



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: March 1, 2018

Staff Contact: Carson City Health and Human Services -- Dustin Boothe -- dboothe@carson.org; Carson City District Attorney's Office -- Iris Yowell -- iyowell@carson.org

Agenda Title: For Possible Action: To introduce, on first reading, Bill No. _____, an ordinance amending Title 9, chapter 9.05 (Health and Welfare- Food Establishments), adding and amending sections related to the prevention of foodborne disease or illness, and amending other matters properly related thereto.

Staff Summary: These regulations are being proposed to modify Chapter 9.05 of the Carson City Municipal Code, which sets forth the regulations of food establishments in Carson City. The changes are largely centered around food safety and: 1) Classify food establishments by risk level; 2) require certain types of food establishments to employ a Certified Food Protection Manager; 3) add to the different types of food establishments allowed and set forth the requirements for each type of food establishment; 4) change the grading system for inspections and, 5) and clarify other related matters.

Agenda Action: Formal Action/Motion

Time Requested: 30 minutes

Proposed Motion

I move to introduce, on first reading, Bill No. ____, an ordinance amending an ordinance amending Title 9, chapter 9.05 (Health and Welfare- Food Establishments), adding and amending sections related to the prevention of foodborne disease or illness, and amending other matters properly related thereto.

Board's Strategic Goal

Safety

Previous Action

- January 18: Presented proposed regulations to the local Board of Health
- January 19: Dissiminated Business Impact Statement

Background/Issues & Analysis

The proposed changes are largely centered around food safety and:

- 1) Classify food establishments by risk level. Food establishments will be assigned a risk level from 1-3 depending, in part, on the type of food establishment and menu being served.

2) Require certain types of food establishments to employ a Certified Food Protection Manager. The risk level of food establishment is directly correlated with the number of Certified Food Protection Managers required and the minimum number of inspections that will be performed each year.

3) Add to the different types of food establishments allowed and provide their requirements for each. Four main types of food establishments are addressed with the proposed changes: Food Service Carts, Mobile Units, Portable Units for Service of Food, and Outdoor Food Establishments. There is another type of food establishment, which is called a "servicing area," which will be paired with a food service cart, a mobile unit, or a portable unit for service of food for the purpose of food safety.

4) The grading system for inspections will be changed to a letter grade of A, B, C, or "Closed." Reinspections will be required under certain circumstances.

5) Other related changes are also being made, for example: clarifying the requirements for permits, clarifying the requirements for a "person in charge," clarifying how inspections will be performed, adding requirements for imminent health hazards, clarifying suspension and reinstatement of permits, clarifying condemnation of food, and clarifying procedures for suspected infections of food handlers.

Pursuant to NRS 446.940(2), these regulations will also be taken to the State Board of Health.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 9.05; NAC 446; NRS 446

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number:

Is it currently budgeted? Yes No

Explanation of Fiscal Impact:

Alternatives

Modify the proposed changes; decline to change CCMC 9.05

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

Summary: An ordinance adding and revising various provisions relating to the prevention of foodborne illness.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE RELATING TO HEALTH AND WELFARE, AMENDING TITLE 9, CHAPTER 9.05 – FOOD ESTABLISHMENTS, ADDING AND AMENDING SECTIONS RELATED TO THE PREVENTION OF FOODBORNE ILLNESS, ADDING SECTIONS RELATING TO CERTAIN TYPES OF FOOD ESTABLISHMENTS, AMENDING GRADING OF FOOD ESTABLISHMENTS, AND AMENDING OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.010 (Definitions) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

9.05.010 - Definitions.

1. **“Certified food protection manager” means a person who has demonstrated, by means of a food safety certification examination from an accredited program, that they have the knowledge, skills, and abilities required to protect the public from foodborne disease.**
- ~~1.~~ 2. "Food" means any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, intended for ultimate human consumption, storage, **preparation or manufacturing, display, offering for sale, or service** ~~[stored, being prepared or manufactured, displayed, offered for sale, or served]~~ in a food establishment. ~~[This includes ice for human consumption.]~~
- ~~2.~~ 3. "Food establishment" **except as otherwise limited by subsection a, “food establishment”** means any place, structure, premises, vehicle or vessel, or any part thereof, in which food intended for ultimate human consumption is manufactured or prepared by any manner or means ~~[whatever]~~, or in which any food is sold, offered or displayed for sale or served. ~~[This definition shall not be construed to include:]~~
 - a. The term does not include:**
 - (1) [a. Private homes.] A private home, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;**
 - (2) [b.] A [Fraternal] fraternal or social clubhouses at which attendance [at which] is limited to [club members] members of the club;[-]**
 - (3) [c.] Vehicles operated [operating as] by common carriers engaged in interstate commerce;[-]**
 - (4) [d.] Any establishment [Premises or] in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public; [to their members for the purpose of raising funds.]**

(5) Any establishment where any animal, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to chapter 583 of the NRS;~~[which is regulated or inspected by the Department of Agriculture or Nevada State Bureau of Consumer Health Protection Services.]~~

(6) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of the NRS;

(7) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of the NRS who handles only alcoholic beverages which are in sealed containers;

(8) A facility that produces eggs which is regulated pursuant to chapter 583 of the NRS;

(9) A cottage food operation that meets the requirements of NRS 446.866 with respect to food items as defined in that section;

(10) A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section; or

(11) A farm for purposes of holding a farm-to-fork event.

b. As used in this section, "poultry" has the meaning ascribed to it in NRS 583.405, and means any domesticated bird, whether live or dead.

4. "Food service cart" means a food establishment on wheels, operated inside or outside of buildings, that is easily conveyed from a servicing area to one or more approved locations where food is served, and is clearly identified in the permit application.

~~[3.]~~ 5. ["Health authority"] Health Authority means the officers and agents of the local Board of Health. [Carson City health department.] or Carson City Health and Human Services.

~~[4. "Temporary food establishment" means any food establishment which operates at a fixed location for a temporary period of time, not to exceed fourteen (14) days, in connection with a fair, carnival, circus, public exhibition, celebration or similar transitory gathering.]~~

6. "Highly susceptible population" means persons who are more likely than other people in the general population to experience foodborne illness because they are:

a. Immunocompromised, preschool age children, or older adults.

7. "Mobile unit" means any motor vehicle operating from an approved servicing area in which food, beverages, frozen desserts or dairy products and mixes are prepared, processed or converted for human consumption and which is used to sell and dispense food and beverages to customers. The term does not include a food service cart as defined by CCMC 9.05.010 (4), a golf-style food service cart, or any similar operation.

8. "Outdoor food establishment" means a food establishment that is in an unenclosed or partially enclosed outdoor area, that may have equipment for cooking, staging or storing food, that is not within its supporting food establishment's physical structure, but it is on the premises of its supporting food establishment, and that is not intended to be operated as a temporary food establishment.

9. "Permit holder" means a person who:

a. Is legally responsible for the operation of a food establishment, including, without limitation, the owner, the owner's agent, or another person; and

b. Possesses a valid permit to operate a food establishment.

10. "Person in Charge" means the person present at a food establishment who is responsible for the operation of the establishment at the time of an inspection.

11. “Portable unit for service of food” means a portable food establishment that may be operated inside or outside, and pursuant to a contract with a food establishment or an approved servicing area for the preparation and service of a limited menu that has been approved by the Health Authority.
12. “Risk” means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.
13. “Risk Level I food establishment” means a permitted food establishment that presents an extremely low relative risk of causing foodborne disease based upon few or no food handling operations implicated in foodborne disease outbreaks, including, without limitation, convenience stores, hot dog and espresso carts, concession stands, bars or lounges, coffee shops, warehouses, and mobile trucks with frozen foods or meats.
- a. Risk Level I food establishments are limited to food establishments that:
- (1) Serve or sell only prepackaged non-potentially hazardous food;
 - (2) Conduct limited food preparation steps of non-potentially hazardous foods such as slicing bagels, buttering toast, or opening prepackaged baked goods for individual sale;
 - (3) Serve only beverages and ice, such as espresso, mixed and blended drinks;
 - (4) Heat only commercially processed, potentially hazardous foods, such as hot dogs for hot holding and where cooling or reheating of food items is prohibited; or
 - (5) Conduct cold holding of commercially prepackaged, ready-to-eat, potentially hazardous food such as sandwiches and frozen foods, without opening of the package, including, without limitation convenience stores, hot dog and espresso carts, concession stands, bars or lounges, coffee shops, warehouses, and mobile trucks with frozen foods or meats; or
 - (6) Seasonal events handled through a temporary a food permit.
14. “Risk Level II food establishment” means a permitted food establishment that presents a medium relative risk of causing foodborne disease based upon few food handling operations typically implicated in foodborne disease outbreaks, including, without limitation, fast food restaurants, bakeries, sandwich shops, establishments with minimal food preparation, and processors or manufacturers of non-potentially hazardous food.
- a. Risk Level II food establishments are limited to food establishments that:
- (1) Prepare, cook, and serve most foods immediately;
 - (2) Limit the complex preparation of potentially hazardous food including cooking, cooling, and reheating for hot holding to three (3) or fewer items;
 - (3) Limit cold or hot holding to a single meal service; or
 - (4) Use minimal preparation and assembly steps to prepare foods from raw ingredients.
15. “Risk Level III food establishment” means a permitted food establishment that presents a significant relative risk of causing foodborne disease based on the large number of food handling operations typically implicated in foodborne disease outbreaks or the type of population served by the establishment, including, without limitation, full service restaurants, continuous operation casino or resort kitchens, restaurants and buffets, hospitals, nursing and extended care facilities, processors or manufacturers of potentially hazardous food,

caterers serving potentially hazardous food, a central kitchen that transports food to satellite locations, and establishments conducting specialized processing at retail.

a. Risk Level III food establishments include, without limitation, food establishments that:

- (1) Conduct complex food preparation including thawing, cooking, cooling, cold holding, reheating and hot holding for more than three (3) potentially hazardous foods;
- (2) Perform extensive handling of large volumes of raw potentially hazardous food ingredients;
- (3) Operate extended hours of food preparation activities;
- (4) Perform advanced preparation of potentially hazardous food for next day service;
- (5) Primarily serve highly susceptible populations;
- (6) Conduct specialized processes such as smoking, curing, and reduced oxygen packaging or modified atmospheric packaging for extended shelf life;
- (7) Process or manufacture potentially hazardous food;
- (8) Prepare potentially hazardous food for off-premise serving, for which time and temperature requirements during transportation, holding, and service are relevant;
or
- (9) Have a history of violations, have repeated critical violations upon reinspection, or have a history of enforcement issues. Food establishments that fall under this subsection will be considered risk level III for a period of one year.

~~{Class IV. For the purposes of this chapter Class IV means a food establishment extensively handling raw ingredients. Preparation processes include the cooking, cooling and reheating of potentially hazardous foods. A variety of processes that require hot and cold holding of potentially hazardous foods. Preparation of food is for same or next day service. Preparation of potentially hazardous foods for high-risk clientele. Transportation of potentially hazardous foods. Facilities include full service restaurants, full service restaurant with bar, commercial or industrial cafeterias, retail food store deli, seafood/meat cutting operations, processing plants and full service mobile catering.}~~

16. "Servicing area" means one or more locations approved by the Health Authority to which a food service cart, a mobile unit, or a portable unit for service of food returns regularly for activities, including, without limitation to food and supply storage, warewashing, food preparation, vehicle and equipment cleaning and maintenance, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.
17. "Temporary food establishment" means a food establishment that operates for a period of not more than fourteen (14) calendar days in conjunction with a single special event.

Section II: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.020 (Sanitation rules and regulations) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

9.05.020 - Sanitation rules and regulations.

The provisions of the ~~NRS Chapter 444 and NAC 444 State of Nevada Regulations Governing the Sanitation of Food Establishments~~ **governing the sanitation of food establishments** are hereby adopted by reference and made a part of this section as if set forth in detail therein.

Section III: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.030 (Food establishment permits) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

9.05.030 - Food establishment **business license; permit; duty to comply with city, state, and federal law.** ~~[s].~~

- 1.** It is unlawful for any person to operate a food establishment without a **valid business license and a valid food establishment permit** issued ~~[to him]~~ by the ~~[health authority]~~ **Health Authority**.
- 2.** **Any business license application must comply with chapter 4.04 of the Carson City Municipal Code.**
- 3.** **Any food establishment permit application must be submitted on forms provided by the Health Authority. A food establishment permit application should be filled out concurrently with a business license application.**
- 4.** **Upon receipt of the business license application and the food establishment permit application, the Health Authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, a food establishment permit will be issued to the applicant by the Health Authority.**
- 5.** **Except as otherwise provided in this chapter, a food establishment permit expires at the end of each calendar year.**
- 6.** **No business license will be issued for any food establishment until a food establishment permit has first been granted.**
- 7.** ~~[Permits] [shall]~~ **A permit is** not ~~[be]~~ transferable from person to person **or from establishment to establishment.** ~~[place to place.]~~
- 8.** ~~[Permits]~~ **A permit must** ~~[shall]~~ be posted in a conspicuous place **where it is clearly visible in or upon the food establishment during any mode of operation.** ~~[within each food establishment.]~~
- 9.** ~~[Permits]~~ **A permit** for a temporary food establishment ~~[s shall be issued]~~ **will be valid** for the specific time period of the operation ~~[but not to exceed fourteen (14) days].~~
- ~~[2.]~~ Any person ~~desiring to operate a food establishment shall make written application for a permit on forms provided by the health authority. Such]~~
- 10.** **Except as otherwise as provided in this chapter, a permit** application **must** ~~shall~~ include:
 - a. The applicant's full name and mailing address.
 - b. The street address or other identifying information to show the physical location of the proposed establishment.
 - c. The type of food establishment and hours of operation.

d. The signature of the applicant or applicants.

~~{3-}~~ **11.** An application for a permit to operate a temporary food establishment **must** ~~[shall]~~ ~~[also]~~ include the ~~[inclusive]~~ dates of the proposed operation **in addition to the other requirements of this section.**

12. A permit holder shall comply with all city, state, and federal laws.

4. ~~[Upon receipt of such application, the health authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, a permit shall be issued to the applicant by the health authority. No business license shall be issued for any food establishment until a has first been granted. [Permits expire one year from date of issuance and must be renewed annually thereafter.]~~

Section IV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.040 (Food service management personnel, training and certification) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~[stricken]~~ text is deleted):

9.05.040 – **Person in Charge; demonstration of knowledge required; general duties.** ~~[Food service management personnel, training and certification.]~~

~~{1-}~~ Food service managers, shift managers and any personnel designated by the health division shall attend and successfully complete a certification training course conducted by, or at the direction of, the city health authority. At the discretion of the health authority, food service managers, shift managers and any personnel designated by the health division may satisfy this requirement by successfully passing the written test for certification. Upon successful completion of the certification requirement, a certificate in card form, wallet sized, will be issued. At least one person holding a certification card from the health authority must be on premises during operation hours. A certificate, once awarded, will be valid for three (3) years unless changed by revision of this chapter. The owners of the food establishments will be responsible to ensure that all certified employees renew when necessary. At time of renewal, the health authority will determine if the person needs additional training prior to a card being issued.

~~2-~~ The food service certification card must be available for inspection at any time the bearer is on duty in the food establishment.

~~3-~~ Operators or managers of temporary food establishments shall not be subject to this certification requirement.]

1. If the permit holder is not the Person in Charge, the permit holder shall designate a Person in Charge who shall be present at the food establishment during all hours of operation.

2. Based on the risks inherent to the food operation, during inspections and upon request, the Person in Charge shall demonstrate to the Health Authority knowledge of the prevention of foodborne illness, application of the Hazard Analysis and Critical Control Point principles and the requirements of NAC Chapter 446.

a. The Person in Charge may demonstrate this knowledge by:

(1) Being a Certified Food Protection Manager who has shown proficiency in the required information through passing a test that is part of an accredited program; or

(2) For a food establishment that is risk level I or II, or is a temporary food establishment, responding correctly to the questions of the Health Authority as they relate to the specific food establishment.

3. The Person in Charge shall ensure that:

- a. The operation of the food establishment is not conducted in a private home or in a room used as living or sleeping quarters as provided in NRS 446.870;
- b. Persons unnecessary to the food establishment operation are not allowed in the food preparation, food storage or warewashing areas, except that brief visits and tours may be authorized by the Person in Charge if steps are taken to ensure that exposed food, clean equipment, utensils and linens, and unwrapped single-service and single-use articles are protected from contamination;
- c. Employees and other persons, including, without limitation, delivery and maintenance personnel and pesticide applicators, entering the food preparation, food storage and warewashing areas, comply with this chapter and chapter 446 of the NAC;
- d. Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;
- e. Employees are visibly observing foods as they are received to determine that the food is:
 - (1) From approved sources, meaning acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health, as defined by NAC 446.0105;
 - (2) Delivered at the required temperatures; and
 - (3) Protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;
- f. Employees are properly cooking potentially hazardous food, including, without limitation, ensuring proper cook time and temperature control for the safety food, being particularly careful in cooking those foods known to cause severe foodborne disease and death, including, without limitation, 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;
- g. Employees are using proper methods to rapidly cool potentially hazardous foods, including, without limitation, time and temperature control for the safety of food, that is not held hot or is not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;
- h. Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed that the food is not cooked sufficiently to ensure its safety;
- i. Employees are properly sanitizing cleaned multi-use equipment and utensils before the equipment or utensils are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, chemical concentration, pH, temperature and exposure time for chemical sanitizing;
- j. Consumers are notified that clean tableware is to be used when they return to self-service areas, including, without limitation, salad bars and buffets;
- k. Except when approval is obtained from the Health Authority, employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils including, without limitation, deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;
- l. Employees are properly trained in food safety, including, without limitation, food allergy awareness as it relates to their assigned duties;
- m. Food employees and conditional employees are informed in a verifiable manner of their responsibility to report to the Person in Charge information about any symptoms

- they may have as those symptoms relate to diseases that are transmissible through food; and
- n. Written procedures and plans, where specified by the requirements set forth in NAC 446 and this chapter, and as developed by the food establishment, are maintained and implemented as required.

Section V: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.041 (Certified food protection manager; responsibilities), as follows (**bold, underlined** text is added):

9.05.041 Certified food protection manager; responsibilities

1. A Certified Food Protection Manager shall:

- a. Be responsible for identifying food safety hazards in the day-to-day operation of the food establishment;
- b. Develop and implement specific policies, procedures and standards aimed at preventing foodborne disease;
- c. Coordinate training, supervise or direct food preparation activities, take corrective action as needed to protect the health of the consumer; and
- d. Conduct in-house self-inspections of daily operations on a periodic basis to see that procedures concerning food safety are being followed.

2. A Certified Food Protection Manager may act in the capacity of the Person in Charge.

Section VI: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.042 (Employment of Certified Food Protection Manager; requirements; exception), as follows (**bold, underlined** text is added):

9.05.042 Employment of Certified Food Protection Manager; requirements; exception

- 1. A Risk Level II food establishment must employ a minimum of one (1) full-time Certified Food Protection Manager. The Certified Food Protection Manager shall either be physically present at the food establishment or shall designate a Person in Charge to perform food service activities under the Certified Food Protection Manager's supervision. The Certified Food Protection Manager must be available via telephone when not physically present at the food establishment.
- 2. Except as provided in subsection a, each Risk Level III food establishment must employ a minimum of one (1) full-time Certified Food Protection Manager who is required to be present on the premises during all hours when high-risk food handling activities are occurring, including, without limitation, cooking, cooling, reheating or extensive handling of raw foods.
 - a. Incidental absences of the Certified Food Protection Manager due to temporary illness, short errands off the premises or when low-risk food activities are being conducted shall not be construed as violation of this section. A Person in Charge must be designated to perform food service activities under the direct supervision of a Certified Food Protection Manager during all hours when the Certified Food Protection Manager is not physically present. The Certified Food Protection Manager must be available via telephone when not physically present.

3. For facilities operating under multiple food permits, only one (1) Certified Food Protection Manager is required provided that the following conditions have been satisfied:
 - a. All permitted food establishments involved are Risk Level II food establishments;
 - b. Each permitted food establishment involved is under the same ownership;
 - c. The permit must be for food establishments operating in the same building;
 - d. The square footage of the building does not exceed 5,000 square feet; and
 - e. The Certified Food Protection Manager must demonstrate they have operational supervision over all the permitted food establishments.
4. Food Protection Manager certificates issued by an accredited certification organization must be prominently posted in the food establishment next to the food establishment permit.
5. Except as otherwise provided in this section, newly permitted food establishments must be under the operational supervision of a Certified Food Protection Manager within 60 days from the issuance date of the food establishment permit to operate.
6. Permitted food establishments which are not in compliance with the requirements to have a Certified Food Protection Manager because of employee turnover or other loss of certified personnel, shall have 60 days from date of loss of the Certified Food Protection Manager to comply, provided there is documentation at the food establishment showing that a Certified Food Protection Manager was employed within the last 60 days.
7. The following permitted food establishments are exempted from the Certified Food Protection Manager requirements:
 - a. Risk Level I food establishments provided that a designated person-in-charge is present at the food establishment during all hours of operation; and
 - b. Temporary food establishments.

Section VII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.043 (Child care centers), as follows (**bold, underlined** text is added):

9.05.043 Child care centers

1. Permitted food establishments at child care centers are considered Risk Level I food establishments if they meet following food handling conditions:
 - a. Food handlers are only cutting fruits and vegetables, with the exception of melons, leafy greens, or tomatoes;
 - b. Milk is only used as a beverage or poured onto dry cereal;
 - c. Single-service, commercially processed and precooked or pasteurized potentially hazardous food is in its original package for immediate service or warmed in its original package for immediate service; or
 - d. All other food handling operations are conducted as a Risk Level I food establishment.

Section VIII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.044 (Servicing area), as follows (**bold, underlined** text is added):

9.05.044 Servicing area

1. **A food service cart, a mobile unit, or a portable unit for service of food must operate from an approved servicing area and must report daily to that location for supplies, cleaning and servicing operations unless otherwise approved by the Health Authority.**
2. **A food service cart, mobile unit, or a portable unit for service of food must keep a log of visits to their servicing area.**
3. **If the food service cart, mobile unit, or portable unit for service of food operator is not the permit holder of the servicing area, authorization from the permit holder allowing use of the facility must be provided to the Health Authority and must include:**
 - a. **A written agreement, signed by the permit holder of the servicing area that states the approved food establishment is willing to allow the food service cart, mobile unit or portable unit for service of food to:**
 - (1) **Store food products inside the food establishment;**
 - (2) **Use the facilities of the food establishment for the cleaning and maintenance of utensils and equipment;**
 - (3) **Deposit used cooking grease and refuse in the food establishment trash disposal and grease rendering facilities;**
 - (4) **Prepare food items that will be served from the food service cart, mobile unit, or portable unit for service of food; and**
 - (5) **Be allowed full access to the food establishment during hours or days in which the food establishment might not otherwise operate.**
4. **In the event the servicing area lessens its scope of food preparation, changes ownership, or is out of business for any reason, the food service cart, mobile unit, or portable unit for service of food must cease operations and immediately advise the Health Authority.**
5. **Any proposed change in servicing area, location, equipment or operation must receive prior approval from the Health Authority.**
6. **The Health Authority may assess a fee for a change of servicing area location. The fee for changing a servicing area location will be in accordance with the fee schedule adopted by the Board of Health or Board of Supervisors.**
7. **A servicing area that is located outside the jurisdiction of the Health Authority may be approved if the operator of the food service cart, mobile unit or portable unit for service of food meets all of the following requirements:**
 - a. **The servicing area is in compliance with the requirements of this chapter and has obtained a food establishment permit issued pursuant to the provisions of NRS 446.875;**
 - b. **A copy of the valid food establishment permit from the jurisdiction in which it is located is provided to the local Health Authority; and**
 - c. **A copy of the most recent health inspection is provided to the local Health Authority.**
8. **Food storage and preparation in a servicing area must be separated from the area used for servicing operations of the food service cart, mobile unit, or portable unit for service of food such that no contamination between food storage or preparation areas occurs.**

- 9. Unit cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization must be done with potable water and must be done in a manner which will not contaminate the food storage or food preparation areas or equipment of the mobile unit or portable unit for service of food.**
- 10. If a food service cart, mobile unit, or portable unit is used at an event where it does not or cannot return to the servicing area, the food service cart, mobile unit, or portable unit must be permitted and regulated as a temporary food establishment.**
- 11. A food establishment permit shall become invalid should the permit holder change servicing areas without prior approval from the Health Authority.**

Section IX: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.045 (Food Service Carts – proposed plans and specifications; additional requirements; exceptions), as follows (**bold, underlined** text is added):

FOOD SERVICE CARTS

9.05.045 Food service carts; proposed plans and specifications; additional requirements; exceptions.

- 1. In accordance with Section 9.05.030, a food service cart must submit its food establishment permit application to the Health Authority. The food establishment permit application will request proposed plans and specifications that include, without limitation:**
 - a. Name of the operator;**
 - b. Proposed type of food establishment**
 - c. Scheduled duration of food establishment;**
 - d. Proposed sites to be served;**
 - e. Locations and availability of public restrooms available for operators and patrons.**
 - f. Menu and food preparation procedures;**
 - g. Plot plan, including without limitation, the location and elevation drawing of all food equipment, plumbing, electrical services and mechanical ventilation, potable water and wastewater holding units;**
 - h. Equipment specifications, including without limitation, the make and model numbers of all food equipment;**
 - i. Material type and color to be used on all surfaces including, without limitation, floors, walls, ceilings and counters;**
 - j. Lighting to be installed, including intensity of lighting;**
 - k. Source of potable water;**
 - l. Site used for sewage and wastewater disposal;**
 - m. Location of servicing area.**
 - n. Any other information deemed reasonably necessary by the Health Authority on forms provided by the Health Authority.**
- 2. A food service cart must be readily identifiable by the business name being printed, permanently affixed and prominently displayed upon at least two (2) sides of such units, in**

letters not less than three (3) inches in height, and of a color contrasting with the background color of the unit.

3. A food service cart operating at parking facilities for office complexes, industrial complexes, or construction sites, must not operate for periods that exceed four (4) hours.
4. A food service cart may be operated inside or outside of buildings, and public restroom facilities must accessible during all hours of operation.
5. The operation of a food service cart on vacant lots, highway rights-of-way, or undeveloped properties, for the purpose of selling food to the general public is prohibited.
6. A temporary food establishment permit holder with a special event permit in compliance with the provisions of CCMC Section 4.04.077 is exempt from the requirements of this section.

Section X: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.046 (Food service carts – requirements for food protection; construction material; compartments; sink; water supply protective device; potable water storage tank; liquid waste retention and disposal; compressed air requirements; personnel restrictions; garbage), as follows (**bold, underlined** text is added):

9.05.046 Food service carts – requirements for food protection; construction material; compartments; sink; water supply protective device; potable water storage tank; liquid waste retention and disposal; compressed air requirements; personnel restrictions; garbage.

1. The following must occur to ensure adequate food protection:
 - a. During operation of a food service cart, food must not be stored, displayed, or served from any place other than the food establishment.
 - b. During transportation and storage of food, food and food-contact surfaces must be protected from contamination.
 - c. Cold holding of potentially hazardous food must be accomplished by use of mechanical refrigeration. Ice may be used when all food is prepackaged and in sealed waterproof containers.
 - d. Hot and cold holding equipment must be capable of maintaining food at safe temperatures in all climatic conditions, including subfreezing and extremely hot weather.
 - e. A food service cart must provide only single-service articles for use by the consumer.
2. Materials that are used in the construction of food service cart must be:
 - a. Safe;
 - b. Durable, corrosion-resistant, nonabsorbent; and
 - c. Finished to have a smooth and easily cleanable surface.
3. All food compartments must be provided with a tightly-fitted cover or lid sufficient to protect the interior surfaces from dust, debris, and vermin.
 - a. All food compartments and food-contact surfaces must be:
 - (1) Sufficiently large enough to permit food assembly and service operations;
 - (2) Constructed so as to be smooth, easily accessible and easily cleanable.
4. Except as provided for portable banquet bars in section 9.05.0419(a), a separate hand washing sink must be provided and accessible to food handlers and other employees at all times and include the following:

- a. An adequate amount of warm, running, potable water under pressure from an approved source, meaning acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health, as defined by NAC 446.0105.
 - b. Pump soap; and
 - c. Individual paper towels.
 - d. Requirements for handwashing may be waived or modified when only prepackaged foods are served.
 - e. Toilet facilities for employees must be available and readily accessible.
5. A water supply must contain a protective cover device. The device must have a cap and keeper chain, a closed cabinet, a closed storage tube, or other approved protective cover device for the water inlet, outlet, and hose.
6. A potable water storage tank must be designed to facilitate draining and cleaning by:
- a. Being readily removable and easily handled to permit use of a drain located on a side of the tank; or having a bottom sloped to a drain located at the lowest point in the tank.
 - b. There must be a location provided for the flushing and drainage of liquid waste separate from the location provided for potable water servicing and for the loading and unloading of food and related supplies.
7. Liquid waste retention and disposal requirements:
- a. Liquid waste must be stored in a waste retention tank that has at least fifteen (15) percent more capacity than the water tank. The bottom of the waste retention tank must be sloped to a drain.
 - b. All liquid waste must be retained on the mobile until emptied and flushed into an approved sanitary sewer system or dump station, in a manner approved by the Health Authority.
 - c. The contents of the waste retention tank must be gauged unless the water level can be easily observed. A waste retention tank with an outlet for overflow is prohibited.
 - d. The wastewater system must be operable under all climatic conditions, including subfreezing temperatures.
8. When compressed air is used to pressurize the water tank system, a filter that does not pass oil or oil vapors must be installed in the air supply line between the compressor and potable water system.
9. Personnel restrictions:
- a. Only employees and those persons authorized by the Health Authority may be present in food preparation areas pertaining to a food service cart.
 - b. The operator of a food service cart must be in attendance at all times when the food establishment is open for business.
10. Garbage requirements:
- a. Refuse containers must be of sufficient design, size and capacity to accommodate the daily accumulation of customer food service garbage and trash.
 - b. A refuse container with a cover or lid must be installed inside a food service cart.

Section XI: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.047 (Storage of food service carts), as follows (**bold, underlined** text is added):

9.05.047 Storage of food service carts.

- 1. A food service cart may be stored at a private home or a garage if the following activities occur at a permitted servicing area prior to storage:**
 - a. All potable water supplied to a food service cart is obtained;**
 - b. All garbage and refuse from the food service cart is disposed of;**
 - c. All food, except that which is stored on the food service cart is stored away from the food service cart.**
 - d. All grey water accumulated on the food service cart has been disposed;**
 - e. All food, except that which is prepared directly on the food service cart has been prepared or prepackaged.**

Section XII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.048 (Food service carts; restrictions on menu), as follows (**bold, underlined** text is added):

9.05.048 Food service carts; restrictions on menu.

- 1. Except as otherwise provided in this section, indoor and outdoor food service carts may serve any non-potentially hazardous food and, if designed, constructed, and approved by the Health Authority to do so, serve low-risk food. Those foods need not be prepackaged but shall require only minimal handling at the cart. Heating procedures not traditionally classified as cooking are allowed, including:**
 - a. Heating of hot dogs, to at least 135°F and subsequent hot holding until serving at a temperature of at least 135°F.**
 - b. Steaming of pasteurized milk or similar fluid dairy products for immediate use in the preparation of espresso-type beverages.**
 - c. Warming of non-potentially hazardous food or low-risk food by use of a microwave oven.**
- 2. Equipment intended or capable of cooking food including without limitation, burners, griddle tops, grill tops, barbecue grills, and deep-fat fryers, is not allowed on food service carts.**
- 3. Indoor or outdoor push carts, and food service trailers may serve any type of food including potentially hazardous food for which they have been designed, constructed, and approved by the Health Authority. Raw or undercooked potentially hazardous food may be served only if an approved food safety advisory is properly posted.**
- 4. Golf cart-style food service carts may serve:**
 - a. Prepackaged, non-potentially hazardous food;**
 - b. Prepackaged, commercially packaged, low-risk food, or low-risk food prepared and wrapped in the food establishment's approved servicing area, if the food**

establishment is designed, constructed, and approved by the Health Authority to do so;

- c. Potentially hazardous food ordered from a kitchen approved by the Health Authority that is immediately transported to a customer.

Section XIII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.049 (Mobile units: proposed plan; hours of operation; limitations on place of operation; exceptions), as follows (**bold, underlined** text is added):

MOBILE UNITS

9.05.049 Mobile units: proposed plans and specifications; hours of operation; limitations on place of operation; exceptions

1. A mobile unit must submit its proposed plans and specifications in accordance with the relevant provisions of Section 9.05.030, and must contain the:
 - a. Name of the operator;
 - b. Proposed type of food establishment;
 - c. Scheduled duration of food establishment;
 - d. Proposed sites to be served;
 - e. Locations and availability of public restrooms available for operators and patrons;
 - f. Menu and food preparation procedures;
 - g. Plot plan, including without limitation, the location and elevation drawing of all food equipment, plumbing, electrical services and mechanical ventilation, potable water and wastewater holding units;
 - h. Equipment specifications, including without limitation, the make and model numbers of all food equipment;
 - i. Material type and color to be used on all surfaces including, without limitation floors, walls, ceilings and counters;
 - j. Lighting to be installed, including intensity of lighting;
 - k. Source of potable water;
 - l. Site used for sewage and wastewater disposal;
 - m. Location of servicing area;
 - n. Any other information deemed reasonably necessary by the Health Authority on forms provided by the Health Authority.
2. A mobile unit must be readily identifiable by the business name being printed, permanently affixed and prominently displayed upon at least two (2) sides of such units, in letters not less than three (3) inches in height, and of a color contrasting with the background color of the unit.
3. A mobile unit operating at parking facilities for office complexes, industrial complexes, or construction sites, must not operate for periods that exceed four (4) hours.
4. The operation of a mobile unit on vacant lots, highway rights-of-way, or undeveloped properties, for the purpose of selling food to the general public is prohibited.
5. A temporary food establishment permit holder with a special event permit in compliance with the provisions of CCMC Section 4.04.077 is exempt from the requirements of this section.

Section XIV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0410 (Mobile unit requirements for food protection; construction material; compartments; sink; water supply protective device; potable water storage tank; liquid waste retention and disposal; compressed air requirements; personnel restrictions; garbage), as follows (**bold, underlined** text is added)

9.05.0410 Mobile unit requirements for: food protection; construction material; compartments; sink; water supply protective device; potable water storage tank; liquid waste retention and disposal; compressed air requirements; personnel restrictions; garbage;

- 1. The following must occur to ensure adequate food protection:**
 - a. During operation of a mobile unit, food must not be stored, displayed, or served from any place other than the food establishment.**
 - b. During transportation and storage of food, food and food-contact surfaces must be protected from contamination.**
 - c. Cold holding of potentially hazardous food must be accomplished by use of mechanical refrigeration. Ice may be used when all food is prepackaged and in sealed waterproof containers.**
 - d. Hot and cold holding equipment must be capable of maintaining food at safe temperatures in all climatic conditions, including subfreezing and extremely hot weather.**
 - e. A mobile unit must provide only single-service articles for use by the consumer.**
- 2. Materials that are used in the construction of mobile unit must be:**
 - a. Safe;**
 - b. Durable, corrosion-resistant, nonabsorbent; and**
 - c. Finished to have a smooth, easily cleanable surface.**
- 3. All food compartments must be provided with a tightly-fitted cover or lid sufficient to protect the interior surfaces from dust, debris, and vermin.**
 - a. All food compartments and food-contact surfaces must be:**
 - (1) Sufficiently large enough to permit food assembly and service operations;**
 - (2) Constructed so as to be smooth, easily accessible, and easily cleanable.**
- 4. Except as provided for portable banquet bars in section 9.05.0419(a), a separate hand washing sink must be provided and accessible to food handlers and other employees at all times and include the following:**
 - a. An adequate amount of warm, running, potable water under pressure from an approved source, meaning acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health, as defined by NAC 446.0105**
 - b. Pump soap; and**
 - c. Individual paper towels.**
 - d. Requirements for hand washing may be waived or modified when only prepackaged foods are served.**

- e. Toilet facilities for employees must be available and readily accessible.
5. A water supply must contain a protective cover device. The device must:
 - a. Have a cap and keeper chain, a closed cabinet, a closed storage tube, or other approved protective cover device for the water inlet, outlet, and hose.
 6. A potable water storage tank must be designed to facilitate draining and cleaning by:
 - a. Being readily removable and easily handled to permit use of a drain located on a side of the tank, or having a bottom sloped to a drain located at the lowest point in the tank.
 - (1) There must be a location provided for the flushing and drainage of liquid waste separate from the location provided for potable water servicing and for the loading and unloading of food and related supplies.
 7. Liquid waste retention and disposal requirements:
 - a. Liquid waste must be stored in a waste retention tank that has at least 15 percent more capacity than the water tank. The bottom of the waste retention tank must be sloped to a drain.
 - b. All liquid waste must be retained on the mobile unit until emptied and flushed into an approved sanitary sewer system or dump station, in a manner approved by the Health Authority.
 - c. The contents of the waste retention tank must be gauged unless the water level can be easily observed. A waste retention tank with an outlet for overflow is prohibited.
 - d. The wastewater system must be operable under all climatic conditions, including subfreezing temperatures.
 8. When compressed air is used to pressurize the water tank system, a filter that does not pass oil or oil vapors must be installed in the air supply line between the compressor and the potable water system.
 9. Personnel restrictions:
 - a. Only employees and those persons authorized by the Health Authority may be present in food preparation areas pertaining to a mobile unit;
 - b. The operator of a mobile unit must be in attendance at all times when the food establishment is open for business.
 10. Garbage requirements:
 - a. Refuse containers must be of sufficient design, size and capacity to accommodate the daily accumulation of customer food service garbage and trash.
 - b. A refuse container with a cover or lid must be installed inside a mobile unit.

Section XV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0411(Storage of mobile unit), as follows (bold, underlined text is added)

9.05.0411 Storage of mobile unit

1. A mobile unit may be stored at a private home or a garage if the following activities occur at a permitted servicing area prior to storage:

- a. All potable water supplied to the mobile unit is obtained;
- b. All garbage and refuse from the mobile unit is disposed;
- c. All food, except that which is stored on the mobile unit is stored away from the mobile unit;
- d. All grey water accumulated on the mobile unit has been disposed;
- e. All food, except that which is prepared directly on the mobile unit has been prepared or prepackaged.

Section XVI: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0412(Mobile unit, food and food preparation), as follows (**bold, underlined** text is added)

9.05.0412 Mobile unit, food and food preparation

- 1. Prepackaged food must be properly labeled, except when prepared on the mobile unit for immediate service.
- 2. Preparation of potentially hazardous food on the mobile unit must be accomplished daily for service that same day.
- 3. Cooling of hot prepared potentially hazardous food on a mobile unit is prohibited.
- 4. When potentially hazardous foods which have been cooked and cooled at the servicing area are to be served hot, they must be reheated to 165°F (74°C) and either immediately served to the customer or held hot at a temperature of 135° F (57°C).
- 5. Hot and cold holding equipment must be preheated or pre-chilled to appropriate holding temperatures before loading potentially hazardous food onto the mobile unit.
- 6. Thermometers must be carried on the mobile unit and used to monitor the temperature of potentially hazardous food. Refrigerators must have indicating thermometers, accurate to 2°F (1 C°).

Section XVII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0413 (Mobile unit, water supply), as follows (**bold, underlined** text is added).

9.05.0413 Mobile unit, water supply

- 1. When a mobile unit has a water system, the source and system design must be approved by the Health Authority.
- 2. The tank, pump and hoses must be flushed and sanitized before being placed in service after construction, repair, modification, and periods during which they were not used.
- 3. The system must be of sufficient capacity, but not less than 40 gallons to furnish enough hot and cold water under pressure for each of the following procedures, if they occur on the mobile unit:
 - a. Food preparation;
 - b. Utensil cleaning;

- c. Sanitizing;
 - d. Running a sink for handwashing; or
 - e. Mobile unit cleaning.
4. The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it must be capped.
 5. The water filler hose must be equipped with an approved backflow prevention device.
 6. The filler hose must be of an approved material and stored with the ends connected or covered when not in use. This hose must not be used for any purpose other than supplying potable water to the mobile unit.
 7. The filler hose must be identified either by color-coding or tagging.
 8. The water system must be operable under all climatic conditions, including subfreezing temperatures.
 9. If a tank is designed with an access port for inspection and cleaning, the opening must be in the top of the tank and flanged upward at least one-half (1/2) inch (13 mm), equipped with a port cover assembly that includes a gasket and a device for securing the cover in place, and flanged to overlap the opening and sloped to drain.
 10. Tank vents must be terminated in a downward direction and be covered, screened, or equipped with a protective filter if not otherwise protected from windblown dirt and debris.

Section XVIII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0414 (Mobile unit, general construction requirements), as follows (**bold, underlined** text is added)

9.05.0414 **Mobile unit, general construction requirements.**

1. **All mobile units must comply with the following construction requirements:**
 - a. **All interior wall, floor and ceiling surfaces must be constructed of a light-colored, durable and completely washable material such as stainless steel, galvanized steel, aluminum or plastic and must be free of open joints or cracks;**
 - b. **Floors must be finished with an impervious, skid resistant material;**
 - c. **Junctures of floors, walls and adjoining fixtures must be water-tight and coved;**
 - d. **There must be adequate ceiling height in the mobile unit so that food handling can be conducted in a safe manner;**
 - e. **The interior of the mobile unit must be completely enclosed with the exception of the service openings. The service openings must be open only when serving food;**
 - f. **Doors, windows and covers must close tightly and must be closed when the vehicle is being moved;**
 - g. **Where cooking is conducted, mechanical ventilation must be provided;**

- h. Lighting within the mobile unit must provide at least 50 foot-candles of light on all working surfaces at all times during use. Lights must be shielded or shatterproof.**
- i. Compressed gas bottles must be securely fastened to a wall or other stationary object in such a manner as to prevent damage to the valve mechanism**

Section XIX: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0415 (Mobile unit, warewashing sink required), as follows (**bold, underlined** text is added)

9.05.0415 Mobile unit, warewashing sink required.

- 1. A mobile unit is required to have a warewashing sink with:**
 - a. A three (3) compartment sink with hot and cold running water under pressure to wash, rinse and sanitize utensils when equipment and utensils are reused on a mobile unit.**
 - b. The warewashing sinks must be large enough to immerse utensils and equipment requiring intermittent cleaning. This requirement may be waived or modified when limited food preparation is done or additional clean utensils are available and utensil washing can take place at the servicing area.**
 - c. The warewashing sink must have a swivel faucet which is capable of depositing water into each sink compartment and which is equipped with a mixing valve.**
 - d. All connections on the vehicle used for servicing the mobile unit waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile unit.**
 - e. The waste connection must not be located above the potable water inlet connection.**

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Section XX: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0416 (Portable unit for service of food: proposed plan and specifications; hours of operation; limitations on place of operation; exceptions) as follows (**bold, underlined** text is added)

PORTABLE UNITS FOR SERVICE OF FOOD

9.05.0416 Portable unit for service of food: proposed plan and specifications; hours of operation; limitations on place of operation; exceptions.

