

Chapter 103
FOOD HANDLING AND FOOD ESTABLISHMENTS

ARTICLE I

Licensing; Standards

- § 103-1. Definitions.
- § 103-2. License requirements.
- § 103-3. Employees: communicable diseases.
- § 103-4. Cleanliness and ventilation.
- § 103-5. Toilet facilities.
- § 103-6. Water supply; cleansing and sterilizing.
- § 103-7. Disposal of waste.
- § 103-8. Refrigeration.
- § 103-9. Wholesomeness of food and drink.
- § 103-10. Storage and display of food and drink.
- § 103-11. Cleanliness of food handlers.
- § 103-12. Insect and rodent control.
- § 103-13. Right of entry.
- § 103-14. Procuring samples of food.

- § 103-15. Personnel.
- § 103-16. Protection of food.
- § 103-17. Utensils and equipment.
- § 103-18. Mechanical dishwashing.
- § 103-19. Cleansing process.
- § 103-20. Refrigeration; temperatures maintained.
- § 103-21. Meat and meat products.
- § 103-22. Shellfish.
- § 103-23. Custard-filled pastries; perishable foods.
- § 103-24. Condemnation and embargo.
- § 103-25. Closure.
- § 103-26. Violations and penalties.

ARTICLE II

Rules and Regulations

- § 103-27. Promulgation of rules and regulations.
- § 103-28. Revision and amendments.

[HISTORY: Adopted by the Council of the Borough of Berwick 9-11-1972 by Ord. No. 1061. Amendments noted where applicable.]

GENERAL REFERENCES

Code enforcement and administration — See Ch. 9
Garbage, rubbish and refuse — See Ch. 147, Art. II.

Health regulations — See Ch. 108.

ARTICLE I
Licensing; Standards

§ 103-1. Definitions.

The following words and terms, when used in this chapter, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

CUSTARD MIX and CUSTARD-FILLED — Any product consisting principally of flour, sugar, eggs and milk, with or without cornstarch, heated, cooled and applied to pastry

without subsequent heating, and to filled pastry, such as cream puffs or eclairs, which may be heated subsequent to filling.

EMPLOYEE — Any person who handles food or drink during the preparing or serving or comes in contact with any eating or drinking utensils, or who is employed in a room in which food or drink is prepared or served. This shall include the proprietor or any member of the proprietor's family who handles food and drink.

FOOD ESTABLISHMENT — Any place where food or beverage intended for human consumption is kept, stored, manufactured, prepared, dressed, handled, sold or offered for sale with or without charge, either at wholesale or retail, and not consumed on the premises; provided, however, that the term "food establishment" shall not include a public eating and drinking place.

LICENSE — The permission granted to a licensee to conduct a public eating and drinking place.

LICENSEE — A holder of a license.

LICENSOR or BOARD — The Board of Health of the Borough of Berwick.

OFFERED FOR SALE — Shall apply to any food or drink kept or displayed in any store, place, dispenser or vehicle in the manner in which food or drink is ordinarily kept or displayed.

PERISHABLE FOODS — Any food or beverage or ingredient, exclusive of milk and milk products, capable of supporting rapid and progressive growth of microorganisms which can cause food infection or food intoxication. However, products that are processed are excluded from the terms of this definition.

PROPRIETOR — Any person, partnership, association or corporation conducting or operating within the limits of the borough a public eating or drinking place.

PUBLIC EATING AND DRINKING PLACE — Restaurant, coffee shop, cafeteria, short-order cafe, diner, luncheonette, tavern, sandwich stand, soda fountain, private club, dining room or snack bar, industrial kitchen or any other place where food, drinks or refreshments are sold, prepared and served or given away, to be consumed on the premises; provided, however, that this definition shall not be interpreted to include boardinghouses or private homes.

SHELLFISH — Oysters, clams, scallops or mussels, fresh or frozen; any shrimp, crab or lobster, fresh, frozen or cooked but not packed in a sealed container; and any other mollusks, fresh or frozen, intended for human consumption.

