

THE CITY OF WINNIPEG

FOOD SERVICE ESTABLISHMENT BY-LAW
NO. 5160/89

**A By-law of THE CITY OF WINNIPEG to
regulate Food Service Establishments.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

SECTION 1 - SHORT TITLE:

1. This By-law shall be referred to as the "**Food Service Establishment By-law**".

SECTION 2 - DEFINITIONS:

2. In this By-law:
 - 2.1 "**Catering Establishment**" means any premise wherein food is prepared for consumption elsewhere than on the premises.
 - 2.2 "**Commissary**" means an establishment in which food, containers or supplies are kept, handled, prepared, packaged or stored.
 - 2.3 "**Corrosion-resistant material**" means any material that maintains its original surface characteristics under repeated exposure to food, cleaning compounds and bactericidal solutions.
 - 2.4 "**Easily cleanable**" means surfaces that are readily accessible and made of such material and finish that residue may be completely removed by normal cleaning methods.
 - 2.5 "**Easily movable**" means any equipment that is mounted on wheels or casters, or does not exceed 23 kg. (50 lbs.) in weight.
 - 2.6 "**Employee**" means any person working or employed in or for a food service establishment.
 - 2.7 "**Equipment**" includes stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables and similar items, excluding utensils used in a food service establishment.
 - 2.8 "**Food**" means any raw, cooked or processed edible substance, ice, beverage, milk or milk product, ice milk or ingredient used or intended for use or for sale in whole or in part for human consumption.

- 2.9 **"Food-contact surface"** means those surfaces of equipment and utensils with which food normally comes in contact and includes those surfaces from which food may drain, drip or splash.
- 2.10 **"Food Service Establishment"** means any place where food is kept, handled, manufactured, packaged, stored or prepared. The term shall include any such place regardless of whether consumption is on or off the premises and regardless of whether there is or is not a charge for the food, and includes delicatessen-type operations, restaurants, catering establishments, commissaries, hotels, beverage rooms, dairy bars, milk bars, ice-cream parlors, canteens, mobile food units and temporary food service establishments, but shall not include private homes where food is prepared or served for individual family consumption, retail food stores, producer markets, food vending machines and food supply vehicles.
- 2.11 **"Hermetically sealed container"** means a container designed and intended to be secure against entry of micro-organisms and to maintain the sterility of its content after processing.
- 2.12 **"Insanitary condition"** means a condition or circumstance:
- (i) that is offensive, or
 - (ii) that is or may be injurious to health, or
 - (iii) that may contaminate food with dirt, or
 - (iv) that contaminates or pollutes or may contaminate or pollute food, air or water, or
 - (v) that may render food, air, or water injurious to the health of any person, and includes a nuisance, or
 - (vi) that is or may be a substantial or imminent danger or hazard to public health.
- 2.13 **"Kitchen"** includes any part of a food service establishment wherein food is manufactured, prepared, handled or packaged, and includes equipment used for these purposes.
- 2.14 **"Kitchenware"** means all utensils, other than tableware, used in the manufacturing, storage, preparation, transportation, handling or packaging or service of food.
- 2.15 **"Medical Health Officer"** means a Medical Health Officer appointed under the Department of Health Act, The Public Health Act or The City of Winnipeg Act, or any other person duly authorized to act in his stead.
- 2.16 **"Mobile Food Unit"** means a trailer, cart or vehicle-mounted food service establishment designed to be readily movable.

- 2.17 **"Operator"** means any person occupying, in possession of, or in charge of any food serving establishment.
- 2.18 **"Packaged"** means bottled, canned, cartoned, bagged or wrapped.
- 2.19 **"Person"** includes an individual, partnership, corporation, firm, association, operator, owner or person in charge.
- 2.20 **"Person in Charge"** means the operator or the individual present in a food service establishment who is the apparent supervisor of the food service establishment, and if no individual is the apparent supervisor then any employee present shall be conclusively deemed to be the person in charge.
- 2.21 **"Potentially hazardous food"** means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms but does not include clean, whole, uncracked, odour-free shell eggs or foods which have a pH level of 4.6 or below or a water activity value or 0.85 or less.
- 2.22 **"Public Health Inspector"** means a public health inspector appointed under *The Department of Health Act* or *The Public Health Act*.
- 2.23 **"Sanitization"** means bactericidal treatment by a process that provides sufficient heat or concentration of chemicals for sufficient time to reduce the bacterial count, including pathogens on utensils and equipment in accordance with subsections 18.3 and 18.4 of this By-law.
- 2.24 **"Sealed"** means free of cracks or other openings so as to prevent the entry or passage of moisture, insects and rodents.
- 2.25 **"Single-service articles"** means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, and toothpicks which are designed to be used only once and includes paper, plastic and aluminium foil utensils.
- 2.26 **"Tableware"** means eating and drinking utensils.
- 2.27 **"Temporary Food Service Establishments"** means a food service establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.
- 2.28 **"Utensil"** means any implement used in the manufacture, preparation, storage, transportation, eating or service of food in a food service establishment.

SECTION 3 - ENFORCEMENT:

This By-law shall be administered by the Medical Health Officer or Public Health Inspector.

SECTION 4 - RESPONSIBILITY:

The owner, operator or person in charge of a food service establishment shall comply with the terms of this By-law, and are jointly and severally liable for any contravention, breach or failure to obey any of the provisions of this By-law and may be charged therefor.

