; and
 2. Equipment and Utensils shall be thoroughly cleaned in the first compartment with a clean detergent solution that is mixed in accordance with the manufacturer's label and a temperature of at least 110°F (43°C); and
 3. Equipment and Utensils shall be rinsed free of detergent and abrasive with clean water in the second compartment; and
 4. Equipment and Utensils shall be sanitized in the third compartment according to one of the methods included in Section 4-403(I)(1)-(4) of these rules and regulations.
- H. 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.
- I. The Food-Contact Surfaces of all Equipment and Utensils shall be sanitized by:
1. Immersion for at least ½ minute in clean, hot water of a temperature of at least 170°F (77°C);
 2. Immersion for at least 1 minute in a clean solution containing a minimum of 50 parts per million (mg/L) and not more than 200 parts per million (mg/L) of available chlorine as a hypochlorite and having a temperature of at least 75°F (24°C);
 3. Immersion for at least 1 minute in a clean solution containing 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 68°F (20°C);
 4. Immersion in a clean solution containing a quaternary ammonia product at a minimum of 75°F (24°C) or any other chemical sanitizing agent allowed under 40 CFR § 180.940;
 5. 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;
 6. Rinsing, spraying, or swabbing with a chemical sanitizing solution containing at least the strength required for that particular sanitizing solution as specified in

Section 4-403(I)(2)-(4) of these rules and regulations for Equipment too large to sanitize by immersion;

7. If a chemical not specified in Section 4-403(I)(2)-(4) of these rules and regulations is used, the Responsible Party shall demonstrate to the Executive Director's satisfaction that the solution achieves Sanitization and the use of the solution shall be Approved; or
 8. If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be registered with EPA and applied in accordance with the EPA-registered label use instructions.
- J. When hot water is used for sanitizing, the following Equipment shall be provided and used:
1. 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 170°F (77°C);
 2. A numerically-scaled indicating Temperature Measuring Device, accurate to plus or minus +/-3°F, located convenient to the sink for frequent checks of water temperature; and
 3. Utensil racks, baskets, or other appropriate means to permit complete immersion of Utensils and Equipment in the hot water.
- K. Chemicals used for Sanitization shall not have concentrations higher than the maximum permitted under 40 CFR § 180.940.

4-404 Mechanical Cleaning and Sanitization

- A. Cleaning and sanitizing may be done by spray-type, immersion Ware Washing 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 Ware Washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.
- B. The pressure of final rinse water supplied to spray-type Ware Washing machines shall not be less than 15 pounds per square inch (1.05 kg per sq cm) nor more than 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 ¼ 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.

- C. Machine or water-line mounted numerically scaled indicating Temperature Measuring Devices, accurate to plus or minus three degrees Fahrenheit (+/- 3°F) (+/- 2°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.
- D. 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 Ware Washing 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.
- E. 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 Ware Washing machine unless a pre-wash cycle is a part of the Ware Washing 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.
- F. Chemical sanitizing Ware Washing machines (single-tank, stationary-tank, door-type machines, and spray- type glass washers) may be used provided that:
 - 1. The temperature of the wash water shall not be less than 120°F (49°C);
 - 2. The wash water shall be kept clean;
 - 3. Chemicals added for washing and Sanitization purposes shall be automatically dispensed;
 - 4. Utensils and Equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration;
 - 5. The chemical sanitizing rinse water temperature shall not be less than 75°F (24°C) nor less than the temperature specified by the machine's manufacturer; and
 - 6. Chemical sanitizers shall meet the requirements specified in 40 CFR § 180.940 and be applied in accordance with the EPA-registered label use instructions.
- G. Hot water sanitizing Ware Washing machines may be used, provided that wash water and pumped rinse water is kept clean, and the wash solution temperature is maintained at not less than the temperatures specified in Section 4-404(G)(1)-(6) of these rules and regulations.

Achieving a Utensil and/or Equipment surface temperature of 160°F (71°C) is an acceptable means of testing the Sanitization process of a hot water sanitizing Ware

Washing machine.

1. Single-tank, stationary-rack, dual-temperature machines: Wash temperature 150°F (66°C).
2. Single-tank, stationary-rack, single-temperature machine: Wash temperature 165°F (74°C).
3. Single-tank, conveyor machine: Wash temperature 160°F (72°C).
4. Multi-tank, conveyor machine: Wash temperature 150°F (66°C).
5. Pumped rinse temperature 160°F (72°C).
6. Single-tank, pot, pan, and Utensil washer (either stationary or moving rack): Wash temperature 140°F (60°C).

H. Mechanical Ware Washing Equipment, Hot Water Sanitization Temperatures

In mechanical Ware Washing machines the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 194°F (90°C), or less than:

1. For a stationary rack, single temperature machine, 165°F (74°C); or
 2. For all other machines 180°F (82°C).
- I. All Ware Washing machines shall be thoroughly cleaned daily and as needed to maintain them in a satisfactory operating condition.
- J. A Ware Washing machine shall be provided with an easily accessible and readable data plate affixed to the machine which includes:
1. Temperatures required for washing, rinsing, and sanitizing;
 2. Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse;
 3. Conveyor speed required for conveyor machines or cycle time required for stationary-rack machines; and
 4. Required type and concentration of sanitizing solutions.
- K. After being cleaned and sanitized, Equipment and Utensils shall not be rinsed before air drying or use unless:

1. The rinse is applied directly from a Drinking Water supply by a Ware Washing machine that is maintained and operated as specified in Section 4-404 of these rules and regulations; and
2. The rinse is applied only after the Equipment and Utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose EPA-registered label use instructions call for rinsing off the sanitizer after it is applied in a commercial Ware Washing machine.

4-405 Drain Board and Dish Table Requirements

- A. Drain board and dish tables shall be self-draining and shall have a minimum pitch of 1/8 inch (3.2mm) per foot (304.8 mm). Drainage shall be directed to Ware Washing sink bowls, pre-rinse sinks, scuppers or Ware Washing machines.
 - B. Drain boards and dish tables shall be supported as needed to prevent sagging and shall have edges turned up at least ½ inch (12.7 mm).
 - C. When provided on Ware Washing sinks, drain boards shall be integrally welded to the sink bowl(s).
 - D. Drain board and dish tables shall be large enough to accommodate for the staging of soiled Equipment, dishes, glasses, mugs, Kitchenware, Tableware and Utensils so they may be adequately pre-scraped and pre-flushed prior to Ware Washing and large enough to accommodate the air drying of sanitized items that may accumulate during hours of operation. Drain board and dish table length shall be measured from right to left.
1. Drain boards and dish tables installed on the establishment’s primary means for Ware Washing shall be sized in accordance with the following:

<u>FACILITY TYPE</u>	<u>SOILED DRAINBOARDS</u>	<u>CLEAN DRAINBOARDS</u>
SINGLE SERVICE	24 inches (64 cm)	24 inches (64 cm)
MULTI-USE SERVICE WITH MANUAL WAREWASHING	36 inches (91 cm)	36 inches (91 cm)
MULTI-USE SERVICE WITH MECHANICAL WAREWASHING	48 inches (122 cm)	48 inches (122 cm)

2. Bar sinks shall be equipped with an 18-inch (46 cm) drain board for staging soiled Tableware, Utensils, glasses, and mugs and an 18-inch (46 cm) drain board for air drying sanitized items.
3. Under counter Ware Washing machines shall be provided with drain boards or

dish tables that are large enough to accommodate staging of soiled Equipment, dishes, glasses, mugs, Kitchenware, Tableware, and Utensils and large enough for air drying of sanitized items. A common drain board, dish table or the open door of the Ware Washing machine may be utilized.