§ 103-2. License requirements.

- A. It shall be unlawful for any person to operate a public eating and/or drinking place or food establishment within the Borough of Berwick who does not possess a license from the Board of Health of the Borough of Berwick. The fee for such license shall be \$25. A license shall be granted for a period of one year (calendar) or a portion thereof. Such license shall be conspicuously displayed at all times in the place thereby licensed and shall

not be transferable. Application for renewal of a license shall be made at least 20 days before December 31 of each calendar year. If more than two inspections are necessary during the term of each license, an additional charge of \$5 shall be charged for each additional inspection over the first two during the calendar year. [Amended 11-20-1978 by Ord. No. 1127; 3-16-1987 by Ord. No. 1195]

- B. Suspension or revocation of license. The Board of Health, on its own motion or on complaint, after investigation and hearing at which the licensee shall be afforded an opportunity to be heard, may suspend or revoke any license for any violation by the licensee, his partner, agent, servant or employee of the provisions of this chapter or of any rule or regulation of the Board of Health or other law relating to the public health and being applicable to such public eating or drinking place or food establishment, or of any of the terms, conditions or provisions of the license by the licensee or by any person whose activities or employment are regulated by this chapter. Notice of suspension or revocation and the reason therefor, as well as any required notice of hearing, shall be given in writing to the licensee or to any employee at the address contained in the license. Suspension of license shall be terminated when the violation for which it was imposed has been found, upon inspection, to have been corrected. Whenever a license is suspended or revoked, no part of the fee paid therefor shall be returned to the holder.

§ 103-3. Employees: communicable diseases.

- A. No proprietor shall hereafter keep in his employ any employee known to be afflicted with disease in communicable form. No proprietor or manager of any establishment covered in this chapter shall employ or continue to employ any person as a food handler if such proprietor or manager has a valid reason to suspect such person is afflicted with disease in a communicable form.
- B. The Health Officer shall have full power and authority at any time to require such examination and tests as may be necessary to determine whether any food handler has a disease in a communicable form or is a carrier of a communicable disease. It shall be the duty of any food handler to submit to such examinations at the request of the Health Officer, at the expense of the food handler, and any food handler who shall refuse to submit to such examination shall not be employed or continued as a food handler in any public eating and/or drinking place or food establishment in the borough.
- C. Disease control. No person who is afflicted with any disease in a communicable form or is a carrier of such disease shall work in a public eating or drinking place or food establishment, and the proprietor of such place shall not employ such person or persons suspected of being afflicted with any disease in a communicable form or being a carrier of such disease. If the proprietor suspects any employee has contracted any such disease in a communicable form or has become a carrier of such disease, he shall notify the Borough of Berwick Health Officer immediately.
- D. Procedure when infection is suspected. Where there is reasonable ground for the Health Officer to suspect there is transmission of infectious disease from any employee of a public eating or drinking place or food establishment to the public, the Health Officer is authorized to require the proprietor of the said eating or drinking place or food establishment to forthwith carry out any of the following measures:

- (1) The immediate exclusion of the employee from the said public eating and drinking place or food establishment.
- (2) The immediate closing of the public eating or drinking place or food establishment until the danger of disease outbreak ceases to exist.
- (3) Adequate medical examinations of the employee and his associates, including appropriate laboratory examinations.

§ 103-4. Cleanliness and ventilation.

