

ORDINANCE NO. 2024-XXX
AN ORDINANCE TO REPEAL CHAPTER 21 EATING AND DRINKING ESTABLISHMENTS OF THE VILLAGE CODE FOR THE VILLAGE OF BLISSFIELD.

WHEREAS, the Village Council has established council goals and objectives with one of them being to update ordinances; and

WHEREAS, the following ordinance is overlap from the health department; and

WHEREAS, the following ordinance requirements are not fully being met due to staffing; and

WHEREAS, the following ordinance repeal would remove the ordinances; and

NOW, THEREFORE, be it ordained by the governing body of the Village of Blissfield, Michigan that Chapter 21 be repealed following passage and publication to repeal hereinafter specified:

~~21.000—EATING AND DRINKING ESTABLISHMENTS~~

REPEALED DATE

~~21.001—Definitions.~~

~~Sec. 1. The following definitions shall apply in the interpretation of this Chapter:~~

~~(a) Restaurant shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale on the premises or elsewhere.~~

~~(b) Employee shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.~~

~~(c) Utensils shall include any kitchenware, tableware, glassware, cutlery, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.~~

~~(d) Health Officer shall mean the person designated to act as Village Health Officer.~~

~~(e) Clerk shall mean the Village Clerk.~~

~~21.002—Sanitation requirements for restaurants.~~

~~Sec. 2. All restaurants shall comply with all of the following items of sanitation:~~

~~(a) Floors. The floors of all rooms in which food or drink is stored, prepared, or served, 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.~~

~~(b) Walls and ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface.~~

~~(c) Doors and windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing unless other effective means are provided to prevent the entrance of flies.~~

~~(d) Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.~~

(e) Ventilation. All rooms in which food or drink is stored or prepared, or served, or in which utensils are washed, shall be well ventilated.

(f) Toilet facilities.

(1) Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees, conforming with Chapter 8001 [current Building Code is Chap. 8000 (190.000)] of this Code and the State Plumbing Code. Toilet rooms shall not open directly into any food processing room. The doors of all toilet rooms shall be self closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees.

(2) All toilet rooms shall be properly vented by exterior windows or mechanical means to the outside air.

(3) All toilet rooms and passageways leading to the same shall be well lighted.

(4) All toilet rooms shall be kept clean. Sanitary toilet paper shall be provided.

(5) Establishments serving alcoholic beverages shall provide proper and adequate toilet facilities for patrons. Separate toilet facilities shall be provided for each sex, and adequate urinals shall be provided in men's toilets.

(g) Lavatory facilities. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap and dispenser, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

(h) Water supply. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be from the Village Water System.

(i) Construction of utensils and equipment. All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used; provided, that solder containing lead may be used for jointing.

(j) Cleaning and bactericidal treatment of utensils and equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once. All multi-service eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose. No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

(k) Storage and handling of utensils and equipment. After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(l) Disposal of wastes. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

(m) Refrigeration. All readily perishable food and drink shall be kept at or below 50 deg; F. except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

(n) Wholesomeness of food and drink. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in

the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

(o) Storage, display, and serving of food. All food and drink shall be stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

(p) Cleanliness of employees. All employees shall wear clean garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

(q) Miscellaneous. The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

21.003 – Examination and condemnation of food.

Sec. 3. Samples of food, drink, and other substances may be taken and examined by the Health Officer as often as may be necessary for the detection of unwholesomeness or adulteration. The Health Officer may condemn and forbid the sale of, or cause to be removed or destroyed any food or drink which is unwholesome or adulterated.

21.004 – Licenses.

Sec. 4. No person shall operate a restaurant in the Village who does not possess an unrevoked license of current issue granted in accordance with Chapter 7000 [20.000] of this Code. No such license shall be granted except upon certification of the Health Officer. Only persons who comply with the requirements of this Chapter shall be entitled to receive and retain such a license. The fee for such license shall be due in full as adopted annually in the Village of Blissfield Schedule of fees. (Amended: 9-27-21(a))

21.005 – Enforcement.

Sec. 5. The Health Officer shall have the authority and duty to enforce this Chapter.

21.006 – Inspections.

Sec. 6. At least once every six months, or as often as necessary, the Health Officer shall inspect every restaurant located within the Village. The Health Officer shall have authority to enter any building or part thereof which is used, or which he has reason to believe is used for the storage, preparation, sale, serving or distribution of food or drink for human consumption to inspect the premises, furniture, equipment, dishes or utensils used therein, to determine whether or not the sanitary requirements of this Chapter are complied with.

21.007 – Violations.

Sec. 7. If, on inspection, the Health Officer finds any violation of the requirements of this Chapter, he shall issue an order to the licensee or person in charge of the restaurant directing the correction of such violation within such reasonable time as he shall deem proper.

21.008 – Failure to correct violations.

~~Sec. 8. If the Health Officer finds a continuation of the violation upon a second inspection after such reasonable time, he shall suspend the license of the restaurant until such violations have been corrected.~~

~~21.009— Immediate suspensions.~~

~~Sec. 9. If the Health Officer finds insanitary conditions in any restaurant such that it would be immediately dangerous to the health of the general public, he may immediately suspend the license of and close the restaurant until such insanitary conditions are corrected, following which he shall give a written notice in a reasonable time to the licensee or the responsible representative in charge stating his reasons for closing the restaurant. A continuance to operate after receipt of such written notice shall constitute a violation of this Code.~~

~~21.010— Disease control.~~

~~Sec. 10. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health Officer immediately.~~

~~21.011— Procedure when infection suspected.~~

~~Sec. 11. When suspicion arises as to the possibility of transmission of infection from any restaurant employee the health Officer is authorized to require any or all of the following measures:~~

- ~~(a) The immediate exclusion of the employee from all restaurants;~~
- ~~(b) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Health Officer;~~
- ~~(c) Adequate medical examinations of the employee and his associates, with such laboratory examinations as may be indicated.~~

Yeas:

Nays:

Absent:

PASSED, APPROVED AND REPEALED this 22nd day of January, 2024.

Council Public Hearing Publication:

Council Public Hearing:

Ordinance Adoption Publication: