

THE CORPORATION OF THE DISTRICT OF SURREY

BY-LAW NO. 2131

A by-law to regulate persons, their premises and their activities, to further the care, protection, promotion and preservation of the health of inhabitants of the Municipality.
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THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS pursuant to the provisions of Section 634 of the "Municipal Act" being Chapter 255 of the Revised Statutes of British Columbia, 1960, and subject to the "Health Act" the Council may undertake such measures as are deemed necessary for the maintenance of sanitary conditions in the Municipality;

AND WHEREAS for the care, protection, promotion and preservation of the health of the inhabitants of the Municipality it is deemed desirable to regulate food establishments within the Municipality and the persons who are employed or engaged in and about the operation of said food establishments;

THEREFORE, the Municipal Council of the Corporation of the District of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. This By-law may be cited for all purposes as "Sanitation of Food Establishments By-law, 1963, No. 2131."
2. In this By-law, unless the content otherwise requires, the following words and expressions shall have the meaning hereinafter assigned to them, to wit:-
 1. "Food" means any substance or thing whether solid or liquid, normally intended for human consumption.

2. "Food Establishment" means any business premises where food intended for human consumption is kept, stored, manufactured, processed, prepared, dressed, slaughtered, handled, sold or served, either at wholesale or retail, and shall include warehouses, food manufacturing or processing plants, beverage manufacturing plants, bakeries, grocery stores, meat, poultry, fish, fruit and vegetable markets, confectionery stores, restaurants, delicatessen stores, vending vehicles and itinerant eating and drinking places and catering premises.
3. "Food Vending Vehicle" means any conveyance used by a person offering for sale any food or beverage for human consumption.
4. "Medical Health Officer" means the Medical Health Officer duly appointed pursuant to the provisions of the "Health Act" as the Medical Health Officer of the Municipality of Surrey and shall be deemed to include any official or employee duly authorized to act for or in his stead, and shall also include his lawful assistants and deputies.
5. "Owner" shall mean the registered owner or owners of any land, building, structure, vehicle, whether individual, partnership, or corporate, and shall include the purchase under the last registered agreement for sale or lease from the Crown.
6. "Person" means and shall include natural persons, firms, corporations, public agencies, industrial establishments and institutions.
7. "Plan" means a floor plan showing the structure, fixtures, plumbing and drainage layout of a food establishment.

8. "Proprietor" means and shall include the person in whose name the business of a food establishment is being conducted and the person keeping or managing the same; and shall include the person named in any license issued under the Licensing By-laws of the Municipality.
9. "Sanitary Inspector" means the Medical Health Officer of the Municipality and any officer appointed by him or by the Municipal Council for the purpose of enforcing the provisions of this By-law and who is the holder of the Canadian Institute of Sanitary Inspectors' (Canada) certificate, or the equivalent certificate provided for by Section 46 of the "Health Act", being Chapter 170 of the Revised Statutes of British Columbia, 1960.
10. "Unwholesome" means any condition of food or beverage which renders same unfit for human consumption; and without limiting the generality of the foregoing, shall include conditions of decay, spoilage, pollution, damage, immaturity, over-maturity, infestation, infection, dirtiness, contamination, adulteration and shall apply to food which has been improperly handled, processed, treated or refrigerated, and food from unsanitary premises.
11. "Vending Machine" means any self-service device, offered for public use, which upon insertion of a coin, coins, token, tokens, or by other means for the activating of same, automatically dispenses or serves any food or beverage, either in bulk or in package, without the necessity of replenishing the device following each vending operation.
12. "Eating or Drinking Place" means any place, boat or vehicle, where food or drink is served or provided, with or without charge, including common carriers not under the jurisdiction of the Department of National Health and Welfare. This does not include private homes, private boats, or private vehicles.

INSPECTION OF PREMISES

3. The Medical Health Officer or Sanitary Inspector may, at all reasonable times, as often as they think necessary, and without prior notice to the proprietor or owner, enter into and upon any food establishment for the purpose of examining the whole or any part of the premises and the condition thereof and shall also have access to any vending machine and any food vending vehicle for the same purpose and every person shall allow him or them the full and free access to the same for such purpose.