- A. Floors. The floors of all rooms in which food or drink is prepared or stored or in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair. In the case of all new establishments, the floors of all rooms in which food or drink is prepared or stored or in which utensils are washed shall be constructed of material impervious to water and shall be provided with a sanitary base and with adequate and sufficient drains to permit cleaning.
- B. Walls and ceilings. Walls and ceilings of all rooms in which food and drink are prepared, served or stored or utensils are washed or stored shall be kept clean and in a sanitary condition. The walls of all such rooms shall have a smooth, washable surface and shall be finished in a light color. No paper or oilcloth coverings are permitted on walls of kitchens and food preparation rooms.
- C. Kitchen. The rooms in which food is prepared shall be of adequate size and construction to permit easy cleansing and unhampered performance of all kitchen operations.
- D. Utensils and equipment. All eating and cooking utensils and all showcases and display cases or windows, counters, shelves, tables, booths and refrigerating and other equipment shall be of a sanitary design and construction and so located as to be easily cleaned and shall be kept clean and in a sanitary condition. Plates, cups, saucers, dishes, crockery or chinaware which are cracked, chipped or broken shall not be used to contain food or drink.
- E. Doors and windows. When flies are prevalent, all openings into the outer air shall be effectively screened (April 1 to December 1) with not less than sixteen-mesh wire. Doors shall be self-closing unless other effective means are provided to prevent the entrance of flies. All screen doors shall open outward.
- F. Lighting. All rooms in which food or drink is prepared or in which utensils are washed shall be well lighted with adequate natural or artificial lighting.
- G. Ventilation. All rooms in which food or drink is prepared or served or in which utensils are washed shall be well ventilated. There shall be openings to the outer air at least equal to 5% of the floor area. In the case of artificial ventilation where food is prepared, facilities must be provided for at least eight air changes per hour. In no case shall recirculation of air be permitted. All rooms in which food or drink is served shall be provided with at least five air changes per hour and not more than 50% of recirculated air shall be permitted. All cooking units shall be hooded and vented to the outside air by forced draft; provided, however, that the latter requirement shall not apply to a simple bread toaster or coffee urn.

When cooking units are vented to the outside air, the vents shall be carried above the highest window of said building.

§ 103-5. Toilet facilities.

- A. All public eating, drinking and food establishments shall provide separate toilet facilities for each sex:
- B. Toilet rooms. Toilet rooms shall not open directly into any room in which food or drink is prepared, handled or served. An intervening vestibule of at least three feet by three feet shall be provided. The doors of all toilet rooms and vestibules shall be self-closing. Toilet rooms shall be kept clean, in good repair, well lighted and properly ventilated by exterior windows or mechanical means. The walls and ceilings shall be of a smooth, washable surface and shall be finished in a light color.
- C. Hand-washing facilities with running hot and cold water, sanitary towels and soap shall be in or adjacent to the toilet rooms. The use of the common towel is prohibited. Handwashing signs shall be posted in each toilet room used by food handlers. No food handler shall return to work after using the toilet without first washing his hands.
- D. Lavatory facilities. All kitchens, stands and counters where food is prepared shall be equipped with or have adjacent thereto separate hand-washing facilities for washing and cleansing of the hands, equipped with running hot and cold water, soap and sanitary towels.

§ 103-6. Water supply; cleansing and sterilizing.

- A. In all public eating and drinking places, when dish or utensil washing is done by other than mechanical means, no less than three-compartment sinks shall be provided and equipped with running hot and cold water, with a drainboard of a material impervious to moisture affixed to each end of each unit.
 - (1) Wash: water 110° F. to 130° F.
 - (2) Rinse: warm water.
 - (3) Sanitize: water 180° F. for two minutes; or with a chemical such as hypochlorite compounds or chlorine containing compounds of equal efficiency at a minimum concentration of 100 parts per million for at least 30 seconds; iodophorm compounds at a minimum concentration of 12.5 parts per million for at least 30 seconds; or quaternary ammonium compounds at a minimum concentration of 200 parts per million for at least 30 seconds.
- B. Cleaning and bactericidal treatment of utensils and equipment. All equipment, including display cases or window counters, shelves, tables, refrigerators, stoves, hoods or sinks, shall be kept clean and free from dust, dirt, insects and other sources of contamination. All clothes used by waiters, chefs and other employees shall be kept clean. All eating and drinking utensils, except single-service utensils, shall be thoroughly cleaned and subjected to an approved bactericidal process after each use, and at the time of service to the public, be thoroughly clean and sterilized. All multiuse containers and utensils used in the

preparation, cooking and serving of food and drink shall be thoroughly cleaned and subjected to an approved bactericidal process immediately following the day's operation. Towel drying is not permitted.