4. Multi-tank conveyor Ware Washing machines equipped with both a powered pre-wash unit and a powered blower-dryer unit shall be equipped with dish tables sized in accordance with the Ware Washing machine's manufacture.
 5. Alternate Equipment or methods, such as wall-mounted drain boards, wire shelving or bus carts, may be provided for staging of soiled Equipment, dishes, glasses, mugs, and Utensils for pre-scraping and pre-flushing prior to Ware Washing and to accommodate air-drying of sanitized items may be utilized if Approved. Alternate Equipment shall not be located or constructed in a manner that interferes with the proper use of the Ware Washing facilities.
- E. Except for under counter Ware Washing machines, pre-rinse sprayers or other Approved means shall be provided and used for pre-scraping and pre-flushing of soiled Equipment, dishes and Utensils when a Ware Washing machine is installed.
- F. Scuppers when installed shall transverse the entire flat section of the drain board or dish table to prevent soiled water and debris from draining into the Ware Washing sink bowl or Ware Washing machine. Scuppers shall be equipped with readily removable strainers or strainer baskets.

4-406 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.

4-407 Food Establishments without Cleaning Facilities

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.

4-408 Food-Contact Surfaces of Equipment and Utensils

- A. Equipment Food-Contact Surfaces and Utensils shall be clean to sight and touch.
- B. Utensils and Food-Contact Surfaces of Equipment shall be cleaned and sanitized:
 1. 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 Food 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.
- C. A sanitizing solution as specified in Section 4-403(I)(2)-(4) of these rules and regulations shall be mixed and readily available for use in conjunction with a clean wiping cloth or paper towel during all open handling of Food. This does not apply to bar areas where the only Food handling is the preparation of iced drinks.
- D. Where Equipment and Utensils are used for the preparation of potentially hazardous Food 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 4 hours.
- E. Surfaces of Utensils and Equipment contacting Potentially Hazardous Food may be cleaned less frequently than every four (4) hours if:
1. Utensils and Equipment such as skillets, omelet pans and woks used on a production line basis in continuous use for the heating/cooking of Potentially Hazardous Food shall be cleaned and sanitized after final use each working day and at least every twenty-four (24) hours;
 2. Containers in serving situations such as salad bars, delis, and cafeteria lines holding ready to eat Potentially Hazardous Food that is maintained at the temperatures specified in Chapter 3 and are intermittently combined with the additional supplies of the same Food that is at the required temperatures, and the containers are cleaned at least every 24 hours;
 3. Utensils and Equipment used to prepare Food in a refrigerated room or area that is maintained at one of the temperatures in Figure 3 shall be cleaned and sanitized at the frequency that corresponds to the ambient temperatures:

Temperature	Cleaning Frequency
41°F (5.0°C) or less	24 hours
>41°F - 45°F (>5.0°C - 7.2°C)	20 hours
>45°F - 50°F (>7.2°C - 10.0°C)	16 hours
>50°F - 55°F (>10.0°C - 12.8°C)	10 hours

FIGURE 3

4. The Food-Contact Surfaces of cooking and baking Utensils and Equipment such

as grills, woks, hot sandwich presses, waffle irons, as well as baking Equipment and the cavities and door seals of microwave ovens shall be cleaned at least every twenty-four (24) hours and shall be kept free of encrusted grease deposits and other accumulated soil. This shall not apply to hot-oil cooking Equipment and hot-oil filtering systems.

4-409 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.

4-410 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.

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 clothes dryer shall be provided and used, except that it is not necessary to provide a clothes dryer provided 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 Articles and Single-Use Articles.

4-6 EQUIPMENT AND UTENSIL HANDLING AND STORAGE

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 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 as specified in Section 4-406 of these rules and regulations before being stored or shall be stored in a self- draining position.
- D. Glasses and cups shall be stored inverted. Other stored Tableware 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.

4-602 Single-Service Articles 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 prior to dispensing by Employees who have washed their hands immediately prior to sorting or wrapping the Utensils. 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.

4-603 Preset Tableware

Tableware may be preset if:

- A. Except as specified in paragraph B, below, Tableware that is preset shall be protected from Contamination by being wrapped, covered, or inverted;
- B. Preset Tableware may be exposed if unused settings are removed when a consumer is seated and cleaned and sanitized before further use.

CHAPTER 5: WATER, PLUMBING, AND WASTE

5-1 WATER SUPPLY

***5-101 General**

Adequate, uncontaminated, safe Drinking Water for the needs of the Food Establishment shall be provided from a source constructed, maintained, and operated according to the *Colorado Primary Drinking Water Regulations* and regulations adopted pursuant to Section 25-1.5-203, C.R.S. All required plumbing fixtures shall be connected to the potable water supply and waste water lines unless otherwise pre-approved by the Department.

***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.

***5-103 Bottled Drinking Water**

Bottled Drinking Water used or sold in a Food Establishment shall be obtained from Approved sources in accordance with the requirements of 21 CFR. § 129.

***5-104 Transportation**

All Drinking Water not provided directly by pipe to the Food Establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system. Both systems shall be constructed and operated according to Law and operated as Approved.

***5-105 Emergency Alternative Water Supply**

Establishments intending to operate when there is a Temporary interruption of water service or an upset in the supply of treated Drinking Water, with approval by the Executive Director prior to implementation, may continue operation if the Temporary water supply meets the requirements specified in Sections 5-101 through 5-105 of these rules and regulations and Drinking Water is made available through:

- A. A supply of commercially bottled Drinking Water;
- B. One or more closed portable water containers;
- C. An enclosed vehicular Drinking Water tank;
- D. An on-Premises Drinking Water storage tank; or
- E. Piping, tubing, or hoses connected to an adjacent Approved source.

***5-106 Non-Drinking Water**

A non-drinking water system is permitted for air conditioning, non-Food Equipment cooling, landscape irrigation and fire protection, and shall be installed according to Law. Non-drinking water shall not directly or indirectly contact Food or Equipment or Utensils that contact Food. The piping of any non-drinking water system shall be identified so that it is readily distinguishable from piping that carries Drinking Water.

***5-107 Pressure and Temperature**

- A. 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.
- B. Hot and cold water shall be provided to sinks when required within thirty (30) seconds of being activated.

***5-108 Hot Water**

Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the Food Establishment.

***5-109 Steam**

Steam used in contact with Food or Food-Contact Surfaces shall be free from any unsafe materials or additives not listed in 21 CFR § 173.310.

5-2 PLUMBING SYSTEM

5-201 General

Plumbing shall be sized, installed, and maintained in accordance with the Denver Building Code. Plumbing shall be designed and constructed in accordance with the Denver Building Code. Plumbing fixtures shall be Easily Cleanable and kept clean.

***5-202 Backflow**

A. General

The Drinking Water system shall be constructed to prevent backflow. There shall be no unprotected Cross Connections between the Drinking Water supply and any non-drinking water supply, or any sources of Contamination. Devices or assemblies installed shall meet the appropriate application for the hazard of the Cross Connection to prevent backflow of a solid, liquid or gas contaminant into the Drinking Water supply system at each point of use within the Food Establishment.

B. Backflow prevention devices and installation requirements

1. An air gap between the water supply inlet and the flood level rim of the plumbing fixture, Equipment, or nonfood Equipment shall be at least twice the diameter of the water supply inlet and may not be less than one (1) inch (25 mm).
2. An atmospheric vacuum breaker shall be located on the discharge side of the last valve and not less than six (6) inches (154.4 mm) above the flood rim of plumbing fixture or Equipment. A shutoff valve downstream of the atmospheric vacuum breaker is prohibited.
3. Backsiphonage and backflow prevention devices shall meet American Society of Sanitary Engineering (A.S.S.E.) standards for construction, installation, maintenance, Inspection and testing for that specific application and type of device.