- 1. A portable unit for service of food must submit its proposed plan in accordance with the relevant provisions of Section 9.05.030, and must contain the:**

- a. Name of the operator;
 - b. Proposed type of food establishment
 - c. Scheduled duration of food establishment;
 - d. Proposed sites to be served;
 - e. Locations and availability of public restrooms available for operators and patrons;
 - f. Menu and food preparation procedures;
 - g. Plot plan, including without limitation, the location and elevation drawing of all food equipment, plumbing, electrical services and mechanical ventilation, potable water and wastewater holding units;
 - h. Equipment specifications, including without limitation, the make and model numbers of all food equipment;
 - i. Material type and color to be used on all surfaces including, without limitation, floors, walls, ceilings and counters;
 - j. Lighting to be installed, including intensity of lighting;
 - k. Source of potable water;
 - l. Site used for sewage and wastewater disposal;
 - m. Location of servicing area;
 - n. Any other information deemed reasonably necessary by the Health Authority on forms provided by the Health Authority.
2. A portable unit for service of food must be readily identifiable by the business name being printed, permanently affixed and prominently displayed upon at least two (2) sides of such units, in letters not less than three (3) inches (7.62 centimeters) in height, and of a color contrasting with the background color of the unit.
3. A temporary food establishment permit holder with a special event permit in compliance with the provisions of CCMC Section 4.04.077 is exempt from the requirements of this section.

Section XXI: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0417 (portable unit for service of food; requirements: food protection; operation and transportation; construction material; compartments; sink; water supply protective device; potable water storage tank; liquid waste retention and disposal; compressed air requirements; personnel restrictions; garbage) as follows (**bold, underlined** text is added).

9.05.0417 A portable unit for service of food; requirements: food protection; operation and transportation; construction material; compartments; sink; water supply protective device; potable water storage tank; liquid waste retention and disposal; compressed air requirements; personnel restrictions; garbage.

- 1. The following must occur to ensure adequate food protection:
 - a. During operation of a portable unit for service of food, food must not be stored, displayed, or served from any place other than the food establishment.

- b. During transportation and storage of food, food and food-contact surfaces must be protected from contamination.
 - c. Cold holding of potentially hazardous food must be accomplished by use of mechanical refrigeration. Ice may be used when all food is prepackaged and in sealed waterproof containers.
 - d. Hot and cold holding equipment must be capable of maintaining food at safe temperatures in all climatic conditions, including subfreezing and extremely hot weather.
 - e. A portable unit for service of food must provide only single-service articles for use by the consumer.
- 2. Materials that are used in the construction of portable unit for service of food must be:
 - a. Safe;
 - b. Durable, corrosion-resistant, nonabsorbent; and
 - c. Finished to have a smooth, easily cleanable surface.
- 3. All food compartments must be provided with a tightly-fitted cover or lid sufficient to protect the interior surfaces from dust, debris, and vermin.
 - a. All food compartments and food-contact surfaces must be:
 - (1) Sufficiently large enough to permit food assembly and service operations;
 - (2) Constructed so as to be smooth, easily accessible, and easily cleanable.
- 4. Except as provided for portable banquet bars in section 9.05.0419(a), a separate hand washing sink must be provided and accessible to food handlers and other employees at all times and include the following:
 - a. An adequate amount of warm, running, potable water under pressure from an approved source, meaning acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health, as defined by NAC 446.0105.
 - b. Pump soap; and
 - c. Individual paper towels.
 - d. Requirements for hand washing may be waived or modified when only prepackaged foods are served.
 - e. Toilet facilities for employees must be available and readily accessible.
- 5. A water supply must contain a protective cover device. The device must:
 - a. Have a cap and keeper chain, a closed cabinet, a closed storage tube, or other approved protective cover device for the water inlet, outlet, and hose.
- 6. A potable water storage tank must be designed to facilitate draining and cleaning by:
 - a. Being readily removable and easily handled to permit use of a drain located on a side of the tank; or having a bottom sloped to a drain located at the lowest point in the tank.
 - b. There must be a location provided for the flushing and drainage of liquid waste separate from the location provided for potable water servicing and for the loading and unloading of food and related supplies.
- 7. Liquid waste retention and disposal requirements:

- a. Liquid waste must be stored in a waste retention tank that has at least fifteen (15) percent more capacity than the water tank. The bottom of the waste retention tank must be sloped to a drain.
 - b. All liquid waste must be retained on the mobile until emptied and flushed into an approved sanitary sewer system or dump station, in a manner approved by the Health Authority.
 - c. The contents of the waste retention tank must be gauged unless the water level can be easily observed. A waste retention tank with an outlet for overflow is prohibited.
 - d. The wastewater system must be operable under all climatic conditions, including subfreezing temperatures.
8. When compressed air is used to pressurize the water tank system, a filter that does not pass oil or oil vapors must be installed in the air supply line between the compressor and potable water system.
9. Personnel restrictions:
- a. Only employees and those persons authorized by the Health Authority may be present in food preparation areas pertaining to a portable unit for service of food.
 - b. The operator of a portable unit for service of food must be in attendance at all times when the food establishment is open for business.
10. Garbage requirements:
- a. Refuse containers must be of sufficient design, size and capacity to accommodate the daily accumulation of customer food service garbage and trash.
 - b. A refuse container with a cover or lid must be installed inside a portable unit for service of food.

Section XXII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0418 (Storage of a portable unit for service of food) as follows (**bold, underlined** text is added).

9.05.0418 Storage of a portable unit for service of food.

- 1. A portable unit for service of food may be stored at a private home or a garage if the following activities occur at a permitted servicing area prior to storage:
 - a. All garbage and refuse from the portable unit for service of food is disposed;
 - b. All food, except that which is stored on the portable unit for service of food is stored away from the portable unit for service of food;
 - c. All grey water accumulated on the portable unit for service of food has been disposed;
 - d. All food, except that which is prepared directly on the portable unit for service of food has been prepared or prepackaged.

Section XXIII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0419 (Portable unit for service of food: menu restriction by type of unit) as follows (**bold, underlined** text is added).

9.05.0419 Portable unit for service of food, menu restriction by type of unit.

- 1. A portable unit for service of food may be used to serve only food items that have been approved by the Health Authority. Menu restrictions apply to the following types of portable units for service of food:**
 - a. Portable banquet bars:**
 - (1) Must only serve beverages and drink garnishes including, without limitation, lemons, limes, and other garnishes.**
 - (2) Must operate in conjunction with a banquet or private function.**
 - (3) Must have handwashing area that is reasonably accessible.**

Section XXIV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0420 (Portable unit for service of food: water supply) as follows (**bold, underlined** text is added).

9.05.0420 Portable unit for service of food, water supply

- 1. A supply of potable water must be present on any portable unit for service of food where water is required for food preparation or handwashing.**
- 2. The tank which supplies potable water, pump and hoses must be flushed and sanitized before being placed in service after construction, repair, modification and periods during which they were not used.**
- 3. A potable water storage tank must have at least a five (5) gallon capacity, except that a food service trailer that is equipped with a three (3) compartment sink must have a potable water storage tank of at least a forty (40) gallon capacity, or be connected to an approved potable water supply system when set up for operation.**
- 4. The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it must be capped. The water filler hose must be equipped with an approved backflow prevention device.**
- 5. The filler hose must be of an approved material and stored with the ends connected or covered when not in use. This hose must not be used for any purpose other than supplying potable water to the portable unit for service of food.**
- 6. The filler hose must be identified either by color coding or tagging.**
- 7. The water system must be operable under all climatic conditions, including subfreezing temperatures.**
- 8. If a tank is designed with an access port for inspection and cleaning, the opening must be in the top of the tank and flanged upward at least one-half (1/2) inch (13 mm), equipped with a port cover assembly that includes a gasket and a device for securing the cover in place, and flanged to overlap the opening and sloped to drain.**

- 9. Tank vents must be terminated in a downward direction and be covered, screened, or equipped with a protective filter if not otherwise protected from windblown dirt and debris.**

Section XXV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0421 (Portable unit for service of food: wastewater handling) as follows (**bold, underlined** text is added).

9.05.0421 Portable unit for service of food, wastewater handling

- 1. The operator of a portable unit for service of food that requires water for hand washing or food preparation shall:**
 - a. During draining and cleaning of wastewater tanks, protect all food and food-contact surfaces from spills, splashes, or aerosols of wastewater.**
 - b. Cease all food handling operations whenever the wastewater storage tank is filled to capacity.**
 - c. Dispose of wastewater in a manner approved by the Health Authority.**

Section XXVI: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0422 (Portable unit for service of food: operation on pool decks.) as follows (**bold, underlined** text is added).

9.05.0422 Portable unit for service of food: operation on pool decks.

- 1. The following requirements must be met for all operations on pool decks and within pool barriers:**
 - a. No glass or breakable items shall be allowed except that glass liquor and mixer bottles under the control of a food handler are acceptable.**
 - b. Portable units for service of food shall be located remotely from the edge of the pool on the raised rear deck area if available.**
 - c. Work stations shall not obstruct access to the pool deck, or to necessary fixtures, including, without limitation, showers and water fountains.**
 - d. Work stations shall not be placed in any location where there is standing water.**
 - e. Work stations shall be broken down, covered, protected, and stored when not in use. All electrical connections for work stations shall be GFCI protected and testable, and temporary electrical runs shall not pass across walkways used by bathers or in wet areas such as deck drains.**
 - f. An operational plan shall be completed and shall address all of the above including a statement that management will not permit food or drink to be consumed within four (4) feet of any pool or spa.**

Section XXVII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0423(Outdoor food establishment: permit; proposed plan and specifications) as follows (**bold, underlined** text is added).