- C. Storage and handling of utensils and equipment. After cleaning and sterilizing, all utensils and equipment must be stored above the level of the floor in a clean, dry place, protected from flies, dust or other contamination, and no utensils shall be handled except in such a manner as to prevent contamination. Single-service utensils shall be purchased only in sanitary containers and shall be stored therein in a clean, dry place until used and shall be handled in a sanitary manner. Kitchens shall be used only for cooking and storage of food products, kitchen, cooking or eating utensils and equipment in use.

§ 103-7. Disposal of waste.

All liquid waste resulting from the cleansing and rinsing of utensils and floors, from flush toilets and lavatories must be disposed in a public sewer. All garbage must be stored in nonleaking metal containers with tight-fitting lids or in an approved waste material storage room and be covered at all times. Garbage and other waste material must be removed from the premises as often as necessary to prevent a nuisance and disposed of in a manner to be approved by the Board. All garbage and waste material receptacles must be washed and emptied and treated with disinfectant if necessary to prevent a nuisance. Adequate can-washing facilities shall be provided.

§ 103-8. Refrigeration.

All readily perishable food and drink shall be kept at temperatures lower than 40° F. except when being prepared or served. All refrigerators must be equipped with an indicating thermometer and maintained in a clean and sanitary condition.

§ 103-9. Wholesomeness of food and drink.

- A. All food and drink shall be wholesome and free from spoilage. All milk, ice cream and other frozen dairy products shall be from sources approved by this Board. Milk must be served in or from the half-pint container in which it was received from the distributor or by other methods approved by the Board. This requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved by the Board. In the case of milk drinks, the milk used shall include the entire contents of the original container. No part or parts of food previously served to a customer can again be served in any form to other customers. This requirement includes the remaining portions of crackers, cream, bread, slaw, unused salads, butter, jellies and other foods which are not served in tightly covered dispensers, or any other parts of other foods that have been served as a part of a meal and with which there has been possible human contact.
- B. No cream puffs, eclairs, napoleons, cream pies, cream-filled layer cakes and similar products containing custard or whipped cream shall be sold or stored unless kept in a storage compartment, the maximum temperature of which is not greater than 40° F.

- C. All oysters, clams and mussels shall be from approved sources. The shells of shellfish used for service cannot be reused. All ice shall be from an approved source.

§ 103-10. Storage and display of food and drink.

All food and drink shall be stored, handled, cooked, processed, prepared, displayed or dispensed as provided for in this chapter. Sugar served in all public eating and drinking places shall be dispensed from containers which provide protection against dirt, dust and any other contamination due to human handling, except in the case of lump or packaged sugar which is individually wrapped. Unwrapped or otherwise unprotected displayed food which is subject to contamination through public handling, coughing or sneezing shall be protected by means of glass or similar partitions or through other approved means.

§ 103-11. Cleanliness of food handlers.

All food handlers shall wear clean garments and shall keep their hands and fingernails clean at all times when engaged in handling of food, drink, utensils or equipment. All female employees shall wear hairnets. All male employees shall wear caps while engaged in the preparation of food. All food handlers who in any manner come in contact with or handle food shall, before beginning work, thoroughly wash their hands with soap and water. No employee shall use tobacco in any form while engaged in the handling of food and drink.

§ 103-12. Insect and rodent control.

All persons engaged in the operation of any public eating and drinking place or food establishment shall be required to take all necessary precautions to keep the premises free of rats and vermin. In the case of rat or vermin infestation, operators shall report such infestation to this Board for the purpose of procuring proper advice and instructions in order to eliminate the nuisance. In the case of all new establishments, all rooms in which food and drink are prepared, stored or served shall be of a ratproof construction.