C. Applications

1. Inlets to tanks, vats, garbage disposals, troughs, fixtures, Ware Washing machines and other Equipment with submerged inlets shall be protected by an Approved backflow prevention device or with an Approved air gap at the inlet.
2. Carbonated Beverage Dispensers

The Drinking Water supply connection to carbonated Beverage dispensers shall be protected against backflow by at least one of the following:

- a. An Approved air gap;
- b. A dual check valve constructed of a material not affected by carbon dioxide with an intermediate vent installed upstream of the carbonator and

downstream of any copper and copper alloy piping or fixture; or

- c. A reduced pressure zone backflow prevention assembly constructed of material impervious to attack by carbon dioxide, and installed upstream of the carbonator and downstream of any copper and copper alloy piping or fixture.

3. Non-Carbonated Beverage Dispensers

The Drinking Water supply connection to non-carbonated Beverage dispensers shall be protected against backflow by at least one of the following:

- a. An Approved air gap; or
 - b. A dual check valve constructed of a material not affected by carbon dioxide with an intermediate vent installed downstream of any copper and copper alloy piping or fixture.
4. Hose bibs, sillcocks, and threaded faucets where a hose can be attached shall be equipped with a proper backflow prevention device as specified in Section 5-202 (B)(2) and (3) of these rules and regulations. This paragraph shall not apply to water heater and boiler drain valves that are provided with hose connection threads and that are intended only for tank or vessel draining, or to water supply valves intended for connection of clothes washing machines where backflow prevention is otherwise provided or is integral with the machine.
 5. In all new or Extensively Remodeled facilities, a dedicated hot and cold water supply shall be provided for chemical dispensing towers.

5-203 Conditioning Device Design

Water filters, screens, and other water-conditioning devices installed on water lines shall be made of Safe Materials and designed and located to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

5-204 Grease Trap / Grease Interceptor

If a grease trap, grease interceptor, or solids 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, grease interceptor, or solids interceptor shall be located away from the Food Preparation area and be easily accessible for cleaning.

5-205 Food Waste Grinders/Garbage Disposals

- A. In new or Extensively Remodeled Food Establishments, Food waste grinders or

garbage disposals, if provided, shall be installed in the soiled drain board of the Ware Washing sink, Food Preparation sink, or Ware Washing machine. The installation will be Approved under the following conditions:

1. The disposal shall be directly connected to the sanitary sewer unless otherwise required by Law; or
 2. When 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 method shall be provided to prevent Contamination of Food.
- B. Food waste grinders or garbage disposals may be installed in the basin of the sink if the sink is used solely for the disposal of Food wastes.

***5-206 Drainage of Equipment**

- A. Ware Washing machines, refrigerators, walk-in refrigerators, freezers, walk-in freezers, Ware Washing sinks, Food/vegetable preparation sinks, steam kettles, potato peelers, ice bins, containers of ice for use in Food and Beverages, 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.
- B. Ware Washing sinks and dish machines installed prior to the effective date of these rules and regulations may be directly connected to the plumbing waste system provided there is a floor drain or floor sink installed within 5 feet (1.5 M) immediately downstream of the sink waste line, and the fixture shall be connected on the sewer side of the floor drain or floor sink and no other fixtures are connected to the waste line. The fixture and floor drain shall be trapped and vented as required by the Denver Building Code.
- C. In new or Extensively Remodeled 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.

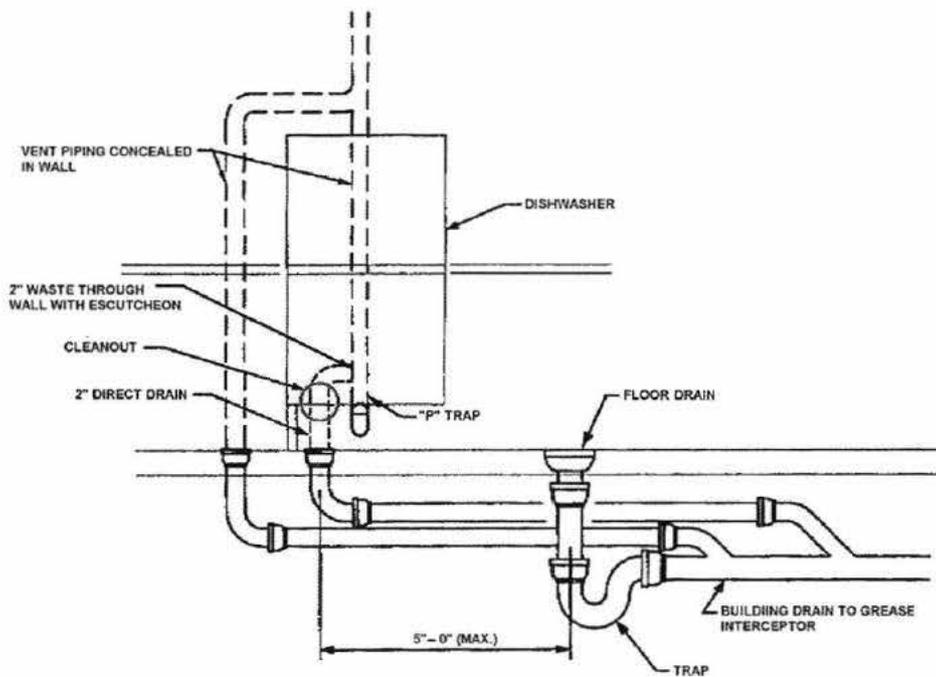


FIGURE 4

5-207 Drainage System Installation

Drain lines from Equipment shall not discharge liquid waste 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.

5-208 Hand washing, Water Temperature, and Flow

- A. The number of fixtures shall comply with the requirements of the Denver Building Code. Each restroom with toilet(s) shall be equipped at minimum with one dedicated Hand Washing Sink.
- B. Hand Washing Sinks shall be conveniently located to Employees involved in Food preparation, Food dispensing, Ware Washing, and Utensil handling. Hand Washing Sinks shall be unobstructed and accessible to Employees at all times and used only for handwashing. Hand Washing Sinks used for Food Preparation or for washing Equipment shall not be used for handwashing. Hand Washing Sinks used for toilet rooms shall be located in, or immediately adjacent to, the toilet rooms.
- C. Each Hand Washing Sink shall be provided with water at least 100°F (38°C) within thirty (30) seconds of activating by means of a mixing valve or combination faucet. Water tempered by means of a mixing valve shall not exceed 120°F (49°C). 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.

- D. A supply of hand-cleansing soap or detergent shall be available at each Hand Washing Sink. A supply of dispensed sanitary towels, disposable towels, or a hand-drying device providing heated air shall be conveniently located near each Hand Washing Sink.
- E. Common towels are prohibited from the drying of hands except where a supply of clean towels for single use and a hamper or container for soiled towels is provided.
- F. Hand towels shall be stored to protect unused towels from becoming contaminated.
- G. If disposable towels are used, an Easily Cleanable waste receptacle shall be conveniently located near the Hand Washing Sink.
- H. Hand Washing Sink, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.
- I. Automatic Handwashing Facilities:
 - 1. If the model, installation, location, and conditions of use are Approved, and the unit is capable of removing the types of soils encountered in the Food operations involved, automatic handwashing facilities may be substituted for handwashing sinks in a Food Establishment that has at least one additional handwashing sink that is easily accessible.
 - 2. An automatic handwashing facility shall be installed and used in accordance with manufacturer's instructions.
- J. Handwashing Sink Specifications for New or Extensively Remodeled Establishments
 - 1. The height of the sink's flood rim shall be between 30 inches (76cm) and 48 inches (122 cm) above the floor.
 - 2. The diameter of the handwashing sink basin shall be a minimum of 10 inches (25 cm) in any direction.
 - 3. When installed in a counter top, handwashing sink faucets shall be within 24 inches (61cm) of the front edge of the counter top.
 - 4. The clearance between the flood rim of handwashing sink and the base or underside of any overhead cabinets, shelves, or other Equipment shall be a minimum of 24 inches (61cm).
 - 5. Handwashing sink faucets shall be installed on the side of the sink basin directly opposite the user.