4. It shall be the duty of the Medical Health Officer or Sanitary Inspector as often as he shall deem it necessary:-
 - (a) to inspect and take samples of all or any food found in any food establishment;

 - (b) to take swabs from dishes and utensils for bacteriological examination; and

 - (c) to take samples from wash water to be examined for chemical and bacterial content:

and it shall be unlawful for the proprietor, owner or any of his or their agents to refuse to permit such inspection or taking of such sample. All such samples to be submitted to or taken by the Medical Health Officer or Sanitary Inspector shall be provided free of charge by the proprietor or owner of the food establishment from which such samples are taken, and the results of any tests of same shall be supplied on request to the property owner.

REQUIREMENTS FOR FOOD ESTABLISHMENTS

5. Every person who desires or proposes to remodel any existing building or portion thereof or who desires or proposes to construct any new building which is intended to be used, in whole or in part as a food establishment, shall submit plans of the proposed remodeling or new construction to the Medical Health Officer. Such plans shall include a floor plan of the building showing the details of the structure including the fixtures, plumbing and drainage lay-out and method of sewage disposal. In addition to the plans hereinbefore referred to, each such person shall also submit to the Medical Health Officer, a statement in writing giving a brief description of the type of food establishment which he intends to operate and also his estimate of the number of persons who will be employed or engaged in the business.

FLOORS

6. (a) All floors in a food establishment shall be of such construction as to be easily cleaned, shall be smooth, sound, well drained, impervious, and shall be kept clean and in good repair at all times.

(b) Dry sweeping is prohibited, and dustless methods of floor cleaning shall be used.

WALLS AND CEILINGS

7. Walls and ceilings of all food establishments shall be clean and in good repair.

DOORS AND WINDOWS

8. (a) All doors and windows shall be kept clean.

- (b) All openings to the outside shall be effectively screened or otherwise protected and doors shall be self-closing or otherwise effectively closed and all effective means shall be provided to prevent the entrance of flies and other insects through such openings.

VERMIN AND INSECT CONTROL

- 9. (a) Every food establishment shall be so constructed and maintained as to exclude vermin. Any proprietor becoming aware of the presence of vermin shall take adequate steps to exterminate the vermin and keep the premises free therefrom.
- (b) The storage, use, method of use and concentration of chemicals injurious to man, shall be subject to the approval of the Medical Health Officer. Powders containing insecticides shall be suitably dyed or coloured.

LIGHTING

- 10. (a) Lighting in all food establishments shall be adequate for all working purposes to ensure satisfactory sanitation standards.
- (b) Thirty (30) or more foot candles of illumination shall be provided at all working surfaces, in rooms in which food is prepared, or in which utensils are washed.

VENTILATION

- 11. (a) Ventilation supplied by windows, doors, ventilators and all other openings intended for ventilation, in all food establishments, shall be sufficient to provide the premises with clean fresh air, or they shall be supplemented by

a mechanical ventilation system adequate to provide sufficient clean fresh air to the premises.

- (b) No substance shall be exhausted to the atmosphere from any food establishment which shall at any time create a nuisance.

SANITARY FACILITIES

- 12. (a) Clean sanitary facilities including water closets, hand washing facilities, hot and cold running water, soap in dispensers and sanitary towels shall be provided for all employees or other persons engaged in the operations of every food establishment.
- (b) The number of sanitary facilities required shall comply with the following standards. One water closet shall be adequate where not more than five (5) employees male and female, as a maximum are on duty at any one time, then as follows:-

Maximum number of persons employed or engaged _____	Maximum number of toilets for each sex _____
6 - 9	1
10 - 24	2
25 - 49	3
50 - 74	4
75 - 100	5
Over - 100	1 for each additional 30 persons

The number of water closets for males may be reduced by one half, provided that one approved urinal shall be installed for each toilet omitted from the total required.

- (c) Eating and drinking places shall provide at least one toilet room for use by their patrons. Eating and drinking places with a seating capacity of over 15 persons shall provide two toilet rooms for use by their patrons, one for each sex and the toilet rooms are located so as to be easily accessible to the patrons. The staff toilet rooms may be also used as public toilet rooms. Where the seating capacity of an eating and drinking place is over 50 persons, the Medical Health Officer may direct that additional toilet-room facilities be made available to the patrons. An adequate supply of soap and dispensers, sanitary towels and toilet paper shall be available for use at all times.
- (d) All toilet rooms shall be provided with self-closing, tight-fitting doors, which shall not open directly into any room in which any food is handled, prepared or stored. Doors may open into a separate room, hallway or vestibule.
- (e) All toilet rooms shall be ventilated to the outside air and in accordance with the provisions of the "Short Form of the National Building Code of Canada."
- (f) All toilet rooms and fixtures therein shall be maintained in a clean and sanitary condition at all times, and legible signs shall be posted which shall direct employees to wash their hands before returning to work after toilet use.
- (g) In all food establishments where frequent handwashing is necessary to prevent food contamination during processing, manufacture or preparation, separate handwashing facilities including a supply of soap in dispensers and sanitary towels, shall be conveniently provided in the work room. Sinks shall be equipped with an apparatus so designed that the operator

may control the water used in the sink by other means than by operating a tap or taps with his hands while washing.

- (h) The use of a common towel is prohibited.

WATER SUPPLY

- 13. (a) An adequate supply of hot and cold running water under sufficient pressure shall be provided at all times for drinking, cooking and cleaning purposes.
- (b) Where a public water supply system is available, water shall be obtained only from it; otherwise the water shall be obtained from a source approved by the Medical Health Officer. Where and when water is transported in containers to any food establishment, they shall be maintained in a clean and sanitary condition and shall be kept covered.
- (c) No cask, water cooler or other receptacle shall be used for storing or supplying drinking water to the public or to employees, unless it conforms in all respects to the provisions of Clause 13 (c) hereof so as to prevent contamination of the water, and all such containers shall be cleaned regularly and clearly marked "Drinking Water."
- (d) Where drinking fountains are used they shall be of a type approved by the Medical Health Officer.
- (e) Only ice made from water which is pure and wholesome shall be permitted for use in any food establishment, and it shall be handled and stored at all times in a sanitary manner.

LOCKER AND DRESSING ROOMS

14. Clean adequate lockers or dressing rooms shall be provided for employees. Such rooms shall not be a part of any room used for the preparation, storage, manufacture or processing of any food, and shall be suitably lighted and ventilated.

UTENSILS AND EQUIPMENT

15. (a) All surfaces and containers, including utensils, with which any food comes in contact, shall be smooth, non-corrosive material.

Such surfaces, containers and utensils shall be maintained in good repair, free from breaks, corrosion, open seams, cracks or chipped places.

- (b) All surfaces, containers and utensils which do not conform to the requirements of this section shall be repaired or removed from the premises.

CLEANING AND BATERICIDAL TREATMENTS

16. (a) All equipment and utensils including display cases, food vending machines, windows, counters, shelves, tables, refrigerators, stoves, hoods and sinks shall be cleaned, as often as necessary in order that such equipment and utensils shall be maintained clean, sanitary and free from dust, dirt, insects, putriscible food particles and other contaminating materials.
- (b) Hot water used for washing utensils shall be not less than 110 degrees Fahrenheit at any time, and shall contain an amount of detergent sufficient

to clean the utensils. Utensils shall be stacked in a manner during the washing process so that the wash and rinse waters will reach all surfaces of the utensils.

- (c) Food manufacturing plants, other than eating and drinking establishments, shall have at least one two-compartment sink of a size that will provide for the proper cleaning of utensils and equipment.
- (d) Eating and drinking establishments (places), as defined in Eating and Drinking Regulations, shall have a three compartment metal sink; rinsing with clear water, and the third for sanitizing with hot water or a chemical approved by the Medical Health Officer.
- (e) A utility sink shall be installed in every eating and drinking place for disposal of liquid wastes and the cleansing of pots and pans and for staff hand washing where no separate facility is provided.
- (f) The cleansing and bactericidal treatment of eating and drinking utensils shall meet recognized public health standards. The plate count shall not exceed 100 bacteria per utensil when tested in accordance with the standard plate test, utilizing the swab technique.
- (g) Bactericidal treatment for all eating and drinking utensils shall be done by one of the following methods:-
 - (i) Immersion for at least two minutes in hot water, the temperature of which is not less than 180 Degrees Fahrenheit.
 - (ii) Immersion for at least two minutes in a chlorine solution which shall be made up at a strength of not less than 100 parts per million

and shall not be used after the strength has been reduced to 50 parts per million or less.

- (iii) Immersion for at least thirty seconds in a chlorine solution which shall be made to a strength not to be used after the strength of the solution has been reduced to 300 parts per million.
- (iv) Treatment by any other bactericidal process approved by the Medical Health Officer. Provided that in drinking places where only beverages are served, cold water washing of glassware should be considered satisfactory followed by a bactericidal process approved by the Medical Health Officer.
- (h) Drying cloths, if used, shall be clean, sanitary and shall be used for no other purposes. All such cloths shall be thoroughly cleaned and subjected to an approved bactericidal process as required by the Medical Health Officer.
- (i) Single service articles and containers, shall not be re-used.
- (j) No substance containing any poison shall be used or kept, in any place where any food or beverage is prepared, processed, manufactured or served.

STORAGE AND HANDLING OF UTENSILS, ETC.

- 17. (a) All utensils and equipment after cleaning and bactericidal treatment, all single service items, linens and cloths shall be stored in a clean, dry and sanitary place protected from flies, dust, splash or other contamination and shall be handled at all times so as to prevent contamination by contact with dusty surfaces, fingers, used foods or waste material of any kind.

- (b) Utensils such as spoons, spatulas, dippers, or scoops used for dispensing frozen desserts, shall be kept clean and sanitary.

WASTE DISPOSAL

- 18. (a) In and about every food establishment there shall be provided and maintained in a suitable location on the property, a sufficient number of garbage cans, equipped with tight fitting lids to prevent access of flies and vermin and they shall be washed at intervals sufficiently frequent to maintain them in a sanitary condition.
- (b) Waste water from refrigeration equipment shall discharge into an open sink or drain properly trapped and sewer connected, provided, however, that where sewer connections are not available, clean and adequate water tight drip pans may be used.
- (c) Grease traps shall be cleaned at intervals sufficiently frequent to ensure their proper functioning.

REFRIGERATION

- 19. (a) Adequate refrigeration shall be provided for all perishable foods at all times except those times while such foods are being processed, prepared or served.
- (b) All refrigerators shall be maintained in a sanitary condition and free from musty, putrescent or other disagreeable odours. No meat shall be stored in direct contact with shelves or walls.

- (c) All perishable foods or beverages shall be kept at or below 50 degrees Fahrenheit except when in the opinion of the Medical Health Officer, lower temperatures are required, for the preservation of the materials kept for periods exceeding forty-eight hours.
- (d) Frozen food storage shall be provided in accordance with the requirements of the Regulations governing frozen food lockers of the Province of British Columbia.
- (e) Accurate thermometers shall be provided in every walk-in refrigerator.
- (f) Perishable food served or intended to be served as hot food in a short time shall be held at a temperature of not less than 150 degrees Fahrenheit until served.

WHOLESOMENESS OF FOODS

- 20. (a) All foods in or about any food establishment shall be clean, prepared from wholesome ingredients, free from spoilage, and shall be prepared so as to be safe for human consumption. Food shall not be adulterated in any way and shall be properly labelled when processed, exposed for sale, or served in a closed container.
- (b) All foods served to any person in any food establishment and not consumed by the person so served, shall not thereafter be served in any form as human food to any other person but shall be discarded as waste material.
- (c) All milk or milk products sold or served in any food establishment shall comply with all Provincial and Federal Regulations governing the standards and quality of these products.

- (d) All oysters, clams and mussels shall be from a source approved by the Provincial Health Department. All shucked shell-fish, until used, shall be kept in the containers in which they are packed at the shucking plant. All crab and shrimp meats shall be from a source approved by the Medical Health Officer.

STORAGE, DISPLAY AND SERVING OF FOODS AND BEVERAGES

- 21. (a) All foods shall be stored or displayed so as to be protected from dust, fumes, vapours, caustic substances, flies, vermin, handling by the public, nose and throat secretions, over-head leakage and all other forms of contamination.
- (b) No live animals, including cats or dogs, shall be permitted in or kept in any room in which any food or beverage is prepared, manufactured, stored, served or sold.
- (c) No live fowl, including canaries, parrots and parakeets, shall be permitted or kept in any room in which any food or beverage is prepared, manufactured, stored, served or sold.
- (d) All action necessary shall be taken to eliminate flies, cockroaches, rats, mice and other vermin from the premises.
- (e) All unwrapped foods in open containers when displayed shall be protected by glass or otherwise from public handling, nose or throat secretions or other contaminations.

- (f) The kitchen or other processing or preparation rooms shall be kept clear of all excess storage of bottled drinks, canned goods, raw materials, empty cases, cartons or barrels, garbage, refuse and litter.
- (g) Spitting on the floors or walls of any portion of any food establishment is strictly prohibited.

PREMISES

- 22. (a) The premises of all food establishments shall be kept clean and free from litter and rubbish, and rooms occupied as a food establishment shall not be used as a place of domestic use, sleeping, lounging, laundering.
- (b) Sleeping or living quarters on the same floor of any building, portion of which is in use as a food establishment, shall not communicate directly with any room of said food establishment where any food is prepared, processed, stored, manufactured or served.
- (c) The exterior of any buildings used as a food establishment, the lands on which such buildings are situate and all of the surrounding lands for a distance of two hundred (200) feet in all directions from any building or portion thereof used for the preparation, manufacture, storage or serving of any food, or such lesser area of the surrounding lands as may be within the control of the licence holder, shall form part of and for the purposes of this By-law, be considered an integral part of the said food establishment.
- (d) The exterior of all food premises shall be maintained in a clean and tidy condition at all times and no accumulation of waste materials, offensive materials, filth or other matter causing or likely to cause a nuisance shall be permitted on the premises.

PERSONNEL IN FOOD ESTABLISHMENTS

23. (a) All persons engaged or employed in and around any food establishment shall be clean and shall observe a practice of personal hygiene, wear clean garments and keep their hands clean at all times while engaged in handling, cooking, processing, manufacturing or serving any food, and while handling any utensil or equipment.
- (b) No person engaged in any operation where contact with filth and contamination is unavoidable, shall engage in any other operation in or about any food establishment whereby food can be contaminated, unless outer garments have first been removed and replaced with clean garments, and all exposed skin of hands, arms and face have been thoroughly cleansed.
- (c) All female persons engaged or employed in or about the operation of any food establishment, shall wear hair nets or head bands or caps, which keep their hair behind the shoulders, or they shall wear their hair cut above the collar, at all times while engaged in the preparation, processing, manufacture, handling or serving of any food or beverage.
- (d) All chefs, cooks and others preparing food shall wear a head covering, such as cap or net, while so employed.

TRANSPORTATION OF FOOD

24. (a) All vehicles, conveyances, equipment and methods used for transporting food within the Municipality shall be subject at all times to inspection by the Medical Health Officer.

- (b) Except as provided in Paragraph 24 (c), every vehicle used for the delivery or distribution of any food shall be fully enclosed, and all food products shall be covered and protected from contamination while being conveyed or transported. Each such vehicle shall be kept well painted, in good repair, and in good sanitary condition at all times. It shall not be used for any other purpose. The surface of all floors, walls, and tops of compartments where food is stored shall be smooth, non-absorbent, washable and clean.
- (c) Fully protected cases, sacks or packaged foods and bottled or packaged beverages may be transported in any vehicle where there is no danger of contamination to the said materials.
- (d) No boxes, pans or containers used for the delivery of food products may be used for any purpose other than as a receptacle for the food products. No pet, animal or fowl shall be permitted in or upon any vehicle used for the delivery or distribution of any food product.
- (e) Food crates and boxes which are not clean or which have been stored where they could be exposed to contamination shall not be used as receptacles for any food product.