§ 103-13. Right of entry.

Any official representative of this Board, in the performance of any duty imposed by this chapter, shall have full access to any place, container or conveyance used in the production, preparation, manufacture, packing, storage, transportation, handling, distribution or sale of any food. He shall be entitled to make an examination, open any package or container and take therefrom a sample for analysis of any food manufactured, sold, exposed for sale or found to be in possession of the proprietor in violation of any provisions of this chapter.

§ 103-14. Procuring samples of food.

- A. Every person who shall distribute or sell, or offer for distribution or sale, or have in his possession any food shall, on request and tender of the value by an official representative

of this Board, deliver as much thereof to such representative as may be requested as a sample.

- B. If such request is not immediately complied with, this Board or its official representative may demand and take as much of the food as it may think necessary, tendering to the person in charge what it deems to be its reasonable value.
- C. At no time shall a proprietor have in his possession, either for sale or not for sale, food which is unfit and is likely to cause illness or transmit disease. When, in the opinion of this Board or its official representative, such food exists, it shall be ordered denatured, removed and disposed of. It shall be the duty of the owner or person in charge of such substance to remove immediately and dispose of it, at his own expense, according to the direction of this Board. In case the owner or person in charge shall fail to remove immediately and dispose of such substance as ordered, the same shall be caused to be denatured, removed and disposed of by this Board at the expense of the owner or person in charge.

§ 103-15. Personnel.

- A. **Personnel cleanliness.** Every food handler shall wear clean outer garments, shall maintain personal cleanliness, shall keep hands and fingernails clean at all times while engaged in handling food, drink, utensils or equipment. No employee shall use tobacco in any form while engaged in the handling of food or drink.
- B. **Disease control.** No person suffering from a communicable disease transmissible through food or drink or who is known to be a carrier of the organisms causing such disease, and no person suffering from a local infection transmissible through food, shall be employed in any food establishment at which food or drink is prepared or dispensed. The provisions of § 103-3A, C and D of this chapter shall apply to all persons employed in food establishments.
- C. **Locker spaces.** Soiled linens, aprons and other articles used in the preparation, storage or handling of food or drink shall be kept in verminproof containers provided for the purpose. Clothing shall not be hung or placed in proximity to exposed food or drink. When required by the Health Officer, suitable and adequate rooms for changing clothes and locker space shall be provided.

§ 103-16. Protection of food.

- A. **General.** No food or drink shall be kept, sold, offered for sale, manufactured, cooked, processed, prepared, displayed, dispensed or transported unless it shall be protected at all times from dust, dirt, flies, vermin, handling, droplet infection, overhead leakage or other contamination. Such food or drink shall be subjected to or maintained at such temperatures while being kept, displayed, transported or offered for sale as shall prevent undue or abnormal deterioration, decomposition or spoilage. Food displayed or exposed for retail sale shall be at least 24 inches above the floor unless it is completely covered or enclosed.
- B. All deliveries of perishable foods to food establishments shall be made inside the store unless food is stored in containers approved by this Board.

§ 103-17. Utensils and equipment.

- A. All sinks shall be equivalent to or in excess of the specifications in the National Sanitation Foundation Standards.
- B. Accepted method for hand dishwashing: three-compartment sink.
 - (1) Wash: water 110° F. to 130° F.
 - (2) Rinse: warm water.
 - (3) Sanitize: water 180° F. for two minutes; or with a chemical such as hypochlorite compounds or chlorine containing compounds of equal efficiency at a minimum concentration of 100 parts per million for at least 30 seconds; quaternary ammonium compounds at a minimum concentration of 200 parts per million for at least 30 seconds; or iodophorm compounds at a minimum concentration of 12.5 parts per million for at least 30 seconds.

§ 103-18. Mechanical dishwashing.