5-209 Toilets and Urinals

- A. Toilet facilities must be installed according to the Denver Building Code, have the number required by the Denver Building Code, conveniently located, and accessible to Employees and patrons.
- B. Separate toilet facilities are required for each sex in establishments with seating capacity in excess of twenty (20) patrons or more than twenty (20) Employees. In all new or Extensively Remodeled Retail Food Establishments, these facilities must be installed to comply with the requirements of the Denver Plumbing Code.
- C. Separate toilet facilities are not required for each sex in places of fifteen (15) or fewer seating capacity for patrons, or twenty (20) or fewer Employees where there is no seating capacity, provided the toilet is a single occupancy facility and the door can be secured from the inside.
- D. Food Establishments without 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 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 Denver Building Code.
- E. Employees and patrons may use the same toilet facility provided that patrons have access to them without entering the Food Preparation, Food storage, or Ware Washing or Utensil storage areas of the establishment.
- F. 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.
- G. Except where a toilet room is located outside a Food Establishment and does not open directly into the Food Establishment such as a toilet room that is provided by the management of a shopping mall, a toilet room located on the Premises shall be completely enclosed and provided with a tight-fitting and self-closing door.
- H. 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.
- I. Easily Cleanable trash receptacles shall be provided. A toilet room used by females shall be provided with a covered trash receptacle for sanitary products. Trash receptacles shall be emptied at least once a day, and more frequently when

necessary to prevent excessive accumulation of Refuse.

5-210 Utility Facility

- A. In a new or Extensively Remodeled Food Establishment, at least one conveniently located utility sink or curbed cleaning facility with a floor drain and hot and cold water shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes.
- B. 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 Executive Director, off-premise cleaning services may be used.
- C. A utility sink cannot be used for Food Preparation or Ware Washing.
- D. In new or Extensively Remodeled establishments, bars, Juice bars, coffee bars, drink stations, wait stations or other areas where soiled drinking glasses and mugs are emptied and staged for Ware Washing, a dump sink shall be provided and used for the sanitary disposal of liquid drink waste, ice and/or collection of debris emptied from glasses and mugs.
 - 1. Dump sinks shall be fitted with a removable strainer basket, and shall be plumbed with hot and cold running water.
 - 2. Blender station sinks and Food Preparation sinks shall not be utilized as dump sinks.
 - 3. Other methods may be used if Approved by the Department.

***5-211 Sewage**

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

***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:
 - 1. Installed and maintained in accordance with manufacturer's specifications; and
 - 2. Cleaned in accordance with manufacturer's specifications or according to the procedures specified in Section 5-212(B) of these rules and regulations, 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 a sanitizing solution as specified in Section 4-403(I) of these rules and regulations.

5-3 REFUSE, RECYCLABLES, AND RETURNABLES

5-301 Containers

- A. Garbage, Refuse, compost, and recyclables 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 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. Drains in receptacles and waste handling units for Refuse, recyclables and returnables shall have drain plugs in place.
- D. There shall be a sufficient number of containers to hold all the garbage, Refuse, compost and recyclables that accumulate.
- 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.

5-302 Storage

- A. Garbage, Refuse, compost and recyclables, 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. Indoor garbage or Refuse storage rooms, compost 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, Refuse, compost, recycling 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.

5-303 Disposal

- A. Garbage, Refuse, compost and recycle materials shall be removed often enough to prevent the development of objectionable odors and the attraction of insects and rodents.
- B. 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.

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 Section 5-304(B) of these rules and regulations, shall be located separate from Food, Equipment, Utensils, Linens, and single-service and Single-Use Articles, and a public health nuisance shall not be created.
- B. A redeeming machine may be located in the Packaged Food storage area or consumer area of a 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

6-1 FLOORS

6-101 Floor Construction

- A. Floors and floor coverings in all Food Preparation, Food storage, Ware Washing 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, and Easily Cleanable 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.
- B. 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.

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, Ware Washing, 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.

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.

6-104 Floor Junctures

All floors installed in Food Preparation, Food storage and Ware Washing 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.

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.

6-106 Mats and Duckboards

Mats and duckboards shall be designed to be removable, Easily Cleanable, and be maintained clean and in good repair.

6-2 WALLS AND CEILINGS

6-201 Construction

- A. Walls, wall coverings, and ceilings shall be designed, constructed and installed to be Smooth, durable, and Easily Cleanable.
- B. Except for in Dry Storage Areas, walls, including non-supporting partitions, wall coverings and ceilings of walk-in refrigerating units, Food Preparation areas, Food storage areas, Equipment-washing and Ware Washing areas shall be Smooth, nonabsorbent, Easily Cleanable and maintained in good repair. 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.

6-202 Attachments, Exposed Construction

- A. Except as specified in Section 6-202(C) of these rules and regulations, 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 as specified in Section 6-201(B) of these rules and regulations. If exposed in other rooms or areas, they shall be kept clean.
- C. In consumer and back bar areas limited to Beverage service and the heating of pre-prepared Food for immediate service, 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 as specified in Section 6-201(B) of these rules and regulations.

6-3 LIGHTING

6-301 Light Intensity

- A. Permanently fixed artificial light sources shall be installed to provide at least 540 lux (50 foot candles) of light on all Food Preparation surfaces and at Ware Washing work levels.
- B. Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches (76 cm) from the floor:
 - 1. At least 215 lux (20 foot candles) of light in sales areas, at consumer service areas such as buffets and salad bars, Utensil and Equipment storage areas, and in lavatory and toilet areas; and
 - 2. At least 108 lux (10 foot candles) of light throughout walk-in refrigeration and freezer units, dry Food storage areas, and in all other areas.

6-302 Light Bulbs, Protective Shielding

- A. Except as specified in Section 6-302(B) of these rules and regulations, 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.

6-4 OPERATION AND MAINTENANCE

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.
- D. Mop water shall be changed as needed to prevent the recontamination of cleaned surfaces.

6-402 Cleaning Equipment Storage

- A. 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.
- B. Maintenance and cleaning tools shall be stored in an orderly manner to facilitate the cleaning of the storage area. After use, mops shall be placed in a position that allows them to air-dry without soiling walls, Equipment, or supplies.

6-5 PREMISES

6-501 General

- A. Food Establishments and all parts of the property used in connection with operations of the Food Establishment shall be kept free of litter and shall comply with local ordinances.
- B. 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.
- C. Only articles necessary to the operation and maintenance of the Food Establishment shall be stored on the premises.

6-502 Living Areas

- A. No Food Establishment operations shall be conducted in any area used as living or sleeping quarters.
- B. A 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.

6-503 Dressing Rooms and Locker Areas

- A. Dressing rooms or dressing areas shall be designated if Employees routinely change their clothes in the establishment.
- B. Lockers or other suitable facilities shall be provided for the orderly storage of Employees' clothing and other possessions.
- C. If the Food Establishment provides storage for any Food belonging to Employees, it shall be inside a covered, leak proof container designated for the storage of Employee Food and maintained by the facility and shall be stored below and away from Food, Food contact surfaces, Equipment, Utensils, Linens, Single-Service Articles and Single-Use Articles.