SECTION 5 - CERTIFICATES AND LICENSES:

- 5.1 No person shall operate a food service establishment without having a valid permit from the Medical Health Officer or Public Health Inspector to do so and without complying with the provisions of the City of Winnipeg License By-law and amendments thereto. The receipt and retention of a permit shall be conditional upon compliance with this By-law.
- 5.2 Prior to issuance of a permit, the Medical Health Officer or Public Health Inspector shall inspect the food service establishment and determine compliance with this By-law.
- 5.3 No person shall transfer or assign a permit to another person without the approval in writing of the Medical Health Officer or the Public Health Inspector.
- 5.4 The permit shall be renewed annually and may be suspended or withheld by the Medical Health Officer or Public Health Inspector where any provision of this By-law is found to have been violated.
- 5.5 No person shall operate a food service establishment unless the permit is posted in a conspicuous location.

SECTION 6 - REVIEW OF PLANS:

- 6.1 Whenever a food service establishment is constructed, altered or extensively remodelled and whenever an existing structure is converted for use as a food service establishment, properly prepared plans and specifications for such construction, alteration, remodelling or conversion shall be submitted to the Medical Health Officer or Public Health Inspector for review and approval before construction, alteration, remodelling or conversion is commenced. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials to be used, and the type and model of proposed equipment and facilities. No food service establishment shall be constructed, altered, extensively remodelled or converted, except in accordance with plans and specifications approved by the Medical Health Officer or the Public Health Inspector.

SECTION 7 - FOOD SUPPLIES:

- 7.1 Food shall be in sound condition, free from spoilage, adulteration, poisonous or harmful substance, filth or other contamination and shall be safe for human consumption.
- 7.2 Food shall be obtained from sources that have been approved by the appropriate authority. The use of food in hermetically sealed containers not prepared in a food service establishment is prohibited. Meat, meat products, poultry or poultry products shall be obtained from an establishment registered under *The Meat Inspection Act (Canada)* or the Canada-Manitoba Meat Inspection Agreement.
- 7.3 Fluid milk and fluid milk products used or served shall be pasteurized. Dry milk and dry milk products shall be made from pasteurized milk and pasteurized milk projects.
- 7.4 Acceptable microbial levels for milk and artificial dairy products shall not be more than 50,000 bacteria per gram and not more than 10 coliform per gram. The Medical Health Officer or Public Health Inspector may prohibit the sale of processing of these products if analysis shows that these standards are not met and may order the immediate destruction of these products and the operator or person in charge shall immediately cease selling or processing these products, and if so ordered, shall immediately destroy said product in the manner specified by the Medical Officer or Public Health Inspector.
- 7.5 Shellfish that are fresh or frozen shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker and said shellfish shall be kept in the container in which they were received until used.
- 7.6 Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid frozen or dry eggs or pasteurized egg products shall be used, except that hard-boiled peeled eggs, commercially prepared and packaged may be used.

SECTION 8 - FOOD PROTECTION:

- 8.1 Food shall be protected at all times while being kept, handled, manufactured, packaged, stored, prepared, displayed, served or transported from insanitary conditions and from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs, sneezes, flooding, drainage, leakage or drippage.
- 8.2 Potentially hazardous foods shall be kept hot or cold as appropriate at all times as provided in this By-law.
- 8.3 No person shall prepare, sell or be in possession of any food that has been salvaged from fires, snow storms, floods, failure of structures, explosions, truck and train crashes, or other disasters without the written permission of the Medical Health Officer or Public Health Inspector.
- 8.4 No food shall be served in any food service establishment unless it is prepared on the premises or other place approved by the Medical Health Officer or Public Health Inspector.

SECTION 9 - FOOD STORAGE:

- 9.1 Food if removed from the container or package in which it was obtained shall be stored in a clean covered container, except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll containers. Meat shall be covered, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no other food is stored beneath the meat.
- 9.2 Containers of food shall be stored a minimum of 16 centimetres (6 inches) off the floor, in a manner that protects food from contamination and permits easy cleaning of the storage area. Containers may be stored on dollies, racks, slip sheets, or pallets, provided such equipment is easily movable.
- 9.3 Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, excepting automatic fire protection sprinkler heads. The storage of food in toilet rooms, changing rooms, vestibules or hallways is prohibited.
- 9.4 Food shall be stored in such a way as to prevent cross-contamination from other food.
- 9.5 Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.
- 9.6 Bulk food, not stored in the container or package in which it was obtained, shall be stored in a container identifying the food by its common name.

SECTION 10 - REFRIGERATED STORAGE:

- 10.1 Potentially hazardous food requiring refrigeration shall be rapidly cooled in a time period not exceeding four hours, and kept at an internal temperature of 5 degrees Celsius (41 degrees Fahrenheit) or below.
- 10.2 Frozen food shall be kept frozen and shall be stored at a temperature of -18 degrees Celsius (0 degrees Fahrenheit) or below.
- 10.3 Ice used for cooling stored food shall not be used for human consumption.
- 10.4 Sufficient, conveniently located refrigeration facilities shall be provided to assure maintenance of potentially hazardous food at required temperatures during storage. Each refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to 1 degree Celsius (2 degrees Fahrenheit). Such thermometer shall be located so as to be easily readable.