- A. The mechanical dishwashing installation shall be of an approved method. Heating facilities and thermostatic controls to provide hot water at a minimum temperature of 180° F. for the final rinse shall be provided on mechanical dishwashing equipment. Each mechanical dishwashing machine shall be equipped with accurate thermometers.
- B. The proprietor of the eating and drinking establishment shall have available upon the premises of the eating and drinking establishment the original container in which the chemical sanitizer currently employed was received from the distributor.

§ 103-19. Cleansing process.

- A. In all food establishments, adequate cleansing of utensils is required. An adequate supply of running hot and cold water under pressure of not less than 15 pounds per square inch, an adequate supply of suitable cleanser and suitable and adequate facilities for the cleansing, disinfecting and storage of utensils shall be provided.
- B. Water supply. Running hot and cold water under pressure of not less than 15 pounds per square inch shall be easily accessible to all rooms in which food is prepared or utensils washed and shall be adequate and of a safe, sanitary quality as provided.
- C. Waste containers. In every food establishment, adequate and suitable metal containers with tight-fitting lids shall be provided and used to receive waste and refuse. All refuse shall be removed from the premises daily so as not to create a nuisance.

§ 103-20. Refrigeration; temperatures maintained.

- A. Adequate refrigeration shall be provided at all times for all perishable food and drink. Refrigerators shall be maintained in good repair and in a clean and sanitary condition.
- B. The following temperatures shall be maintained at all times:

Foods	Temperatures
Frozen foods	0° F. or below
Meat and meat products, cooked food of animal origin, milk and milk products and other perishable food	40 °F. or below
Seafood and fresh poultry	32° F. or below

- C. Indicating thermometers shall be provided in all refrigerated cases and shall be so located as to indicate an accurate temperature reading in the upper $\frac{1}{4}$ part of the refrigerated storage section.

§ 103-21. Meat and meat products.

- A. No meat or meat products shall be offered for sale, displayed, sold or kept in any food establishment unless such products shall have first been inspected and approved by an authorized agent of either the Bureau of Animal Industry, United States Department of Agriculture, or the Bureau of Animal Industry, Pennsylvania Department of Agriculture. This Board may, at its discretion, permit the sale of meat or meat products which have been inspected and approved by a duly authorized agent, who is a qualified and licensed veterinarian, appointed under an ordinance of a municipality of this commonwealth, provided that the procedure followed in conducting inspections, including the facilities for making the same, the requirements with respect to the sanitation of the establishment and the marking, branding or identifying meat products, shall conform to the regulations of the United States Department of Agriculture or the Pennsylvania Department of Agriculture.
- B. All meat or meat products offered for sale, displayed, sold or stored in any food establishment shall be marked in a clear and legible manner with the official meat inspection legend, as provided in the foregoing Subsection A.
- C. Any slaughtering, meat-canning, curing, smoking, salting, packing, rendering or other similar establishment where meat or meat products are prepared for sale in the borough, regardless of whether such establishment is located within the borough, shall be subject to inspection by this Board.

§ 103-22. Shellfish.

- A. No oysters, clams or other shellfish shall be sold or offered for sale in the borough unless such shellfish shall have been produced and shipped in conformity with the regulations of the state in which they were grown or packed and unless the shipment shall be accompanied by tag, label or other mark approved by the Pennsylvania Department of Health showing the shipper has been duly certified by the state in which his plant is operated, such certificate having been approved by the United States Public Health Service for shipments in interstate commerce.
- B. All shellfish shippers, reshippers, packers and wholesalers shall keep for 60 days an accurate record of the source, date and quantity of all lots of shellfish received and the

name and address of the consignee to whom each lot or part thereof is consigned, with the date and quantity, in order that lots of shellfish dispensed may be identified with corresponding lots of shellfish received. When an original shipment of shellfish is broken down into smaller lots, each lot shall have attached thereto a split log tag of the type approved by the Pennsylvania Department of Health. The said records shall be subject to inspection by the Health Officer. All retailers shall keep an accurate record, subject to such inspection, of the source, date and quantity of all lots of shellfish received.