CHAPTER 7: POISONOUS OR TOXIC MATERIALS

7-1 LABELING AND IDENTIFICATION

***7-101 Identifying Information, Prominence**

Containers of Poisonous or Toxic Materials and Personal Care Items shall bear a legible manufacturer's label.

***7-102 Working Containers**

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.

***7-103 Separation**

Poisonous or Toxic Materials shall be stored so they do not contaminate Food, Equipment, Utensils, Linens, or Single-Service Articles 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 Articles or Single-Use Articles. Except that Equipment and Utensil cleaners and sanitizers may be stored in Ware Washing areas for availability and convenience if such materials are stored to prevent Contamination of Food, Equipment, Utensils, Linens, or Single-Service Articles 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, Equipment, Utensils, Linens,

and single-use or Single-Service Articles.

***7-104 Restriction**

- A. Only those Poisonous or Toxic Materials required for the operation and maintenance of a 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 Food Establishment.
- B. Section 7-104(A) of these rules and regulations does not apply to Packaged Poisonous or Toxic Materials that are for retail sale.

***7-105 Use of Materials**

- A. Sanitizers, disinfectants, 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 in accordance with the requirements of 40 CFR § 180.940.
- B. Poisonous or Toxic Materials shall not be used in a way that contaminates Food, Food contact surfaces, Equipment, Utensils, or single service articles, nor in a way other than in full compliance with the manufacturer's labeling.

***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.

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

Chemicals used to wash whole fruits and vegetables shall meet the requirements of 21 CFR § 173.315. Ozone as an antimicrobial agent used in the treatment, storage, and processing of fruits and vegetables in a Food Establishment shall meet the requirements specified in 21 CFR § 173.368.

***7-108 Boiler Water Additives, Criteria**

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

***7-109 Drying Agents, Criteria**

Drying agents used in conjunction with Sanitization must be labeled for commercial Food applications.

***7-110 Personal Medications and Cosmetics**

Only those medications necessary for the health of Employees shall be present in the Food Establishment.

Medications and cosmetics shall be stored in containers with a legible manufacturer's label 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.

***7-111 First Aid Supplies**

First aid supplies shall have a legible manufacturer's label 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

8-1 PREVENTION

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, or properly designed and installed air curtains, or other effective means.
- C. Section 8-101(B) of these rules and regulations does not apply in customer areas if flying insects and other pests are absent due to the location of the 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 not be greater than one-fourth inch (1/4") (0.635 cm).

8-102 Controlling Pests

The presence of live or dead insects, rodents, and other pests shall be controlled to minimize their presence on the Premises by:

- A. Routinely inspecting incoming shipments of Food and supplies;
- B. Routinely inspecting the Premises for evidence of pests;
- C. Using methods, if pests are found, such as trapping devices or other means of pest control as specified in Sections 8-103 and 8-104 of these rules and regulations;
- D. Eliminating harborage conditions; and
- E. Eliminating infestations.

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:
 - 1. Designed to have escape-resistant trays; and
 - 2. Installed so that:
 - a. The devices are not located over a Food Preparation area; and
 - b. Dead insects and insect fragments are prevented from falling on or being impelled onto exposed Food, clean Equipment, Utensils, Linens, and unwrapped Single-Service Articles 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 Articles and Single-Use Articles unless the device is designed to completely contain the trapped insects.

***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 Articles 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. Only non-toxic tracking powder, such as talcum or flour, may be used provided it does not contaminate Food, Equipment, Utensils, Linens, Single-Service Articles

or Single-Use Articles.

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

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

***8-106 Prohibiting of Animals**

- A. Except as specified in Section 8-106(B)-(D) of these rules and regulations, live animals are not allowed on the Premises of a Food Establishment.
- B. Provided that the Contamination of Food; clean Equipment, Utensils, and Linens; and unwrapped Single-Service Articles and Single-Use Articles is controlled, live animals are allowed in the following situations:
 - 1. Edible Fish or decorative Fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;
 - 2. Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
 - 3. In areas that are not used for Food Preparation and that are usually open for customers, such as dining and sales areas, Service Animals that are controlled by the disabled Employee or person. This does not apply to incidental Food contact surfaces including dining tables, grocery carts and baskets;
 - 4. Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, so long as:
 - a. Effective partitioning and self-closing doors separate the common dining areas from Food storage or Food Preparation areas;
 - b. Condiments, Equipment, and Utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
 - c. Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service.
 - 5. In areas that are not used for Food Preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.
- C. Live Fish bait shall be stored in a manner that prevents Contamination of Food, clean Equipment, Utensils, Linens, and unwrapped Single-Service Articles and

Single-Use Articles.

D. 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 Section 8-106(D)(2)(h)-(n) of these rules and regulations. Regardless of whether a Retail Food Establishment requires its customers to comply with these conditions, it remains responsible for compliance with them. This Section 8-106 does not impact the provisions regarding 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 the Denver Zoning Code, including but not limited to, permits issued by the zoning administrator, exceptions authorized by the Board of Adjustment, and permits issued for placement in the right-of-way under Chapter 49 of the D.R.M.C.; and
 - (2) Contains an outdoor dining area with 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.
- b. If the patio is smaller than 400 ft², wait service for Food or drinks in the outdoor dining area is prohibited.
- c. If the patio is 400 ft² or larger, wait service may be provided if at least half of the patio space is designated as not allowing dogs and the part of the patio allowing dogs has direct and unobstructed access from the right-of-way or other outside area.

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. Patios which are 400 ft² or larger and allow dogs must also provide clear signage indicating which

portion of the patio is dog-friendly and which is reserved for dining without dogs. 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 preset Food or Tableware in the outside dining area.
- c. Dogs must be kept at least fifteen (15) feet from any outdoor Food or drink handling areas and wait station areas at all times.
- d. The Retail Food Establishment's chairs and tables located in the outdoor eating area shall be Easily Cleanable.
- e. Sanitizer, Equipment, and cleaning supplies shall be provided in the outdoor dining area for use in that area only and shall not be comingled with sanitizers, Equipment, or cleaning supplies for use inside the establishment.
- f. The Retail Food Establishment shall provide supplies in the outdoor dining area for the cleanup and removal of dog waste.
- g. The Retail Food Establishment shall provide a Refuse container that complies with Part 5-3 of these rules and regulations located outside for disposal of all waste generated from the outside dining area.
- h. While on duty, Employees shall not touch, pet, or otherwise care for or handle any dogs in an outdoor dining area. Employee
- i. Employees shall wash hands as specified in Sections 2-401 through 2-405 of these rules and regulations.
- j. All chairs and table surfaces shall be cleaned and sanitized with an appropriate product after use by any customer accompanied by a dog.
- k. Spilled Food and drink shall be removed from the floor or ground between seating of all customers.
- l. 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.
- m. All dogs in the outdoor dining area must have current vaccination tags affixed to their collars.
- n. All dogs must be on a leash, cord, or chain and held in a manner that complies with Section 8-16 of the D.R.M.C. Customers accompanied by

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

- o. Dogs are not allowed on a seat, chair, table, countertop, or any other furnishings within the outdoor dining area.
- p. All dog waste shall be cleaned up immediately and the affected area shall be sanitized with a disinfectant.
- q. If determined to have violated any of the conditions set forth in Section 8-106(D)(2)(a)-(p) of these rules and regulations, the Retail Food Establishment's option to allow dogs may be revoked by the Executive Director.