OUTDOOR FOOD ESTABLISHMENTS

9.05.0423 Outdoor food establishment: permit; proposed plan and specifications:

- 1. A permit for an outdoor food establishment is in addition to a permit for its supporting food establishment.**
- 2. Outdoor food establishments must be permitted and operated in conjunction with a permitted supporting food establishment that is on the same premises as the establishment and is, in the opinion of the Health Authority, capable of supporting the outdoor food establishment. The supporting food establishment must be of such size and scope as to accommodate its own operation, as well as to support the needs of the outdoor food establishment.**
- 3. An outdoor food establishment must submit its proposed plan and specifications in accordance with the relevant provisions of Section 9.05.030, and must contain the:**
 - a. Name of the operator and permit number of the supporting food establishment;**
 - b. Location of the outdoor food establishment on the premises of its supporting food establishment;**
 - c. Seating capacity and hours of operation;**
 - d. Menu and food preparation procedures, including:**
 - (1) Descriptions of the proposed food preparation, service, transport, and display processes for all menu items that will be prepared, served, or displayed at the outdoor food establishment;**
 - (2) Any applicable HACCP plans for handling of potentially hazardous food;**
 - (3) The estimated volume of food to be prepared per day or projected number of consumers served;**
 - (4) Any other information that may be relevant in estimating the adequacy of the supporting food establishment's ability to safely accommodate the additional food processing activities of the outdoor food establishment.**
 - e. Plot plan, including without limitation, the location and elevation drawing of all food equipment, plumbing, electrical services and mechanical ventilation, potable water and wastewater holding units;**
 - f. Equipment specifications, including without limitation, the make and model numbers of all food equipment;**
 - g. Material type and color to be used on all surfaces including, without limitation, floors, walls, ceilings and counters;**
 - h. Lighting to be installed, including intensity of lighting;**
 - i. Source of potable water; and**
 - j. Plans for wastewater disposal.**
- 4. Outdoor food establishment permit holders shall maintain a copy of the approved operational plans at their facilities and shall make the plan available for review upon request by the Health Authority.**

5. Outdoor food establishment permit holders shall not deviate from their approved plans without written consent from the Health Authority.

Section XXVIII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0424 (Outdoor food establishment, general construction requirements; location) as follows (**bold, underlined** text is added).

9.05.0424 Outdoor food establishment, general construction requirements; location

1. Permanent electrical, plumbing, or other conduits shall:
 - a. Be buried; or
 - b. Be located at least six (6) inches above the ground.
2. Exposed or temporary electrical, plumbing or other conduits shall not cross areas subject to foot traffic.
3. Potable water containers, bins containing ice intended for human consumption, and refrigeration condensate collector trays, may drain indirectly to landscaped areas or to fixtures and locations as indicated in the most recent edition of the Uniform Plumbing Code. The drained water must be distributed such that it does not pool.
4. The ground under which the entire outdoor food establishment area is located must be smooth, maintained in good repair and constructed of a nonabsorbent material such as concrete or asphalt unless otherwise approved by the Health Authority.
5. The surface on which the entire outdoor food establishment area is located must be sloped or constructed with drains such that water will not accumulate on the surface.
6. Approved dust control palliatives must be used on any bare ground within twenty feet of the perimeter of an outdoor food establishment.
7. Permanent or portable hand washing sinks that are accessible must be provided for use by food handlers and other employees at the outdoor food establishment at all times when the outdoor food establishment is being used and include the following:
8. An adequate amount of warm, running, potable water under pressure from an approved source with:
 - a. Pump soap; and
 - b. Individual paper towels.
9. Portable hand washing facilities must be equipped with a potable water container of at least two (2) gallons. The volume of the wastewater container must be at least one and a half (1.5) times larger than the volume of the potable water container.
10. Portable hand washing facilities must not be connected to a permanent water supply.
11. Barriers such as walls, planters, counters, and sneeze guards shall be erected to keep unauthorized persons from access to food, food-contact surfaces, utensils, and equipment.
12. An outdoor food establishment must comply with the following location requirements:
 - a. It must be located on the premises of and within fifty (50) feet of the physical structure of the supporting food establishment.
 - b. It must not be located within twenty (20) feet of an outdoor solid waste storage area.

- c. Outdoor cooking equipment must be located in open areas where mechanical ventilation is not considered to be necessary by the Health Authority or by any other entity having applicable regulatory authority.
- d. Outdoor food establishments may be located in vehicle parking lots provided there is no parking allowed within twenty (20) feet of the facilities.
- e. Outdoor food establishments may not be located within twenty (20) feet of any motor vehicle roadway.
- f. Outdoor cooking equipment may not be located in areas below overhanging trees, wires, drainage conduits, or below ignitable surfaces such as tarps, tents, or wooden overhangs unless approval is obtained from the applicable fire authority as specified in these regulations.
- g. Outdoor food establishments may not be located in an area that will create nuisance smoke.

Section XXIX: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0425 (Outdoor food establishment: food requirements) as follows (**bold, underlined** text is added).

9.05.0425 Outdoor food establishment: food requirements.

1. All foods, including ice, used at the outdoor food establishment, must be obtained from an approved source meaning acceptable to the Health Authority based on a determination of conformity with principles, practices and generally recognized standards that protect public health, as defined by NAC 446.0105.
2. Food items, single-service utensils and tableware shall not be stored at an outdoor food establishment when the establishment is not in operation.
3. When it is in operation, food items stored at the outdoor food establishment must be stored in vermin resistant containers and must be maintained at safe temperatures.
4. Food items must be stored within the perimeter of the establishment and at least six (6) inches above the ground surface covering material of the establishment.
5. Food items that are within the perimeter of the outdoor food establishment, or are being transported to or from the outdoor food establishment, must be covered or kept in closed containers unless the food items are undergoing preparation or are being readied for service to consumers.
6. Preparation of food items, except for cooking or basting and seasoning while cooking, is prohibited in any location other than within the supporting food establishment unless the establishment operational plan contains approval from the Health Authority to prepare the food items at the outdoor food establishment.
7. Condiments for use by consumers must be dispensed in single-service type packaging, in pump style containers, or in protected squeeze bottles, shakers, or similar dispensers.
8. Non-potentially hazardous food toppings, including, without limitation, minced onions or relish, may be stored in consumer self-service containers provided the containers have attached lids.

9. Consumer supplied food items shall not be processed, prepared, or served at the outdoor food establishment.
10. Consumer supplied utensils shall not be used in an outdoor food establishment.

Section XXX: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0426(Outdoor food establishment, equipment cleaning) as follows (**bold, underlined** text is added).

9.05.0426 Outdoor food establishments, equipment cleaning

1. Food-contact equipment used in an outdoor food establishment must be clean to sight and touch;
2. Non-food contact surfaces of equipment must be kept free of an accumulation of dust, food residue, and other debris.

Section XXXI: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.0427(Outdoor food establishment, food handler required.) as follows (**bold, underlined** text is added).

9.05.0427 Outdoor food establishment, food handler required.

1. An outdoor food establishment must be attended by a food handler from its supporting food establishment at all times while the establishment is being used.
2. For the purposes of this section, “in use” means anytime food is being cooked, displayed, stored, served or processed within the perimeter of the establishment.

Section XXXII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.050 (Inspection of food establishments.) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

9.05.050 - Inspection of food establishments.

1. The ~~[health authority]~~ **Health Authority** shall inspect food establishments in Carson City as follows:
 - a. ~~[Class]~~ **Risk Level I**. At least one standard inspection shall be conducted each licensing period.
 - b. ~~[Class]~~ **Risk Level II**. At least ~~[one]~~ **two** standard inspections shall be conducted each licensing period.
 - c. ~~[Class]~~ **Risk Level III**. At least two standard inspections shall be conducted each licensing period.
 - ~~[d. Class IV. At least two standard inspections shall be conducted each licensing period.]~~
2. ~~[Food classifications shall be divided into the following classes:~~
 - a. ~~Class I. For the purposes of this chapter Class I means a food establishment restricted to selling commercially prepackaged potentially and non-potentially hazardous food products, seasonal and events handled through a temporary a food permit.~~

- ~~b. Class II. For the purposes of this chapter Class II means a food establishment with a menu limited to processing prepackaged raw ingredients that are prepared or cooked to order such as a restaurant with a limited menu; bar with or without food service; full service bakeries; schools receiving prepared meals from commissaries; processing, limited such as ice manufacturing, water bottling, bulk food repackaging, limited catering in an approved facility and any preparation of potentially hazardous foods limited to commercially prepared, prepackaged, potentially hazardous foods such as sandwiches, soups, frozen pizzas, frankfurters and nacho cheese that require no preparation other than heating prior to service.~~
- ~~c. Class III. For the purposes of this chapter Class III means a food establishment where menu items are prepared, cooked and served to the customer. Raw ingredients require minimal assembly. Hot and cold holding of potentially hazardous foods are restricted to single meal service. Facilities include fast food restaurants which have standard operating procedures set or follow approved HACCP plans; delis that are limited to sandwich preparation only, no cooking; schools with cafeterias; day care centers with food service and seasonal operations such as softball, baseball, football, soccer and hockey leagues.~~
- ~~d. Class IV. For the purposes of this chapter Class IV means a food establishment extensively handling raw ingredients. Preparation processes include the cooking, cooling and reheating of potentially hazardous foods. A variety of processes that require hot and cold holding of potentially hazardous foods. Preparation of food is for same or next day service. Preparation of potentially hazardous foods for high risk clientele. Transportation of potentially hazardous foods. Facilities include full service restaurants, full service restaurant with bar, commercial or industrial cafeterias, retail food store deli, seafood/meat cutting operations, processing plants and full service mobile catering.~~
- ~~3. The health authority shall make as many additional inspections and re-inspections as are necessary for the enforcement of this chapter.~~
- ~~4. It is unlawful for any person to interfere with the health authority in the performance of his or her duties.~~
- ~~5. Mobile units.~~
- ~~a. Prior to conducting business, and in addition to the relevant provisions of Section 18.03.010 and Chapter 4.04, any person desiring to operate a mobile unit shall submit one (1) copy of a proposed route with the business license application, to be distributed to the health authority.~~
- ~~b. The proposed route shall contain:~~
- ~~(1) The name of the operator;~~
- ~~(2) Scheduled duration of visits;~~
- ~~(3) Addresses of the sites proposed to be visited;~~
- ~~(4) The locations of restrooms available for the use of mobile unit operators.~~
- ~~c. Mobile units and/or any similar types of units shall be permitted to operate exclusively at existing parking facilities for office complexes, industrial complexes, and/or construction sites for periods not to exceed four (4) hours.~~
- ~~d. The operation of mobile units on vacant lots, highway rights-of-way or undeveloped properties for the purpose of selling food to the general public is prohibited.~~
- ~~e. Any existing mobile unit legally licensed by Carson City shall fully comply with the provisions of this section within ninety (90) days of the effective date of the ordinance codified in this section.~~
- ~~f. Mobile units shall be subject to all city and state health adopted codes and regulations.~~
- ~~g. Mobile units used exclusively for the sale of frozen desserts or dairy products and mixes are exempt from the provisions of Sections 9.05.050(4)(a) through (f), inclusive, provided that:~~

- ~~(1) The vehicle used for conducting the sale does not remain stationary at any one (1) point for a period longer than required to conduct the sale(s);~~
- ~~(2) The articles for sale do not require food preparation at the site other than dispensation.~~
- ~~h. Short term and special event operators in compliance with the provisions of Section 4.04.077 are exempted from these provisions.]~~