- C. Shellfish shall be so handled and stored as to maintain them in a clean, wholesome condition.
- D. Shell stock (shellfish not removed from the shell) shall be shipped in clean containers, each container having an approved tag attached thereto as provided in Subsection B hereof. Bulk shipment by truck or can is prohibited.
- E. All establishments in which shellfish are shucked, washed, packed, repacked, stored or otherwise handled shall conform to all the provisions of this chapter and the rules and regulations of the Board.
- F. All rooms in which shucked oysters are washed, packed, repacked, stored or otherwise handled shall be separate and apart from the rooms in which oysters are shucked.
- G. Such establishments shall be provided with an ample and convenient supply of pure cold water for washing the shucked stock and flushing purposes and hot water for cleansing receptacles and utensils.
- H. All receptacles in which shucked stock is placed and other utensils which come into contact with the shucked stock shall be noncorroding material with smooth surface and of such shape as will facilitate thorough cleansing. They shall be cleansed before use.
- I. Shucked stock shall be thoroughly washed in pure cold water and subsequent to such washing shall not be handled except with clean utensils.
- J. Shucked stock shall be packed in clean containers sealed in such a manner that any tampering will be easily discernible and marked with the name, address and identification mark of the packing establishment, together with the quantity of shellfish contained therein.
- K. Proper refrigeration shall be provided in all places where shucked stock is kept and during shipment. The cooling of shellfish stock to a temperature of 40° F. or less shall be effected within two hours after the shellfish is shucked. No ice or other foreign substances shall be allowed in contact with the shucked stock.

§ 103-23. Custard-filled pastries; perishable foods.

- A. Restriction of sale. No custard-filled and whipped-cream pastry shall be kept, offered for sale or sold except on the day of manufacture thereof. The day of manufacture shall be the day on which manufacture is completed, but may include not more than two hours preceding 12:00 midnight of the previous day.

- B. **Manufacture.** The entire custard mix to be used in the manufacture of custard-filled pastry shall be brought to and held at a temperature of not less than 200° F. continuously for not less than 10 minutes and, within one hour thereafter, placed in a refrigerating temperature of not over 40° F. and kept at or below such temperature until applied to the pastry.
- C. **Holding temperature.** No custard-filled or whipped-cream pastry shall be kept, displayed, offered for sale or transported unless immediately after manufacture it shall have been cooled to and maintained at all times at a temperature of 40° F. or lower, in clean containers filled to a depth of not more than three inches. Other perishable foods shall be held either at a temperature of 40 °F. or lower or at a temperature of 150° F. or higher.
- D. **Packaging and labeling.** No custard-filled pastry shall be sold either wholesale or retail or transported for retail delivery unless it shall be wrapped or packaged so as to protect the contents from contamination. Such wrapper or package shall bear prominently on the outside thereof, in legible letters, the name of the manufacturing baker, the day of manufacture and the following statement: "Refrigerate and consume today."
- E. **Condemnation.** Custard-filled or whipped-cream pastry or perishable food manufactured, kept, displayed or served in violation of § 103-24 of this chapter is hereby declared to be dangerous to the public health and, as such, subject to condemnation by an authorized representative of this Board.
- F. **Transportation of bakery products.** No person shall transport or deliver bakery products unless such products are fully enclosed in a clean and sanitary container. Multiple-use containers shall be of such design and construction as to facilitate cleaning and shall be kept clean and sanitary. The reuse of cardboard or paper containers or liners is prohibited.

§ 103-24. Condemnation and embargo.