CHAPTER 9: MOBILE RETAIL FOOD ESTABLISHMENTS

9-1 GENERAL

- A. Mobile Retail Food Establishments shall comply with the requirements of these rules and regulations except as otherwise provided in this Chapter. The Executive Director may impose additional requirements to protect against health hazards related to the conduct of the Mobile Retail Food Establishment and may prohibit the sale of any Potentially Hazardous Foods. This may include maintaining receipts, logs, or any other records. If restrictions are imposed by the Executive Director, they shall be in writing with a copy provided on the mobile unit at all times. A list of menu items prepared and/or served by the Operator shall be submitted to the Department and available at all times. The original Retail Food Establishment License shall be posted on the unit at all times.
- B. When no apparent health hazard will result, the Executive Director may waive or modify requirements of these rules and regulations relating to Physical Facilities, except those requirements of Parts 9-4 and 9-5 of these rules and regulations.
- C. Mobile Retail Food Establishments shall have Equipment installed and/or mounted in a manner that prevents Equipment from moving except during necessary periods of cleaning. This excludes a grill and/or a smoker, Approved by the Executive Director, which shall be allowed outside of the Mobile Retail Food Establishment for cooking of Food only provided its presence does not violate other applicable Laws and regulations. All foods shall be prepared, assembled and served from within the Mobile Retail Food Establishment and not from the external piece of cooking Equipment.
- D. Carts shall be limited to cooking Approved menu items and serving commercially prepared or Commissary prepared Food that will result in simple assembly. All items not related to the operation of the Cart shall be kept off the unit, except for those items specified in Section 9-8(A) of these rules and regulations.

- E. The location where a Mobile Retail Food Establishment operates shall be in compliance with all applicable City and County of Denver regulations and ordinances.
- F. The License under which a Mobile Retail Food Establishment is operating must be firmly attached and visible on the Mobile Retail Food Establishment at all times.
- G. The Executive Director may require the Mobile Retail Food Establishment Responsible Party to submit in writing the regular schedules route on which the Mobile Retail Food Establishment operates.
- H. The Executive Director 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.
- I. Mobile Retail Food Establishments shall comply with all the applicable requirements of these rules and regulations.

9-2 EXEMPTIONS

Mobile Retail Food Establishments are exempt from requirements for self-contained water or Sewage systems, and cleaning and Sanitization Equipment under the following conditions:

- A. The menu is limited to commercially Packaged Potentially Hazardous Foods or Food that is prepared at a Commissary, then Packaged in individual servings, transported and stored and served without further handling under conditions meeting the requirements of these rules and regulations;
- B. Beverages served are not potentially hazardous and are dispensed from covered urns or other protected Equipment and no ice for consumption is openly dispensed or handled; and
- C. The required Equipment for cleaning and Sanitization exists at the Commissary.

9-3 SINGLE-SERVICE ARTICLES

Mobile Retail Food Establishments shall provide only Single-Service Articles for use by the consumer.

9-4 WATER SYSTEM

- A. General
 - 1. A Mobile Retail Food Establishment that does not meet the exemptions of Part 9-2 of these rules and regulations shall provide adequate hot and cold Drinking Water under pressure with sufficient capacity for handwashing, Food

Preparation, and Utensil cleaning and sanitizing as specified in these rules and regulations.

2. The water supply tank shall be designed so that it can be flushed and with a drain that permits complete drainage of the tank. The Drinking Water tank shall have no common interior partition with the tank holding non-potable water or other liquids. The water tank overflow or vent shall terminate in a downward direction and shall be located and constructed to prevent the entrance of contaminants.
3. The water supply tank for Mobile Retail Food Establishments shall have a minimum capacity of ten (10) gallons.
4. Adequate water pressure must be provided at all fixtures at all times. A minimum flow rate of one (1) gallon per minute or thirty-two (32) ounces per fifteen (15) seconds shall be provided.
5. Water generation, distribution, and heating systems shall be adequate to fill the Ware Washing sink, if present, with 110°F water without interruptions and to supply Hand Washing Sink with three (3) gallons per hour of 100°F water at all times and other hot water using fixtures and Equipment with a continuous supply of hot water. Standard tank type heating systems shall be sized as specified in Section 5-108 of these rules and regulations.
6. 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 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 as specified in these rules and regulations.
7. When a Mobile Retail Food Establishment is connected to a pressurized water supply, it shall be provided with Approved backflow prevention devices. This shall include the protection of the water source as well as protection of each individual water service connection.
8. The water supply hose and couplings shall be of a size and type compatible with the water supply tank inlet fixture and shall be free of cracks and checks. Hose couplings shall be constructed to permit a tight connection between the Mobile Retail Food Establishment coupling and the water supply hose bib. Hose ends must be capped, connected or otherwise fully protected when not in use. Only Food grade hoses shall be used to fill or transfer Drinking Water to or within a Mobile Retail Food Establishment.
9. Water systems and components shall be disinfected and flushed in accordance with 5 CCR § 1002-11, Colorado Primary Drinking Water Regulations, prior to use, if the Mobile Retail Food Establishment is not in daily use.

B. Ware Washing and Handwashing Facilities

1. A Mobile Retail Food Establishment that does not meet all the exemptions as specified in Part 9-2 of these rules and regulations must be equipped with a convenient, accessible Hand Washing Sink installed as specified in Section 5-208(J) of these rules and regulations for Employee handwashing. The Hand Washing Sink must be capable of providing a hands-free, continuous flow of water under pressure as specified in Section 9-4(A)(5) of these rules and regulations. A water temperature between 100°F and 120°F shall be provided for handwashing either through combination faucets or by means of a mixing valve that provides tempered water. Soap and individually dispensed paper towels must be provided at all Hand Washing Sink at all times of operation.
2. When a Mobile Retail Food Establishment is equipped with a multiple-compartment Ware Washing sink, the water supply shall be sized to adequately fill each Ware Washing compartment at least once every four (4) hours of operation. In addition, the Mobile Retail Food Establishment must supply three (3) gallons of water to each Hand Washing Sink for each hour of operation. Where other water using fixtures such as utility sinks, Food Preparation sinks, coffee, espresso and soft drink machines are provided, the water supply shall be sized in accordance with the manufacturer's specification for each fixture. A Mobile Retail Food Establishment which is not enclosed may not have a three (3) compartment sink for Ware Washing.
3. Each compartment of a multiple-compartment sink shall have a minimum size requirement of 12 inch X 12 inch X 10 inch, with either two drain boards as large as the diameter of one compartment or adequate drying storage.

C. Wastewater Retention

1. A Mobile Retail Food Establishment that does not meet all the exemptions as specified in Part 9-2 of these rules and regulations must provide a single, wastewater retention tank. All liquid waste, except drainage from ice made with Drinking Water, generated by a Mobile Retail Food Establishment or cart shall be stored in a retention tank that is at least fifteen percent (15%) larger than the Drinking Water supply tank. Liquid waste shall be discharged from the retention tank to an Approved Sewage disposal system and flushed as often as necessary to maintain sanitary conditions. Discharge onto the surface of the ground shall be strictly prohibited. Drainage from uncontaminated ice made with Drinking Water can be discharged onto the surface of the ground provided it does not create a nuisance.
2. All connections on the vehicle for servicing mobile Food unit wastewater disposal facilities shall be of a different size or type than those used for supplying Drinking Water to the mobile Food Establishment. The wastewater outlet connection shall be located lower than the Drinking Water inlet connection to

prevent Contamination of the Drinking Water system.

3. Liquid waste discharge piping and the Drinking Water hose shall not be stored in a manner that may result in Contamination.

9-5 VENTILATION SYSTEM

A Mobile Retail Food Establishment that is enclosed with a roof and by at least three (3) vertical sides shall have sufficient ventilation to keep it free of excessive heat, steam, condensation, vapors, obnoxious odors and fumes at all times of operation. Ventilation systems shall meet the requirements of, and shall be approved by, the Denver Fire Prevention Division.

9-6 STORAGE

Mobile Retail Food Establishment shall be stored at the Commissary or in another location Approved by the Executive Director when not in operation.