SECTION 11 - HOT STORAGE:

- 11.1 The internal temperature of potentially hazardous foods requiring hot storage shall be 60 degrees Celsius (140 degrees Fahrenheit) or above, except during necessary periods of preparation.
- 11.2 A sufficient number of conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage and be provided with a numerically scaled indicating thermometer or have available a metal stem bayonet-type thermometer accurate to 1 degree Celsius (2 degrees Fahrenheit).

SECTION 12 - FOOD PREPARATION:

- 12.1 Food shall be prepared with the least possible manual contact using suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent contamination.
- 12.2 All raw fruits and vegetables shall be washed in clean potable water prior to eating or cooking.
- 12.3 Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 60 degrees Celsius (140 degrees Fahrenheit) excepting:
 - (a) Poultry stuffings, stuffed meats and stuffing containing meat or poultry shall be cooked to heat all parts of the food to at least 74 degrees Celsius (165 degrees Fahrenheit) with no interruption of the cooking process.

- (b) Rare to medium-rare beef shall be cooked to a minimum internal temperature of 55 degrees Celsius (131 degrees Fahrenheit).
- 12.4 Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 74 degrees Celsius (165 degrees Fahrenheit) or higher throughout before being served or being placed in a hot food storage facility, excepting rare to medium-rare beef. Steam tables, bainmaries, warmers and similar hot food holding facilities shall not be used for the reheating of potentially hazardous foods.
- 12.5 Non-dairy creaming, whitening or whipping agents may be reconstituted on the premises only if they are stored in sanitized, covered containers not exceeding 4.15 litres (one gallon) in capacity which are rapidly cooled to 5 degrees Celsius (41 degrees Fahrenheit) or lower.
- 12.6 Metal stem-type numerically scaled individual thermometers, accurate to 1 degree Celsius (2 degrees Fahrenheit) shall be provided, and used to ensure the attainment and maintenance of proper internal cooking and holding temperatures of all potentially hazardous foods.
- 12.7 Frozen potentially hazardous foods shall be thawed:
- (a) In refrigerated units at a temperature not to exceed 5 degrees Celsius (41 degrees Fahrenheit); or
 - (b) Under cold potable running water with sufficient water velocity to agitate or float off loose food particles; or
 - (c) as part of the cooking process; or
 - (d) in a microwave oven.

SECTION 13 - FOOD DISPLAY AND SERVICE:

- 13.1 Potentially hazardous foods shall be kept at an internal temperature of 5 degrees Celsius (41 degrees Fahrenheit) or below or at an internal temperature of 60 degrees Celsius (140 degrees Fahrenheit) or above, as appropriate, during the display and service, except that rare to medium-rare beef shall be held for service at a temperature of at least 55 degrees Celsius (131 degree Fahrenheit).
- 13.2 Milk and milk products for drinking purposes shall be served in or from the original container in which it was received from the distributor, excepting cream or milk used as a beverage additive may be served in a protected pour-type container not exceeding 250 ml. in capacity.

- 13.3 Condiments provided for table or counter service shall be individually portioned or served in the original container or protected-type dispenser.
- 13.4 Ice for consumer use shall be dispensed only by using 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. When not in use, ice transfer receptacles shall be stored as to prevent contamination. Ice storage bins shall be drained in such a manner so as to provide an air gap in the drain line.
- 13.5 Suitable dispensing utensils shall be used. When not in use and during service, dispensing utensils shall be:
- (a) Stored in the food with dispensing utensil handle extended out of the food;
or
 - (b) Stored clean and dry; or
 - (c) Stored in a dipper well supplied with running water.
- 13.6 Food on display shall be protected from contamination by the use of packaging, serving line or salad bar protector devices, display cases or other effective means.
- 13.7 Re-use of soiled tableware by self-service consumers returning to the service area for additional food is prohibited, excepting cups and glasses.
- 13.8 Once served to a consumer, portions of left-over food shall not be served again, except that packaged food, other than potentially hazardous food, which is still unopened and is in sound condition may be reserved.
- 13.9 Every table or counter used for eating at shall be provided with a clean tablecloth or place mats or individual napkins, or sanitized trays.

SECTION 14 - FOOD TRANSPORTATION

- 14.1 All food being transported to or from a food service establishment shall be effectively protected from contamination.
- 14.2 Potentially hazardous foods being transported and requiring refrigeration or hot storage shall be kept at a temperature not higher than 5 degrees Celsius (41 degrees Fahrenheit) or not lower than 60 degrees Celsius (140 degrees Fahrenheit).

- 14.3 All frozen foods being transported shall be kept at a temperature not higher than -15 degrees Celsius (5 degrees Fahrenheit).

SECTION 15 - EMPLOYEE HEALTH, CLEANLINESS, AND PRACTICES

- 15.1 No person infected with a communicable disease or who is a carrier of organisms that cause such a disease shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces.
- 15.2 The operator of the person in charge shall immediately notify the Medical Health Officer of any communicable disease occurring in his premises and shall adopt such precautions as the Medical Health Officer shall direct, and shall be subject in all respects to the orders of the Medical Health Officer.
- 15.3 Employees shall thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet.
- 15.4 (a) The outer clothing of all employees shall be clean.
- (b) Every person preparing food, dispensing food or washing utensils shall wear a clean full length apron, smock, or uniform that is worn for no other purpose.
- (c) Every person preparing or dispensing food or washing utensils, excluding waiters, waitresses, busboys and bartenders, shall wear head covering or hair restraints that effectively covers the hair on the head so as to prevent direct or indirect contact of the hair with the food, equipment or utensils used in the preparation of food. Beards unless neat and trimmed shall not be permitted.
- 15.5 Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils or other items requiring protection.
- 15.6 No person shall use tobacco in any form while engaged in food or beverage preparation or service, nor while in areas used for equipment or utensil washing, food preparation or storage.
- 15.7 All persons handling food or washing utensils shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

SECTION 16 - MATERIALS, EQUIPMENT AND UTENSILS:

- 16.1 All equipment and utensils shall be constructed and repaired with safe materials; be corrosion resistant and non-absorbent, and be smooth, easily cleanable, and durable under conditions of normal use. Single service articles shall be made from clean, sanitary materials.
- 16.2 Only hard maple or equivalent non-absorbent material may be used for cutting blocks, cutting boards, salad bowls and baker's tables. No potentially hazardous foods shall be served on wooden boards.
- 16.3 Only materials that are resistant to scratching, scoring, decomposition, crazing, chipping and distortion shall be used more than once.
- 16.4 Mollusk or crustaceous shells shall not be used more than once unless smooth and easily cleanable.

SECTION 17 - DESIGN, FABRICATION AND INSTALLATION:

- 17.1 Equipment and utensils used more than once shall be of corrosion resistant material, non-absorbent, smooth, easily cleanable, resistant to denting, buckling, pitting, chipping and crazing, free of breaks, open seams, and free from difficult to clean internal corners and crevices.
- 17.2 Food contact surfaces shall be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits and similar imperfections.
- 17.3 Equipment requiring lubrication shall be designed and constructed and serviced so that the lubricant does not leak, drip or come into contact with food or food-contact surfaces.
- 17.4 Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice, provided that such tubing is fabricated from safe materials, designed to preclude moisture from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.
- 17.5 All sinks and drainage boards shall be self-draining.
- 17.6 Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection.
- 17.7 Equipment intended for in-place cleaning shall be so designed and fabricated that:

- (a) Cleaning and sanitizing solutions can be circulated throughout a fixed system; and
 - (b) Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
 - (c) The system is self-draining.
- 17.8 Hoods, canopies, filters and like 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 and shall be kept clean.
- 17.9 Equipment that is placed on tables or on counters, unless portable, shall be sealed to the table or counter, or elevated on legs to provide at least ten centimetres (4 inches) clearance between the table or counter and equipment to facilitate the cleaning of equipment and adjacent areas.
- 17.10 Floor mounted equipment, unless easily movable, shall be sealed to the floor or elevated at least fifteen (15) centimetres (6 inches) from the floor and installed in such a manner as to facilitate cleaning in and around the equipment.
- 17.11 Aisles and working spaces 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 movable storage equipment shall be positioned to provide accessibility to working areas.

SECTION 18 - CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT & UTENSILS:

18.1 CLEANING FREQUENCY:

- (a) Tableware shall be washed, rinsed and sanitized after each use.
- (b) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, they shall be washed, rinsed and sanitized at intervals throughout the day.
- (c) The food-contact surfaces of stoves, ovens, ranges, grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens, excepting hot oil cooking equipment and hot oil filtering systems, shall be cleaned as often as is necessary and in any event at the end of each day's operation. The food-contact surfaces of all such equipment shall be kept free of encrusted grease deposits.

- (d) Food contact surfaces of preparation tables and cutting boards shall be cleaned and sanitized after each use.
- (e) Non food-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.
- (f) Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned using pressure spray methods.

18.2 WIPING CLOTHS:

Cloths used for cleaning equipment, utensils, tables and shelves, shall be moist, clean, rinsed frequently, sanitized and stored in a sanitizing solution and shall not be used for any other purpose.

18.3 MANUAL CLEANING AND SANITIZING:

- (a) Where utensils, tableware or kitchenware are manually cleaned and sanitized a sink with no fewer than three compartments conveniently located in the kitchen area shall be provided. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils to be washed and each compartment of the sink shall be supplied with hot and cold potable water. Draining boards shall be installed and be of adequate size for proper handling of equipment and utensils.
- (b) Where manual cleaning and sanitizing methods are used all utensils, tableware or kitchenware shall be scraped and pre-rinsed to remove coarse particles of food, washed in the first sink in a clean hot detergent solution, rinsed in the second sink in clean warm water and sanitized in the third sink.
- (c) Utensils shall be sanitized by one of the following methods:
 - (i) Immersion in a sanitizing solution containing:
 - (1) A minimum of 50 parts per million of available chlorine at a temperature of not less than 24 Celsius (75 degrees Fahrenheit) for a minimum of one (1) minute; or
 - (2) A minimum of 12.5 parts per million of available iodine in a solution having a pH range which the manufacturer has demonstrated to be effective for sanitization and at a temperature of not less than 24 Celsius (75 degrees Fahrenheit) for a minimum of one (1) minute; or

- (3) Immersion in hot water at a temperature of at least 77 degrees Celsius (170 degrees Fahrenheit) for a minimum of 30 seconds; or
 - (ii) Treatment with any chemical sanitizing agent acceptable to the Medical Health Officer or Public Health Inspector.
- (d) Food-contact surfaces of equipment or utensils too large to treat in accordance with subsection (c) shall be treated by:
 - (i) Live steam from a hose, in the case of equipment in which steam can be confined; or
 - (ii) By rinsing with boiling water; or
 - (iii) By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required under subsection (c).
- (e) Where chemical sanitization is used, a test kit or other device to accurately measure concentration shall be provided and used.

18.4 MECHANICAL CLEANING AND SANITIZING:

- (a) Where a food service establishment has a customer seating capacity of 50 seats or more and reusable utensils or tableware are used, a mechanical dishwasher shall be used.
- (b) Unless otherwise approved by the Medical Health Officer or Public Health Inspector, all dishwashers and glasswashers used in a food service establishment shall bear a National Sanitation Foundation certificate and be installed and operated in accordance with the manufacturers specifications.
- (c) Where mechanical dishwashers or glasswashers are used, the operator of the food service establishment shall ensure that the machine:
 - (i) maintains a wash water temperature of not less than 50 degrees Celsius (122 degrees Fahrenheit) to physically clean all utensils and tableware to the satisfaction of the Medical Health Officer and Public Health Inspector; or
 - (ii) rinses the clean utensils or tableware with a solution of at least 50 ppm of available chlorine at a temperature of at least 24 degrees Celsius (75 degrees Fahrenheit) for sufficient time to provide effective sanitization but not less than 20 seconds; or

- (iii) rinses the clean utensils or tableware with a solution of at least 12.5 ppm of available iodine and having a pH range which the manufacturer has demonstrated to be effective at a temperature of at least 24 degrees Celsius (75 degrees Fahrenheit) for sufficient time to provide effective sanitization, but not less than 20 seconds; or
 - (iv) treats utensils or tableware with any chemical sanitizing agent acceptable to the Medical Health Officer or Public Health Inspector; or
 - (v) raises the surface temperature of the utensils or tableware to a temperature of 71 degrees Celsius (160 degrees Fahrenheit) for at least 10 seconds; and
 - (vi) automatically dispenses chemical used for cleaning and sanitization purposes, excluding single batch dishwashers which may utilize manual dispensing methods for detergents.
- (d) Every dishwasher or glasswasher shall be thoroughly cleaned at the end of each day's operation or as often as necessary to maintain it in a satisfactory condition.
 - (e) Where chemical sanitization is used a test kit or other device to accurately measure concentration shall be provided.
 - (f) Draining boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing, and of cleaned utensils following sanitization, and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities.
 - (g) Equipment and utensils shall be flushed, scraped and soaked to remove food particles prior to being washed in a dishwashing machine unless the machine has a pre-wash cycle.

18.5 DRYING:

After sanitization, all equipment and utensils shall be air dried.

SECTION 19 - EQUIPMENT AND UTENSILS:

- 19.1 All utensils, display cases, windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment used in connection with the operation of a food service establishment shall be so constructed as to be easily cleaned, and shall be kept clean and in good repair.

- 19.2 All refrigerators and refrigerated space shall have removable racks and trays.
- 19.3 Drains from refrigerators shall be properly trapped and discharged into an open water supplied plumbing fixture, or over a floor drain properly trapped.
- 19.4 Chipped or cracked dishes and cans or bags previously used for the preservation, storage or transportation of food, or badly worn, rusted or corroded utensils or equipment shall not be used, and shall be disposed of immediately.
- 19.5 Utensils plated with cadmium or lead shall not be used.
- 19.6 Cleaned and sanitized utensils and equipment shall be handled in such a way as to protect them from contamination. Utensils 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.
- 19.7 STORAGE:
- (a) Cleaned and sanitized utensils and equipment shall be stored a minimum of 15 centimetres (6 inches) above the floor in a clean, dry location in such a way as to protect them from contamination. The food-contact surfaces of fixed equipment shall also be protected from contamination.
 - (b) Glasses and cups shall be stored in an inverted position and other stored utensils shall be covered or inverted wherever practical. Facilities for the storage of utensils shall be used so as to present the handle to the employee or consumer.
- 19.8 SINGLE-SERVICE ARTICLES:
- (a) Single-service articles shall be stored at least 15 centimetres (6 inches) above the floor in closed cartons or containers which protect them from contamination.
 - (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 articles shall not be used more than once.

- (d) Single-service articles packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the articles. Unless single-service articles are pre-wrapped or pre-packaged, holders shall be provided to protect these items from contamination and present the non-food contact surfaces of the articles to the consumer.

19.9 Storage of food equipment, utensils or single-service articles in toilet rooms, hallways, or vestibules is prohibited.

SECTION 20 - WATER AND CONTROLS:

- 20.1 All food service establishments shall be provided with sewer and water connections, properly connected to the public sewer and water systems, where available, in accordance with the City of Winnipeg Plumbing By-law. The water supply for drinking and culinary purposes shall be that supplied from the City of Winnipeg water mains, where available.
- 20.2 All food service establishments shall provide a constant supply of hot water at a temperature of not less than 60 degrees Celsius (140 degrees Fahrenheit) to equipment and utensil washing facilities.
- 20.3 Bottled or packaged potable water shall be obtained from a source approved by the Medical Health Officer or Public Health Inspector and shall be handled and stored in such a way as to protect it from contamination and shall be dispensed from the original container.
- 20.4 There shall be no cross-connection between the potable water supply and any non-potable water supply.

SECTION 21 - TOILET FACILITIES:

- 21.1 Every food service establishment shall be provided with:
 - (a) An adequate number of toilets for male and female patrons and employees in accordance with the Manitoba Building Code as amended from time to time.
 - (b) An adequate number of hand wash basins with hot and cold running water in the toilet rooms in accordance with the Manitoba Building Code as amended from time to time.

- 21.2 The toilet rooms or compartments shall:
- (a) Have privacy of approach;
 - (b) Be designated with appropriate signs;
 - (c) Not open directly into any room where food or utensils are handled or stored;
 - (d) Have hand washing signs posted in toilet rooms used by employees;
 - (e) Be easily accessible to the persons using them and so located that patrons will not have to pass through any area where food and utensils are prepared, handled or stored in order to gain access to the room or compartment.
- 21.3 Toilet rooms shall have adequate ventilation and shall be completely enclosed and shall have tight-fitting, self-closing solid doors, which shall be closed except during cleaning or maintenance.
- 21.4 Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue in a dispenser shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

SECTION 22 - LAVATORY FACILITIES:

- 22.1 Every food service establishment shall be provided with hand washing facilities, conveniently located in the food preparation area for employees.
- 22.2 Sinks used for food preparation or for washing equipment and utensils shall not be used for hand washing or the disposal of wastewater from cleaning operations.
- 22.3 A supply of soap or detergent shall be available at each hand wash basin.
- 22.4 A dispenser containing a supply of single-service towels or a hand-drying device providing heated air shall be conveniently located near a hand wash basin. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located at the hand washing facility.
- 22.5 Hand wash basins, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

- 22.6 Hand wash basins shall be provided with hot and cold running water under pressure, tempered by means of a mixing valve or combination faucet.
- 22.7 Any self-closing, slow closing or metering faucet shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

SECTION 23 - GARBAGE AND REFUSE:

- 23.1 The operator or person in charge shall keep the entire premises clean and free from litter and rubbish.
- 23.2 Garbage and refuse shall be kept in durable, easily cleanable, insect and rodent-proof containers that do not leak or absorb liquids.
- 23.3 Garbage containers shall be provided in food preparation and utensil washing areas.
- 23.4 Garbage containers stored outside the establishment, compactors, and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors and covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.
- 23.5 A sufficient number of containers to hold all the garbage and refuse shall be provided.
- 23.6 Soiled containers shall be cleaned with sufficient frequency to prevent insect and rodent attraction. Food, equipment, utensils or food preparation areas shall not be contaminated by such cleaning.
- 23.7 Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, non-absorbent, washable materials, shall be kept clean, insect and rodent proof, and shall be large enough to store the garbage and refuse containers.
- 23.8 Outside garbage areas or enclosures shall be large enough to store the garbage and refuse containers and shall be kept clean. Garbage and refuse containers and compactor systems located outside shall be stored on or above a smooth surface of non-absorbent material that is kept clean and maintained in good repair.

SECTION 24 - INSECT AND RODENT CONTROL:

- 24.1 Food service establishments shall be kept in such condition as to prevent the harborage of feeding insects and rodents.

- 24.2 Outside openings shall be protected against the entrance of insects. Screen doors shall be self-closing, and screens for windows, doors, sky-lights, transoms, intake and exhaust air ducts and other openings to the outside shall be tight-fitting and free of breaks.

SECTION 25 - CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES:

- 25.1 Roofs shall be kept in good repair.
- 25.2 Walls, partitions and ceilings of walk-in refrigerating units, food preparation areas, equipment and utensil washing areas and toilet rooms shall be primarily light coloured, smooth, non-absorbent and easily cleanable. Concrete blocks used for interior wall construction shall be finished and sealed to provide an easily cleanable surface. All wall and ceiling surfaces shall be maintained in a clean condition and in good repair and finished to the satisfaction of the Medical Health Officer or Public Health Inspector.
- 25.3 Studs, joists and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, storage areas, changing and toilet rooms.
- 25.4 Floors and floor-coverings of all food preparation areas, equipment and utensil washing areas, walk-in refrigeration units and washrooms shall be constructed of smooth, durable material which is either seamless or with seams that are heat-sealed or chemically bonded. All floors and floor coverings shall be maintained in a clean condition and in good repair. Nothing in this section shall prohibit the use of anti-slip covering in areas where necessary for safety.
- 25.5 (a) Carpeting shall be of closely woven construction, properly installed, easily cleanable and maintained in good repair. Carpeting shall not be used in food preparation, equipment and utensils washing areas, food storage areas or toilet room areas.
- (b) The use of sawdust, wood shavings, peanut hulls, or similar material on a floor surface is prohibited.
- (c) Properly installed, trapped floor drains shall be provided in floors that are water flushed for cleaning or that receive discharges of water from equipment.
- (d) Mats and duckboards shall be of non-absorbent, grease resistant materials and of such size and construction as to facilitate their being easily cleaned.
- 25.6 The floor covering in food preparation areas, utensil-washing areas and washrooms shall be covered up the wall to a height of not less than 10 centimetres (4 inches) and sealed.

25.7 BELOW GRADE OCCUPANCY:

- (a) The below grade level location of a food service establishment or part thereof:
 - (i) shall have wall and floor surfaces that are in good repair and free of cracks or openings that might allow the ingress of external moisture or vermin;
 - (ii) shall have a sewage pit installed which is equipped with a dual effluent pump unit to safeguard against backflow of sewage and shall be approved by the City of Winnipeg;
 - (iii) shall have equipment installed to prevent the backup of water from any source which shall be approved by the City of Winnipeg.
- (b) Raised floors or platforms shall not be installed or used.
- (c) The finished ceiling height shall be at least 2.44 metres (8 feet).

SECTION 26 - LIGHTING:

- 26.1 Permanently fixed artificial light source shall be installed to provide at least 540 Lx (50 foot candles) of light on all food preparation surfaces and at equipment or utensil-washing work areas, excepting food preparation surfaces in dining rooms which shall have at least thirty (30) foot candles of light.
- 26.2 Permanently fixed artificial light sources shall be installed to provide at a distance of 76 centimetres (30 inches) from the floor, a minimum of 216 Lx (20 foot candles) of light in utensil and equipment storage areas and in lavatory and toilet areas; and in dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.
- 26.3 Permanently fixed artificial light sources shall be installed to provide at a distance of 76 centimetres (30 inches) from the floor, a minimum of 108 Lx (10 foot candles) of light in walk-in refrigerator and freezer units.
- 26.4 Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures and infra-red or other heat lamps located over, by, or within food storage, preparation, service lines and display units and facilities where utensils and equipment are cleaned and stored.

SECTION 27 - VENTILATION:

- 27.1 All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapours, obnoxious odours, smoke and fumes.
- 27.2 Kitchens shall be provided with such hoods or canopies placed over stoves, ovens or other cooking apparatus, and such pipes and extractor fans as will sufficiently carry off and properly dispose of all gases, steam, and obnoxious odours.

SECTION 28 - CHANGING ROOMS AND LOCKER AREAS:

- 28.1 Every food service establishment shall be provided with at least one conveniently located changing room of adequate size. Lockers may be located only in the designated changing rooms. Changing rooms shall have at least one chair or bench, pegs, an adequate number of coat hangers, and other equipment to make them suitable for the purpose intended. Personal belongings shall not be stored in the kitchen area. These changing rooms shall not be used for food preparation or food and utensil storage.
- 28.2 In food service establishments with more than five (5) employees on duty at any one time, two (2) changing rooms are required, one for female employees and one for male employees.

SECTION 29 - POISONOUS OR TOXIC MATERIALS:

- 29.1 There shall be present in food service establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.
- 29.2 Containers of poisonous or toxic materials shall be prominently and distinctly labelled for easy identification of contents.
- 29.3 Poisonous or toxic materials shall be stored in cabinets used for no other purpose, or in a physically separate place and shall not be stored above food, food contact surfaces, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.
- 29.4 Poisonous or toxic materials shall not be used in a way that contaminates food, food-contact surfaces, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labelling.

- 29.5 Personal medication shall not be stored in food preparation, storage or service areas.
- 29.6 First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.
- 29.7 Steam that is used on food or food-contact surfaces shall not contain materials or additives unless approved pursuant to *The Food and Drug Act of Canada*.

SECTION 30 - PREMISES:

- 30.1 Floors shall not be dry swept in areas where food and food-contact surfaces are exposed.
- 30.2 Food service establishments and all parts of the property used in connection with the operation shall be kept clean and free of litter.
- 30.3 The walking and driving surfaces of all exterior areas of food service establishments shall be graded to prevent pooling and shall be kept free of litter.
- 30.4 Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.
- 30.5 Only employees and authorized personnel shall be permitted in the kitchen and areas where food is prepared, handled or stored.
- 30.6 No person shall use and no operator shall permit to be used any food service establishment or portion thereof as sleeping or living quarters.
- 30.7 No part of a building in which a food service establishment is located shall be used as sleeping or living quarters unless completely separated from the food service establishment. There shall be no direct access to the sleeping or living quarters from the food service establishment.
- 30.8 Laundry facilities shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons and shall be carried out in a separate room.
- 30.9 Clean uniforms, aprons and linens shall be stored in a clean place and protected from contamination until used.
- 30.10 Soiled clothes and linens shall be stored in non-absorbent containers or washable laundry bags.
- 30.11 Maintenance and cleaning tools shall be maintained and stored in such a way that food, utensils, equipment or linens are not contaminated. Where there is flour dust in preparation area, vacuum cleaning equipment shall be provided and used.

30.12 Live animals, including birds and turtles, shall not be permitted in a food service establishment. Guide dogs accompanying a blind or deaf person shall be permitted.

SECTION 31 - MOBILE FOOD SERVICE:

- 31.1 Mobile food units serving only food prepared and packaged in individual servings and transported and stored under conditions meeting the requirements of this by-law, or beverages that are dispensed from covered containers or other protected equipment, need not comply with the requirements of this by-law pertaining to the necessity of water and sewage systems, nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitizing exists at the commissary.
- 31.2 Mobile food units shall provide only single-service utensils for use by the consumer.
- 31.3 A mobile food unit requiring a water system shall comply with all the requirements of this by-law insofar as applicable.
- 31.4 Liquid wastes resulting from the operation of a mobile food unit shall be stored in a permanently installed retention tank that is of at least fifteen (15) percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.
- 31.5 Mobile food units shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and all cleaning and servicing operations.
- 31.6 The commissary or other fixed food service establishment used as a base of operation for mobile food units shall be constructed and operated in compliance with the requirements of this by-law.
- 31.7 Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and the equipment from contamination.