Such samples of food, drink, ingredients, containers or any substance used in connection with the preparation of food or drink may be taken by a duly authorized representative of this Board for examination as often as may be deemed necessary for the detection of an impure or unsanitary condition. Any food or drink or any substance used in connection with the preparation of food or drink sold, offered for sale or kept may be condemned, removed or destroyed by or under the direction of a duly authorized representative of this Board if, in the judgment of such representative, such food, drink or substance is decomposed, impure, unfit for human consumption or dangerous to the public health. Any such food, drink or other substance may be stopped from sale or use and placed under an embargo by such representative of this Board for such reasonable period of time as may be required to make investigation or examination if such may be necessary and such food, drink or other substance shall not be used, removed, destroyed or otherwise disposed of while under such embargo except by or under the direction of a representative of this Board.

§ 103-25. Closure.

Whenever the proprietor of a public eating or drinking place or food establishment shall fail to keep his public eating or drinking place or food establishment in a sanitary condition, or whenever food or drink or the sale of the same is likely to cause or transmit disease, this Board,

upon proper notification, shall order closed such public eating or drinking place or food establishment until it shall have been put in a sanitary condition or until the food or drink or the sale of the same shall be no longer likely to cause any illness or transmit disease. The proprietor of the public eating or drinking place or food establishment, when so ordered, shall immediately comply with and obey such order and shall not conduct further operation until permission has been granted by this board.

§ 103-26. Violations and penalties.

Any person, firm or corporation who violates any provision of this chapter or any rule or regulation shall, upon summary conviction before any District Justice, be liable to a fine of not less than \$10 nor more than \$300 and in default of payment thereof, shall be committed to the county jail for a term not exceeding 30 days. Whenever such person, firm or corporation shall have been officially notified in writing by the Health Officer or by service of a summons in a prosecution or in any other official manner that he is committing a violation of this chapter and rules and regulations of the Board of Health, each day that said person, firm or corporation shall continue in violation thereof shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now collected by law.

ARTICLE II
Rules and Regulations

§ 103-27. Promulgation of rules and regulations.

The Board of Health of the Borough of Berwick, pursuant to the authority vested in it by law and approved by the Berwick Borough Council, promulgates the following rules and regulations:

- A. The premises of all public eating places, drinking places and food establishments shall be kept clean and free of litter or rubbish.
- B. No sleeping facilities or domestic activities shall be permitted in any room which is part of or which opens into any room where food is prepared, stored or served or in which utensils are washed and stored.
- C. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean.
- D. Soiled linens, coats and aprons shall be kept in verminproof containers provided for this purpose.
- E. No public eating or drinking place or food establishment shall be located in any cellar, basement or other place below the natural surface of the ground, except with the written permission of this Board.
- F. Bulk ice cream cannot be dispensed unless running water is provided next to the cabinet containing the ice cream. The utensils used in dispensing bulk ice cream must be sterilized frequently, washed by running water after each usage and kept dry when not in use.

- G. No article, polish or any substance containing any cyanide preparation or other poisonous materials shall be used for the cleaning, disinfecting or polishing of utensils or containers used in preparation or handling of any food or drink.
- H. No substance containing any cyanide, fluoride, lindane or other poison shall be kept or used as an insecticide or exterminator in any place where food and drink are exposed during sale, preparation, holding or handling or in such manner as to contaminate such food or drink.
- I. No person shall bring or permit to be brought into the dining room, kitchen or storeroom of any public eating or drinking place or food establishment any dog, cat or other animal. This section shall not apply to a blind person led by a trained dog nor a police officer utilizing a trained dog in the performance of his duties.
- J. No live animals or fowl shall be permitted or kept in any room where food or drink is stored, prepared, handled or served.
- K. No food or drink which is impure, decomposed or dangerous to the public health or which has been manufactured, cooked, processed, prepared, handled or stored and does not comply with and conform to the requirements of this chapter and rules and regulations shall be kept, sold or offered for sale for human consumption.
- L. No unlabeled canned goods or cans showing rust, leakage or evidence of internal pressure shall be offered for sale or given away.

§ 103-28. Revision and amendments.

The Borough Council reserves the right to, and may from time to time, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the Board of Health, and all such rules and regulations shall be and become a part of this chapter.