- 2. Upon arrival to the food establishment, the Health Authority is required to present official credentials and state the intention to conduct an inspection.**
- 3. The inspection process includes, without limitation, the taking of photographs pertinent to the inspection, and the review of information and records as specified to which the Health Authority is entitled pursuant to NRS 446.890.**
- 4. The Health Authority shall be allowed to examine and obtain pertinent information concerning food and supplies purchased, received or used, pest control records, and persons employed as specified in NRS 446.890, and any other record deemed reasonably necessary by the Health Authority.**
- 5. The Health Authority shall verify and document any correction of a critical violation in the following manner:**
 - a. After observing at the time of inspection a correction of a critical or major violation or HACCP plan deviation, the Health Authority shall enter the violation and information about the corrective action on the inspection report.**
 - b. After receiving notification that the permit holder has corrected a critical or major violation, or has corrected a deviation from their approved HACCP plan, the Health Authority shall verify the correction of the violation, document the information on an inspection report, and enter the report in the Health Authority's records.**

Section XXXIII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.060 (Access to establishments – Inspection records -- Demerit values and scores.) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~text is deleted~~):

9.05.060 - Access to establishments [~~Inspection records; Demerit values and scores.~~]

- 1. The Person in Charge shall allow the Health Authority access to the facility during the food establishment's hours of operation, and at other mutually agreed upon times, to determine if the food establishment is in compliance with the regulations in this chapter.**
- 2. If a person denies access to the Health Authority, the Health Authority shall:**
 - a. Inform the person that:**
 - (1) The permit holder is required to allow access to the Health Authority;**
 - (2) Access is a condition of the acceptance and retention of a food establishment health permit to operate;**
- 3. If the Person in Charge continues to refuse access, the Health Authority shall provide details of the denial of access on an inspection report form.**
- 4. Contact with the local enforcement agency will be made in accordance with NRS 446.940-945 to assist with entrance into the facility.**
- 5. As specified in NRS 199.300, it is unlawful for any person to directly or indirectly intimidate a public officer or employee.**

~~1. The health authority, after proper identification, shall be permitted to enter, at any reasonable time, any food establishment within the city for the purpose of making an inspection to determine~~

~~compliance with this chapter. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.~~

~~2. Whenever the health authority makes an inspection of a food establishment, he shall record his finding on an inspection report form provided for this purpose. The health authority shall furnish the original of such inspection report form to the permit holder or operator. Such form shall summarize the requirements of this chapter, and shall set forth demerit point values for each such requirement. Upon completion of an inspection, the health authority shall total the demerit point values for all requirements in violation, such total becoming the demerit score for the establishment.~~

~~3. At the time of presentation of the inspection report to the permit holder or operator, the health authority shall establish a specific and reasonable period of time for the correction of the violations found.~~

~~4. In the case of temporary food establishments, violations must be corrected within a specified period of time not to exceed twenty four (24) hours. Failure to comply with this schedule of corrections shall result in immediate suspension of the permit.~~

~~5. The inspection report form with specific violations along with the demerit score shall constitute official notice to the permit holder. The report shall also state that failure to comply with the notice issued in accordance with the provisions of this chapter, may result in the immediate suspension of the permit, or in downgrading of the establishment.~~

~~6. The inspection report form shall also state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority with the time period established for correction.~~

Section XXXIV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.065 (Inspection report; contents; time for correction of violations; acknowledgment; refusal; public record), as follows (bold, underlined text is added):

9.05.065 Inspection report; contents; time for correction of violations; acknowledgment; refusal; public record

1. The Health Authority shall document on an inspection report:

- a. Administrative information about the food establishment's legal identity;**
- b. Street and mailing addresses;**
- c. Type of establishment;**
- d. Inspection date;**
- e. Other information including, without limitation:**
 - (1) Water supply and sewage disposal,**
 - (2) Status of the health permit,**
 - (3) Grade of the facility, and,**
 - (4) Any required management certifications.**

2. Specific factual observations of violations, or other deviations from these ordinances, which require correction by the permit holder include, without limitation:

- a. Failure of the Person in Charge to demonstrate:**
 - (1) Knowledge of foodborne illness prevention;**
 - (2) Application of HACCP principles;**
 - (3) The requirements specified in this chapter related to food safety.**

- b. Failure of food handlers and the Person in Charge to demonstrate his or her knowledge of the responsibility to report a symptom of a foodborne illness as specified in this chapter.
 - c. Non-conformance with a critical or major violation of these regulations.
 - d. Failure of the appropriate food handlers to demonstrate his or her knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the Health Authority due to an approved variance or waiver.
 - e. Failure of the Person in Charge to provide records required by the Health Authority for determining conformance with a HACCP plan.
 - f. Non-conformance with critical limits of a HACCP plan.
 - g. Non-conformance with non-critical violations of these ordinances.
- 3. The Health Authority shall specify, on the inspection report form, the time frame for correction of the violations as follows:
 - a. To immediately cease and desist an operation if an imminent health hazard exists.
 - b. After demerits are recorded, a permit holder may at the time of inspection, correct a critical or major violation of these regulations.
 - c. Considering the nature of the potential hazard of the critical or major violation involved, and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed fifteen (15) business days after the inspection, for the permit holder to correct critical or major violations. Depending on the violation, the Health Authority may impose additional restrictions on the facility for the allotted time frame.
 - d. The permit holder shall correct non-critical violations by the next inspection or within a time specified under the compliance schedule.
- 4. At the conclusion of the inspection the Health Authority Shall:
 - a. Provide the original of the completed inspection report, and the notice to correct violations, to the permit holder or to the Person in Charge.
 - b. Request a signed acknowledgement of receipt on the inspection form.
 - c. Post the appropriate grade, based upon the inspection findings and the condition of the facility, at the time of inspection.
 - d. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Authority within ten (10) calendar days.
- 5. A person who declines to sign an acknowledgment of receipt of inspection findings will be informed by the Health Authority that:
 - a. An acknowledgment of receipt does not constitute an agreement with findings.
 - b. Refusal to sign an acknowledgment of receipt will not nullify the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified.
 - c. A refusal to sign an acknowledgment of receipt shall be documented on the voucher and placed in the Health Authority's historical file for the food establishment.

6. Should a Person in Charge refuse to sign an acknowledgement of receipt, the Health Authority shall provide the original of the unsigned inspection voucher to the Person in Charge.
7. The Health Authority shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it as provided in State statute or regulation.

Section XXXV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.070 (Grading of food establishments.) is hereby amended, in part, as follows (bold, underlined text is added, ~~stricken~~ text is deleted):

9.05.070 - Grading of food establishments - **display.**

1. Every food establishment in Carson City shall display, in a place designated by the ~~[health authority]~~ **Health Authority**, a placard provided by the ~~[health authority]~~ **Health Authority** stating the grade received at the time of the most recent inspection of the establishment, but temporary food establishments shall not be subject to grading.
2. The placard must be placed within eight (8) feet of the main entrance of the food establishment, in a location that is clearly visible to patrons walking in from the outside of the food establishment.

Section XXXVI: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.080 (Grades of establishments) is hereby amended, in part, as follows (bold, underlined text is added, ~~stricken~~ text is deleted):

9.05.080 - ~~[Grades]~~ Grading of establishments; consequences; procedures for imminent health hazard.

~~{1. Grades of establishments shall be as follows:~~

- ~~a. Grade AA. An establishment having a demerit score of not more than five (5) demerits.~~
- ~~b. Grade A. An establishment having a demerit score of more than five (5) but not more than fifteen (15).~~
- ~~c. Grade B. An establishment having a demerit score of more than fifteen (15) but not more than twenty (20).~~
- ~~d. Grade C. An establishment having a demerit score of more than twenty (20) but not more than forty (40).}~~

1. Food establishment grades shall be determined as follows:
 - a. An "A" grade means an establishment having a demerit score of not more than 10.
 - b. A "B" grade means an establishment having a demerit score of more than 10 but not more than 20.
 - c. A "C" grade means an establishment having a demerit score of more than 20 but not more than 40.
 - d. A "Closed" grade means; an establishment has a demerit score of more than 40, or an imminent health hazard exists such that the food establishment cannot be safely operated.
2. Consequences of grades will occur in the following manner:

- a. If the establishment receives more than 40 demerits, the health permit shall be suspended immediately and the premises marked as closed. The establishment shall remain closed until the permit holder has corrected the violations, paid any applicable fees, and a reinspection is conducted that results in an "A" grade.
 - b. A food establishment found to have an imminent health hazard may, at the discretion of the Health Authority, be issued a cease and desist order and be closed.
 - c. Food establishments who are closed, or who have a history of non-compliance, including repeated critical or major violations, may be required by the Health Authority to attend a supervisory conference prior to an inspection to reopen the facility taking place.
- ~~2. A food establishment may be closed, if the health authority determines that, in his judgment, a substantial hazard, as defined in NAC 446.035 and NAC 446.045, to the public health exists.~~
 - ~~3. Notwithstanding the grade criteria established in subsection 1 of this section, whenever a second consecutive violation of any time of four (4) or five (5) demerit points is discovered, the permit for such establishment may be suspended, or in lieu thereof, the establishment shall be downgraded to the next lower grade.~~
 - ~~4. Immediately following each inspection, the health authority shall post the appropriate grade based upon the inspection findings.~~

Section XXXVII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), is hereby amended by adding a new section, 9.05.085 (Imminent health hazard; procedures; exception) as follows (**bold, underlined** text is added).

9.05.085 Imminent health hazard; procedures; exception.

1. Except as provided in subsection 3, if a permit holder reasonably believes that an imminent health hazard exists, the permit holder shall immediately discontinue operations and:
 - a. Notify the Health Authority as soon as possible of the belief that an imminent health hazard exists because of an emergency, including, without limitation, fire, flood, water service outage, interruption of power service for longer than two (2) hours, lack of adequate refrigeration, sewage backup, misuse of poisonous or toxic materials, onset of a suspected food borne illness outbreak, gross unsanitary occurrences or conditions, or any other circumstance that may endanger public health; and
 - b. The permit holder shall correct the imminent health hazard, notify the Health Authority when all imminent health hazards have been corrected, and obtain approval from the Health Authority before resuming operations.
2. Facilities documented by the Health Authority to be operating under conditions of an imminent health hazard, and that were issued an immediate cease and desist order, shall pay applicable fees and pass a reopening inspection, requiring a grade of "A." To obtain a grade of "A" upon reinspection, all critical or major violations must be fixed.
3. If an imminent health hazard exists only in a partial area of the establishment, and the imminent health hazard is contained to the partial area, a permit holder need not discontinue operations the other unaffected areas.

Section XXXVIII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.090 (Inspection for purpose of regrading establishments; fees) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~text is deleted~~):

9.05.090 – [~~Inspection~~] **Reinspection** for purpose of regrading establishments; fees.

~~[The permit holder or operator of any establishment, the grade of which has been lowered may at any time request an inspection for the purpose of regrading the establishment. Within forty-eight (48) hours following receipt of a request, including a signed statement that the conditions responsible for the lowering of the grade have, in the applicant's opinion, been corrected, the health authority shall make an inspection and thereafter as many additional inspections as he may deem necessary to assure himself that the applicant is complying with the higher grade requirements, and if the findings indicate compliance, shall award the higher grade.]~~

- 1. The following food establishments shall be reinspected by the Health Authority to ensure correction of violations:**
 - a. Food establishments who do not receive a grade of "A."**
 - b. Food establishments found to have an imminent health hazard.**
 - c. Food establishments who have been marked as "closed."**
- 2. A permit holder has a duty to correct violations noted on the inspection report. For food establishments that require a reinspection, a permit holder must bring the food establishment into compliance and request a reinspection within fifteen (15) business days after the initial inspection.**
- 3. The Health Authority will perform a reinspection within five (5) business days following receipt of the request and payment for reinspection.**

Section XXXIX: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.100 (Suspension, revocation of permits—Reinstatement of suspended permits—Hearings) is hereby amended, in part, as follows (**bold, underlined** text is added, [~~stricken~~] text is deleted):

9.05.100 - Suspension, revocation of permits—Reinstatement of suspended permits—Hearings.

- 1. Health permits issued under the provisions of these ordinances may be suspended temporarily or revoked by the Health Authority for failure of the permit holder to comply with the requirements of these regulations.**
- 2. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of these regulations, the permit holder or operator will be notified in writing that the permit is, upon service of the notice, immediately suspended. The notice must contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority within ten (10) calendar days.**
- 3. Whenever the Health Authority finds an unsanitary or other condition in the operation of a food establishment which, in its judgment, constitutes a substantial or imminent hazard to the public health, the Health Authority may without warning, notice, or a hearing, issue a written order to the permit holder or Person in Charge citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such an order is issued shall comply with the order immediately. An opportunity for a hearing will be provided as soon as reasonably practicable if a written request for a hearing is filed with the Health Authority within ten (10) calendar days.**

4. Any person whose permit has been suspended may submit an application for reinspection in an effort to have the permit reinstated after the conditions causing suspension of the permit have been corrected. The application for reinspection must be in writing, signed by the applicant, and be submitted to the Health Authority. The Health Authority will perform a reinspection within five (5) business days following receipt of the request and payment for reinspection. If the Health Authority finds the conditions have been corrected, the permit will be reinstated.
5. For serious or repeated violations of any of the requirements of these regulations, or for interference with the Health Authority in the performance of his or her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Before taking such an action the Health Authority shall notify the permit holder, in writing, stating the reasons the permit may be subjected to revocation and advise the permit holder of the opportunity for a hearing to contest the matter. Nevertheless, a permit may be suspended temporarily for cause, pending a hearing or pending permanent revocation.

 - a. A request for a hearing must be submitted to the Health Authority by the permit holder within five (5) calendar days following the service of the notice, not including the day the notice is served. If not request for a hearing is submitted within the required timeframe, the permit may be permanently revoked by the Health Authority.
6. The hearings provided for in this section shall be conducted at a time and place designated by the Health Authority. Based upon the record of the hearing, the Health Authority shall make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Authority.
7. Once a permit has been revoked, the permit operator is to discontinue all food activity associated with the food establishment in question. Failure to do so may result in:

 - a. The Health Authority requesting an injunction from the First Judicial District Court; or
 - b. The Health Authority referring the non-compliance to the District Attorney for prosecution.
8. Once the timeframe for an appeal has passed, any food remaining at the location in question may be confiscated and destroyed by the Health Authority.

 - ~~1. Permits issued under the provisions of this chapter may be suspended temporarily by the health authority for failure of the holder to comply with the requirements of this chapter.~~
 - ~~2. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended, or the establishment downgraded, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health authority by the permit holder.~~
 - ~~3. Notwithstanding any other provision of this chapter, whenever the health authority finds insanitary or other conditions in the operation of a food establishment which, in his judgment, constitute a substantial hazard to the public health, he may without warning, notice or hearing issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken. Such order may state that the permit is immediately suspended, and all food operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. Upon written petition to the health authority, such person shall be afforded a hearing as soon as possible.~~
 - ~~4. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within forty-eight (48) hours following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension of the permit have been corrected, the health~~

~~authority shall make a reinspection. If the applicant is complying with the requirements of this chapter, the permit shall be reinstated.~~

~~5. For serious or repeated violations of any of the requirements of this chapter or for the interference with the health authority in the performance of his duties, the permit may be permanently revoked by the board of health after an opportunity for a hearing, and at the end of five (5) days following service of notice that such action is pending. A permit may be suspended for cause pending its revocation or a hearing relative thereto.~~

~~6. The hearings provided for in this section shall be conducted by the health authority at a time and place designated by him. If permanent revocation of a permit is to be considered the hearing shall be conducted by the board of health. Based upon the record of hearings conducted by the health authority, a finding shall be made sustaining, modifying or rescinding any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the health authority.~~

Section XL: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.100 (Suspension, revocation of permits—Reinstatement of suspended permits—Hearings) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~{stricken}~~ text is deleted):

9.05.110 - Revocation of city business license when ~~[health permit]~~ **food establishment permit** revoked.

1. A business license to operate a food establishment issued ~~[by the city clerk]~~ to a person owning or operating such food establishment shall be revoked when such person's ~~[health permit]~~ **food establishment permit** has been revoked by the board of health, and no new license may be issued until such person has approval from the board of health.
2. **Carson City Business License Department** shall be notified by the ~~[health authority]~~ **Health Authority** of the revocation of any permit.

Section XLI: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.100 (Examination and condemnation of food) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~{stricken}~~ text is deleted):

9.05.120 - Examination and condemnation of food.

1. **As specified in NRS 585.360. as specified in NRS 585.360, whenever the Health Authority or any of the Commissioner's authorized agents finds in any room, building or other structure, or vehicle of transportation, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Commissioner or the Commissioner's authorized agents shall forthwith condemn or destroy the same, or in any other manner render the same unusable as human food.**
2. **As specified in NRS 446.920:**
 - a. **Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or Person in Charge, place a hold order on any food which the Health Authority has determined, or has probable cause to believe, the food to be unwholesome or otherwise adulterated or misbranded.**
 - b. **Under a hold order, food shall be allowed to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice, or tag placed on food by the Health Authority. Neither such food, nor the containers thereof, shall be relabeled,**

repacked, reprocessed, altered, disposed of, or destroyed without approval of the Health Authority, except by order of a court of competent jurisdiction.

c. The owner or Person in Charge may make a written request for a hearing as specified in NRS 446.895(5). On the basis of evidence produced at such hearing, or on the basis of an examination if a written request for a hearing is not received within 10 business days, the Health Authority may vacate the hold order, issue a written order, or direct the owner or Person in Charge of the food which was placed under the hold order, to denature or destroy such food or to bring it into compliance with the provisions of these ordinances. Such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of these ordinances shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) calendar days.

d. When not on a hold order by the Health Authority operators may voluntarily dispose of food believed to be unwholesome or otherwise adulterated or misbranded.

1. ~~Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or Person in Charge, place a hold order on any food which he determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.~~
2. ~~Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the health authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission of the health authority, except by a court of competent jurisdiction.~~
3. ~~After the owner or Person in Charge has had a hearing as provided for in subsection 5 of Section 9.05.060, and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within ten (10) days, the health authority may vacate the hold order, or may by written order direct the owner or Person in Charge of the food which was placed under the hold order to denature or destroy such food, or to bring it into compliance with the provisions of this chapter. Such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is successfully appealed to a court of competent jurisdiction within seventy-two (72) hours.~~

Section XLII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.100 (Examination and condemnation of food) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

9.05.130 - Food establishments outside jurisdiction of [~~health authority.~~] **Health Authority.**

Food from establishments outside the jurisdiction of the Carson City [~~health authority~~] **Health Authority** may be sold within Carson City if such food establishments conform to the provisions of this chapter, or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the [~~health authority~~] **Health Authority** may accept reports from responsible authorities in the jurisdictions where such food establishments are located.

Section XLIII: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.100 (Examination and condemnation of food) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

9.05.140 - Plan review of future construction.

If, after the effective date of this chapter, a food establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction materials of work areas, and the location, size and type of fixed equipment and facilities shall be submitted to the [health authority] **Health Authority** for approval before such work is begun.

Section XLIV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.150 (Procedure when infection is suspected) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

9.05.150- Procedure when infection is suspected.

- 1. The Health Authority shall act, as specified in NAC 441A, when it has reasonable cause to believe that a food handler may be infected with an illness in a communicable form that is transmissible through food, may be a carrier of infectious agents that cause a disease that is transmissible through food, or is affected with a boil, an infected wound, or acute respiratory infection. Actions may include those specified in NAC 441A.530, Foodborne Disease Outbreak, and as required for the particular disease as specified in NAC 441A.**
- 2. Based on the findings of an investigation related to a food handler who is suspected of being infected as specified in this chapter, the Health Authority may issue an order to the suspected food handler or permit holder instituting one or more of the following control measures:**
 - a. Restricting the food handler;**
 - b. Excluding the food handler;**
 - c. Closing the food establishment by summarily suspending a permit to operate in accordance with NRS 446.935(2) (b);**
- 3. If the Health Authority finds, based upon investigation, that disease is present and it is necessary to control disease transmission, the Health Authority may issue an order of restriction or exclusion to a suspected food handler or the permit holder without prior warning, notice of a hearing, or a hearing.**
- 4. The food handler shall remain restricted or excluded until released to return to work by the Health Authority in accordance with NAC 441A.**
 - ~~1. When the health authority has reasonable cause to suspect the possibility of disease transmission from any food handler of a food establishment, the health authority shall secure morbidity history of the suspected food handler, or make such other investigation as may be indicated, and take appropriate action.~~
 - ~~2. The health authority may require any or all of the following measures:~~
 - ~~a. The immediate exclusion of the food handler from all food establishments.~~
 - ~~b. The immediate closure of the food establishment concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.~~
 - ~~c. Restriction of the food handler's services to some area of the establishment where there would be no danger of transmitting disease.~~
 - ~~d. Adequate medical and laboratory examination of the food handler, of other food handlers, and of his and their body discharges.~~

Section XLV: That Title 9 (Health and Welfare), Chapter 9.05 (Food Establishments), Section 9.05.160 (Penalties) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

9.05.160 – **Enforcement and** Penalties.

1. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.
- 2. In addition to the provisions of this chapter, the Health Authority may impose operational or menu restrictions on a food establishment to protect against potential health hazards if it finds facilities or equipment are inadequate to protect public health.**

9.05.170 - Severability.

Should any section, sentence, clause, phrase, or word of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

Section XI: That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____ (month) _____ (day), 2018.

PROPOSED by _____.

PASSED _____ (month) _____ (day), 2018.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

CLERK/RECORDER.

The effective date of this ordinance is contingent on the approval of the regulations contained within this ordinance by the State Board of Health on June 8, 2018. If the regulations are approved, this ordinance shall be in full force and effect from June 8, 2018.

ATTEST:

CLERK/RECORDER.