SECTION 32 - TEMPORARY FOOD SERVICE ESTABLISHMENTS:

- 32.1 In all temporary food service establishments:

- (a) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.
 - (b) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided to prevent contamination.
- 32.2 All temporary food service establishments without facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.
- 32.3 Potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for hand-washing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
- 32.4 Ice shall be used only in chipped, crushed or cubed form and contained in plastic bags filled and sealed at the point of manufacture.
- 32.5 Storage of packaged food in contact with water or undrained ice shall be prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.
- 32.6 All sewage, including liquid waste, shall be disposed of according to law.
- 32.7 A convenient handwashing facility shall be available for employees. This facility shall consist of running water, soap and individual hand-drying facilities.
- 32.8 Floors shall be constructed of concrete, asphalt, tight wood or other similar cleanable material, kept in good repair. Dirt or gravel when graded to drain, may be used as sub-flooring when covered with clean, removable platforms or duckboards.
- 32.9 Walls and ceilings of food preparation areas in temporary food service establishments shall comply with the following regulations:
- (a) Ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing.
 - (b) Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed except when in actual use.

- 32.10 In temporary food service establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the Medical Health Officer or Public Health Inspector.
- 32.11 With the written permission of the Medical Health Officer or Public Health Inspector a temporary food service establishment may operate without complying with section 32.9 of this By-law.

SECTION 33 - INSPECTIONS:

33. The Medical Health Officer or the Public Health Inspector after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this by-law. The Medical Health Officer or Public Health Inspector shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used. The operator or person in charge or an employee shall give the Medical Health Officer or Public Health Inspector any assistance which he may require in the performance of his duties.

SECTION 34 - EXAMINATION AND CONDEMNATION OF FOOD:

- 34.1 Food may be examined and sampled by Medical Health Officer or the Public Health Inspector as often as is necessary for enforcement of this By-law. The Medical Health Officer or the Public Health Inspector may, upon written notice to the owner or person in charge or the operator specifying the reasons therefore, place a hold order on any food which he believes is in violation of this By-law. The Medical Health Officer or the Public Health Inspector shall tag, label or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or moved from the establishment.
- 34.2 In addition, or alternatively to sub-section (1) the Medical Health Officer or Public Health Inspector may condemn any food or any material which in his opinion is insanitary or creates, or may create, an insanitary condition and order its immediate destruction in a manner satisfactory to the Medical Health Officer or Public Health Inspector.

SECTION 35 - NOTICES:

- 35.1 The Medical Health Officer or the Public Health Inspector may serve a mandatory notice on the operator or the person in charge, to correct violations listed in or attached to said notice within the period specified and may cause a copy of said mandatory notice to be posted in a conspicuous place in the office of the Medical Health Officer or Public Health Inspector.

- 35.2 (a) In addition, or alternatively to the notice referred to in Sub-section (1), the Medical Health Officer or Public Health Inspector may where an insanitary condition exists in a food service establishment
- i) serve a closing notice on the operator or the person in charge;
 - ii) placard the premises;
 - iii) post a copy of said closing notice in a conspicuous place in the office of the Medical Health Officer or Public Health Inspector.
- (b) Upon service of such a notice the food service establishment shall be closed immediately and not re-opened until authorization in writing by the Medical Health Officer or the Public Health Inspector is given.
- (c) No person shall operate or allow the operation of a food service establishment which has been closed.

SECTION 36 - SERVICE OF NOTICES:

Any notice served shall be properly served when it is delivered to the person in charge or the operator, or when it is sent by registered mail to the last known address of the person in charge or the operator.

SECTION 37 - PENALTY:

Any person who contravenes or disobeys or refuses or neglects to obey any provision of this By-law is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$1,000.00 in the case of an individual or \$5,000.00 in the case of a corporation or, in the case of an individual, to imprisonment for a term not exceeding six months or to both such a fine and such imprisonment.

SECTION 38

If any provision of this By-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of this By-law shall not be invalidated.

SECTION 39

39.1 All by-laws and any amendments thereto passed prior hereto by any municipality as defined in clause (a) of Section 1 of *The City of Winnipeg Act* and still in force, relating to food service establishments as defined in this By-law shall hereinafter cease to have effect.

39.2 Without limiting the generality of subsection (1), the following by-laws and any amendments thereto made from time to time, are hereby repealed:

The City of Winnipeg By-law No. 16395;
The Rural Municipality of Fort-Garry By-law No. 3488;
The City of St. Vital By-law No. 6073;
The City of St. James By-law No. 6425;
The City of St. Boniface By-law No. 4124;
The City of East Kildonan By-law No. 2787;
The City of West Kildonan By-law No. 2291.

39.3 By-law No. 2920/81 and By-law No. 2973/81 are hereby repealed.

DONE AND PASSED in Council assembled, this 29th day of March, A.D., 1989.