9-7 COMMISSARY

- A. A. Mobile Retail Food Establishments 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. Mobile Retail Food Establishments are required to adhere to all applicable Commissary requirements as specified in Chapter 12 of these rules and regulations.
- B. A self-contained, Mobile Retail Food Establishment is not required to report to a Commissary if:
 1. The Mobile Retail Food Establishment's potable water system and waste retention system is sufficiently sized and operated properly to serve the needs of the Mobile Retail Food Establishment and Drinking Water is obtained and liquid waste is emptied only at service locations Approved by the Executive Director and as specified in Section 5-211 of these rules and regulations;
 2. Adequate storage areas are provided within the Mobile Retail Food Establishment for Food, dry goods, single service articles and cleaning supplies;
 3. Adequate facilities including Hand Washing Sink, Food Preparation sink, Ware Washing facilities, mop sink, mechanical refrigeration, and any additional Equipment are provided as required by the menu; and
 4. Adequate accommodations exist on the Mobile Retail Food Establishment unit for Food Preparation and storage of Food, Equipment, Utensils, and other supplies necessary to the operation.
- C. A Mobile Retail Food Establishment is prohibited from acting as a Commissary for

another Food Establishment.

9-8 ADDITIONAL REQUIREMENTS

- A. Spare tires, tools, and other Equipment relating to the mechanical operation of the vehicle shall be stored in a way that does not contaminate Food, Food Equipment, or Utensils.
- B. Except for service windows, any openable windows and doors must be screened. Service windows must be self-closing.
- C. Equipment shall be adequate to maintain Potentially Hazardous Foods at required temperatures as specified in Parts 3-5 and 3-6 of these rules and regulations. In addition:
 - 1. Mobile Retail Food Establishments shall utilize commercial-grade, mechanical refrigeration to hold and serve Potentially Hazardous Foods.
 - 2. Carts may use no more than two (2) hard sided coolers to maintain Food at required temperatures. If raw animal foods are present, they shall be contained in only one cooler and all other Potentially Hazardous Foods shall be contained in another cooler. If the facility needs additional refrigeration space, the cart shall provide commercial mechanical refrigeration.
- D. Mobile Retail Food Establishments shall provide enough clean Utensils to satisfy the requirements as specified in Section 4-407 of these rules and regulations.
- E. Items for customer self-service shall be adequately protected from Contamination.
- F. A sanitizing solution as specified in Section 4-403(I)(2)-(4) of these rules and regulations shall be mixed and readily available for use in conjunction with a clean wiping cloth or paper towel during all open handling of Potentially Hazardous Food.

CHAPTER 10: TEMPORARY RETAIL FOOD ESTABLISHMENTS

10-1 GENERAL

A Temporary Retail Food Establishment shall comply with all applicable requirements of these rules and regulations.

A Temporary Event vendor application, which shall include a list of Food items to be sold, shall be submitted to the Department prior to participating in an event. Approval will be based upon menu, equipment, setup, and the ability to protect against public health hazards.

Mobile Retail Food Establishments operating at Temporary Events shall operate as specified in Chapter 9 of these rules and regulations.

10-2 LICENSING

The Director is authorized to issue a Temporary Retail Food Establishment License to any person Approved by the Executive Director. In addition to the requirements of Chapter 23 of the D.R.M.C., the application for each License shall state what foods the applicant intends to sell.

Persons selling only prepackaged 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 approve, without payment of fee, a Temporary Retail Food Establishment charity License to any person Approved by the Executive Director.

The Executive Director 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 Chapter 23 of the D.R.M.C.;
- B. The applicant would otherwise qualify for a Temporary Retail Food Establishment License; and
- 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 and donating all proceeds to the not-for-profit organization.

10-3 OPERATIONS

- A. Food Preparation at the event shall be limited to seasoning, cooking, assembly of pre-prepared foods and service of Packaged foods stored at required temperatures.
- B. All slicing, chopping, peeling, dicing, shredding, and washing of produce, or other extensive preparation of foods shall be conducted at an Approved Commissary unless otherwise Approved.
 - 1. Food and Food-Contact Surfaces of Equipment shall be protected from Contamination by consumers or other sources. Appropriate coverings, packaging, shields, barriers, or other means shall be provided as necessary to prevent Contamination.
 - 2. Equipment shall be maintained and operated per its intended use and design. The Executive Director reserves the right of approval for all Equipment used by the establishment. Approval is based on design, cleanability, operational needs, and public health significance.
 - 3. Equipment shall be located and installed to facilitate cleaning. No grease from

grease producing Equipment shall discharge onto the ground or into any storm drainage system.

10-4 COMMISSARY

- A. Temporary Retail Food Establishment vendors shall operate from a Commissary Approved by the Executive Director and comply with all applicable requirements of Chapter 12 of these rules and regulations.
- B. All Food must be prepared in the Approved Commissary and stored, held, displayed, served and transported in a safe and sanitary manner.
- C. All foods, Utensils, and single use articles shall be transported from the Commissary to the event site in a manner that protects them from Contamination. Food product temperatures shall be maintained as specified in Section 3-501 of these rules and regulations.
- D. Temporary Retail Food Establishments shall report at a minimum of every 24 hours on operational days to the Commissary location for all supplies, cleaning, advanced Food Preparation, and servicing operations.
- E. The Temporary Retail Food Establishment Operator shall maintain written records of purchases detailing the source of all foods being held, stored, offered for sale, sold and distributed and expenses including receipts for expenditures such as servicing operations. These records shall be made available to the Department when requested.

10-5 MINIMUM EVENT SITE EQUIPMENT REQUIREMENTS

- A. A conveniently located hand washing station shall be provided within the Temporary Retail Food Establishment.
- B. Equipment for heating and holding Food cold and hot shall be sufficient in number and capacity to maintain Food at required temperatures. Equipment utilizing fuel gel canisters is prohibited at outdoor venues unless Approved.
- C. Extra Utensils and in-use Food contact surfaces (cutting boards, tongs, knives, etc.) shall be provided to allow soiled items to be replaced at a minimum of every 4 hours. Ware Washing of Equipment and Utensils shall be conducted at an Approved Commissary. Onsite Ware Washing is prohibited unless otherwise Approved.
- D. A sufficient number of Smooth, non-absorbent, and Easily Cleanable work surfaces shall be provided where Food is being handled.
- E. Coolers and containers used to store Food shall be durable, Smooth, non-absorbent

and Easily Cleanable. Styrofoam and soft sided coolers are prohibited.

- F. All Temporary Retail Food Establishments shall provide only Single-Service Articles for use by the consumer.
- G. A clean trash receptacle shall be provided.

***10-6 ICE AND WATER**

Only ice which has been manufactured from Drinking Water and handled in a sanitary manner shall be used or offered for sale. Ice used as a cooling medium for Food storage, Beverage containers, Food containers or Food Utensils shall not be used or sold for human consumption.

A sufficient quantity of Drinking Water shall be available for handwashing, sanitizing of Food contact surfaces, and any other operations requiring the use of Drinking Water.

10-7 SINGLE-SERVICE ARTICLES

All Temporary Retail Food Establishments shall provide only Single-Service Articles for use by the consumer.

10-8 WET STORAGE

Packaged Food may be stored in direct contact with drinking ice or Drinking Water if the packaging, wrapping, or container is not subject to entry of water. The storage of Food and/or Beverages in undrained ice is prohibited.

***10-9 WASTE**

All Sewage, including liquid waste, shall be disposed of according to Law. Waste water shall not be discharged onto ground or into storm drainage system. Drainage from clean drinking ice may be discharged onto the surface of the ground provided it does not create a nuisance.