VENDING MACHINES

- 25. (a) The design and construction of vending machines shall meet the following requirements:-
 - (i) Each machine shall be maintained in a clean and sanitary condition.

- (ii) Adequate means shall be provided for inspection and cleaning the floor under each machine.
 - (iii) Drip container, if any, shall be readily removable for cleaning and shall be maintained in a clean and sanitary condition at all times.
 - (iv) All machines shall be equipped with adequate safety features to prevent overflow.
- (b) The following standards, shall be used and followed in respect to the operation of vending machines.
- (i) Every person responsible for the maintenance or servicing of these machines shall provide adequate means for the proper storing, transporting, and handling of supplies and for the servicing and sanitizing of said machines and equipment. Such supplies shall be produced, mixed, packed and maintained in a sanitary condition.
 - (ii) On each premises where any such machine is installed, suitable and adequate sanitary plumbing facilities shall be available for the emptying of waste containers, drip pans and other similar parts of said machines. Adequate facilities with hot and cold running water shall be available for the proper washing of the hands of the person or persons servicing the said machines. Cleaning and sanitizing such machines or equipment shall not be permitted in slop sinks or lavatories.
 - (iii) Every proprietor shall assist the Sanitary Inspector in making inspections of the interior of the said machines at all reasonable hours, by accompanying or providing a representative who will

accompany the Sanitary Inspector and assist in making of such inspections.

- (iv) Each such machine shall be serviced and sanitised as frequently as is necessary to maintain same in a proper sanitary condition.

GENERAL PROVISIONS

- 26. (a) Where no provision is made in this By-law for any state or condition found to exist in any food establishment, the Medical Health Officer shall direct the proprietor as to the best means to adopt to secure proper sanitation and hygienic condition in the care of handling of food.
- (b) Where any condition arises, which in the opinion of the Medical Health Officer, is a menace to public health, the Medical Health Officer may order the proprietor, owner or license-holder to close such food establishment to the public or to cease the manufacture or processing of food products until such condition has been abated. Any person who fails to comply with any such order made or given by the Medical Health Officer pursuant to the provisions of this section shall be guilty of an infraction of this By-law and liable to the penalties thereof.
- (c) Where the Medical Health Officer suspects, that any person employed or engaged in any food establishment is suspected of having any communicable disease, he shall deliver to the person, a written order suspending the person from handling or preparing any food until such time as the Medical Health Officer is satisfied that the said person is free from such communicable disease. Any person who fails to comply with such order and any person who employs or permits such person or employee to work in such food establishment during such suspension, shall be guilty of an infraction of this By-law and liable to the penalties thereof.

- (d) The proprietor of any food establishment shall be responsible for reporting to the Medical Health Officer, any case of infraction or contagious disease among the persons employed or engaged in the operations of such food establishment.

PENALTY FOR INFRACTIONS

- 27. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law shall be liable on summary conviction to a penalty not exceeding the sum of Two Hundred and Fifty Dollars (\$250.00) for every such violation of this By-law, together with the costs of conviction and every day that a violation is permitted to exist shall be deemed to be a new offence.
- 28. The provisions of this By-law insofar as compliance herewith would require structural alterations to buildings, installation of new fixtures and equipment, shall not apply to food establishments that are in operation at time of passage of this By-law, provided these food establishments are not enlarged, altered or renovated beyond ordinary maintenance.

APPROVAL BY DEPUTY MINISTER OF HEALTH

- 29. This By-law shall not come into full force and effect until it has received the approval of the Deputy Minister of Health.

READ a first time on the 18th day of November, 1963.

READ a second time on the 20th day of January, 1964.

PASSED by the Municipal Council on the 20th day of January, 1964.

RECEIVED the approval of the Deputy Minister of Health on the 10th day of February, 1964.

RECONSIDERED AND FINALLY ADOPTED, signed by the Reeve and Clerk and sealed with the Corporate Seal on the 17th day of February, 1964.

_____ "R.J. HARVEY" _____ REEVE

_____ "R.N. CHESTER" _____ CLERK

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