10-10 HANDWASHING

- A. A minimum of 5 gallons of Drinking Water shall be provided for hand washing. The required volume of water will be based upon menu, Equipment, and hours of operation. Push button spigots on the water supply containers are not permitted.
- B. Soap and dispensed paper towels shall be provided at each hand washing station.
- C. A hand washing station that is capable of providing hands-free continuous flowing water of adequate pressure shall be provided. Water shall be at least 100°F (38°C).
- D. A basin that is capable of capturing hand washing waste water and conveying it into a waste container shall be provided.

- E. Waste water shall not splash exposed or Packaged Food, Utensils, single service articles, or other Food contact surfaces.

***10-11 GROUNDS**

Areas within the Temporary Retail Food Establishment shall be free from standing water, mud, dust and fecal material. Additional ground covering material may be required such as removable platforms, duckboards, wood chips or other suitable material.

***10-12 OVERHEAD PROTECTION**

Overhead protection shall be provided and be made of wood, canvas, or other materials that protect the interior of the establishment from weather, or other Contamination. Any grease producing Equipment or Equipment with open flames shall not be located under overhead protection.

10-13 EVENT COORDINATOR REQUIREMENTS

- A. Event Coordinators shall verify that regulated Temporary Retail Food Establishments hold a Temporary Retail Food Establishment License that is valid during the event(s) they organize.
- B. Event Coordinators shall verify that regulated Mobile Retail Food Establishments hold a Mobile Retail Food Establishment License that is valid during the event(s) they organize.
- C. The Event Coordinator shall not allow unlicensed vendors who sell regulated Food products to participate in the event.

CHAPTER 11: FOOD PEDDLERS

11-1 GENERAL

- A. A Food Peddler shall comply with all the applicable requirements of these rules and regulations.
- B. The Executive Director may impose additional requirements to protect against health hazards related to the conduct of the Food Peddler and may prohibit the sale of any Potentially Hazardous Food. When an apparent health hazard will not result, the Executive Director may waive or modify requirements of these rules and regulations.

11-2 LICENSING

- A. Applicants shall have their proposed menus, labels, Food sources, and Food Preparation methods, and transport containers reviewed and Approved in advance by the Executive Director.

- B. Changes to menus must be submitted in writing to the Executive Director for approval.
- C. 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.

11-3 COMMISSARY USE

- A. Food Peddlers shall operate only from an Approved Commissary in compliance with applicable requirements in Chapter 12 of these rules and regulations. An Affidavit of Commissary must be submitted to the Executive Director and Approved. The Executive Director shall be notified in writing when a Food Peddler moves from one Commissary location to another. All supplies used by the Food Peddler shall be stored in an Approved, marked, and designated location in the Commissary.
- B. Food Peddlers shall serve only Food prepared and Packaged in a Commissary.

11-4 FOOD HANDLING AND EQUIPMENT

- A. Food Peddlers shall provide only Single-Service Articles for use by the consumer.
- B. Food Peddlers shall provide only Single-Service Articles for use by the consumer.
- C. All Food shall be labeled, stored, prepared, held, displayed, transported, and served as prescribed in these regulations.
- D. The interior of Food storage Equipment used by Food Peddlers shall be Smooth, Easily Cleanable, and kept clean and in good repair.

CHAPTER 12: COMMISSARIES AND COMMISSARY-BASED OPERATIONS

12-1 GENERAL

- A. For operations such as Mobile Retail Food Establishments, Food Peddlers, Temporary Retail Food Establishments, caterers, and other operations which use kitchen space of a separate Licensee, the Commissary is an essential part of the operation. The Commissary shall be constructed and operated in compliance with the requirements of these rules and regulations. Food operations that operate from commissaries shall report every twenty-four (24) hours on operational days to the Commissary location for any necessary preparation of Food, supplies, storage, and for cleaning and servicing operations.
 - 1. The use of the proposed Commissary for each operation requires the Executive Director's prior written approval. The Commissary-based operation shall provide an agreement from the Commissary operator to the Department in the

form of an Affidavit of Commissary each calendar year and upon change of a Commissary location.

2. The agreement shall specify the Commissary-based operation is allowed to report to the Commissary during each day of operation and is allowed to use Ware Washing Equipment, refrigeration, Food Preparation Equipment and storage areas as necessary for the Commissary-based operation. The agreement shall also specify how and where a Commissary use log will be maintained. These Commissary records shall be made available to the Department when requested.
 3. The Executive Director reserves the right to limit the number of Mobile Retail Food Establishments that may use any Commissary based on capacity and compliance of the Commissary.
- C. For Mobile Retail Food Establishments, all necessary accommodations for servicing shall be available at the Commissary including a Drinking Water supply. Servicing includes vehicle and Equipment cleaning, discharging liquid or solid wastes, refilling water tanks, and restocking of ice bins and Food.
1. Drinking Water servicing Equipment shall be installed according to the Law and shall be stored and handled to protect the water and Equipment from Contamination, as specified in Sections 5-101 and 5-102 of these rules and regulations.
 2. The Mobile Retail Food Establishment waste retention tank shall be thoroughly drained and flushed during servicing. All liquid waste shall be discharged to a sanitary Sewage system as specified in Section 5-211 of these rules and regulations.
 3. There shall be a location provided for the flushing and drainage of liquid wastes that is separate from the location provided for obtaining Drinking Water and for the loading and unloading of Food and related supplies.
 4. The floor surfaces 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.
 5. The construction of the walls and ceilings of the servicing area is exempt from the provisions specified in Sections 6-201 and 6-202 of these rules and regulations.
- D. The Commissary Responsible Party 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 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; and
 5. A copy of each vendor's License.
- E. The Commissary Responsible Party or designated representative shall immediately notify the Department at that point which a vendor discontinues utilizing the Commissary as intended.
- F. Operations Licensed in the City and County of Denver can use a Commissary kitchen located outside the City and County of Denver only if its use is approved by the applicable health authority and it is within thirty (30) minutes or thirty (30) miles of the operating location unless otherwise Approved.
- G. Commissaries and Commissary-based operations shall comply with all the requirements of these rules and regulations, except as otherwise provided in this Chapter.

CHAPTER 13: ENFORCEMENT AND NOTICES

13-1 POSTING OF ENFORCEMENT ACTIONS

- A. Posting of Notice. The Executive Director shall adopt written policies stating under what circumstances the department may post a notice of an enforcement action taken against a Food Establishment as specified in Section 23-11 of the D.R.M.C.
- B. Timing of Notice. The public notice shall be posted for fifteen (15) days.
- C. Form of Notice. The public notice shall be printed on eight and one-half inch (8 1/2") by eleven-inch (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 fifteen 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 Executive Director, his/her representative or a person authorized in writing by the Executive Director may result in additional enforcement action; and
 8. A statement that members of the public may call the Department for additional information, and the address and telephone number of the appropriate contact person.
- D. Location of Posted Notice. Public notices shall be posted at the establishment in one or more conspicuous places clearly visible to the Public before or upon entry. The Executive Director shall consult with the owner or representative of the establishment regarding the location and method of posting of the public notice, but the Executive Director shall make the final determination of the location and shall affix the notice at that location. The Executive Director shall note the location of the public notice's posting on the public health inspection comments form.
- E. Removal of Posted Notice.
1. An official representative of the Executive Director, or other person with written authorization of the Executive Director or his/her representative 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 without written authorization of the Executive Director, the establishment must contact the Executive Director immediately so another public notice may be posted. Failure to notify the Executive Director may result in additional enforcement action.
 2. If the Executive Director finds that the notice has been moved, removed, defaced, damaged, or blocked from conspicuous view, the Executive Director may post another notice for fifteen days detailing the information consistent with the initial notice.