

Submitted by: Chair of the Assembly at the  
Request of the Acting Mayor  
Prepared by: Department of Health and  
Human Services  
For reading: March 24, 2009

**ANCHORAGE, ALASKA  
AO No. 2009-40**

1 **AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE CHAPTER**  
2 **16.60 REGARDING THE ANCHORAGE FOOD CODE AND REPEALING THE**  
3 **ANCHORAGE MUNICIPAL CODE OF REGULATIONS 16.60 REGARDING**  
4 **FOOD AND FOOD FACILITIES AND RE-ENACTING CHAPTER 16.60 AND**  
5 **AMENDING THE FINE SCHEDULE IN SECTION 14.60.030.**

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7 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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9 **Section 1.** Anchorage Municipal Code chapter 16.60 is hereby repealed in its  
10 entirety and re-enacted to read as follows:

11  
12 **CHAPTER 16.60 ANCHORAGE FOOD CODE.**

- 13  
14 16.60.010 Title, Purpose, Scope.  
15 16.60.020 Adoption of the 2005 FDA Model Food Code.  
16 16.60.030 Conflict between 2005 FDA Model Food Code and  
17 this chapter.  
18 16.60.040 Copies of the FDA Food Code on File.  
19 16.60.050 Definitions.  
20 16.60.060 Applicability.  
21 16.60.070 Food establishment permit required.  
22 16.60.080 Permit application requirements.  
23 16.60.090 Confidentiality of trade secrets.  
24 16.60.100 Plan review and pre-operation inspection.  
25 16.60.110 Fees.  
26 16.60.120 Service of notice.  
27 16.60.130 2005 FDA Model Food Code: Management and  
28 personnel.  
29 16.60.140 2005 FDA Model Food Code: Food.  
30 16.60.150 2005 FDA Model Food Code: Equipment, utensils,  
31 and linens.  
32 16.60.160 2005 FDA Model Food Code: Water, plumbing,  
33 and waste.  
34 16.60.170 2005 FDA Model Food Code: Physical facilities.  
35 16.60.180 2005 FDA Model Food Code: Poisonous or toxic  
36 materials.  
37 16.60.190 2005 FDA Model Food Code: Compliance and  
38 Enforcement (Variances and HACCP Plans).  
39 16.60.200 Water supply.

- 1 16.60.210 Ventilation.  
2 16.60.220 Temporary food establishments.  
3 16.60.230 Mobile food units and kiosks.  
4 16.60.240 Child care centers.  
5 16.60.250 Food processing plant.  
6 16.60.260 Alternative to parasite destruction.  
7 16.60.270 Certified food protection manager.  
8 16.60.280 Certified food worker.  
9 16.60.290 Compliance Inspections.  
10 16.60.300 Correction of violations.  
11 16.60.310 Detention and destruction of food.  
12 16.60.320 Summary permit suspension.  
13 16.60.330 Permit revocation.  
14 16.60.340 Notice of closure.  
15 16.60.350 Penalties and remedies.  
16 16.60.360 Appeal of penalties and remedies or a decision to  
17 deny, suspend, or revoke a permit, or to issue a  
18 notice of closure.

19  
20 **16.60.010 Title, Purpose, and Scope.**

- 21  
22 A. *Title:* These regulations may be known as the Anchorage Food  
23 Code.  
24  
25 B. *Purpose:* The purpose of the Anchorage Food Code is to safeguard  
26 public health by requiring food be safe, wholesome, unadulterated,  
27 and honestly presented.  
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29 C. *Scope:* The Anchorage Food Code establishes definitions; sets  
30 standards for management and personnel, food operations, and  
31 equipment and facilities; and provides for food establishment plan  
32 review, permit issuance, inspection, employee restriction, and permit  
33 suspension within the Municipality of Anchorage. Additional federal  
34 and state regulations may also apply.  
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36 **16.60.020 Adoption of the 2005 FDA Model Food Code.**

- 37  
38 A. The *Food Code, 2005 Recommendations of the United States Public*  
39 *Health Service/Food and Drug Administration* and the *Supplement to*  
40 *the 2005 FDA Food Code dated October 5, 2007* as published by the  
41 U.S. Department of Health and Human Services, Public Health  
42 Service, Food and Drug Administration hereinafter known as the  
43 "2005 FDA Model Food Code" is adopted and incorporated by  
44 reference as set forth in sections 16.60.050, 16.60.130, 16.60.140,  
45 16.60.150, 16.60.160, 16.60.170, 16.60.180, and 16.60.190.  
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- 1 B. Unless explicitly adopted and incorporated by reference herein, any  
2 future editions of the FDA Model Food Code are not adopted by this  
3 chapter.

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5 **16.60.030 Conflict between 2005 FDA Model Food Code and this**  
6 **chapter.**

7  
8 If there is a conflict between the 2005 FDA Model Food Code and the  
9 provisions of this chapter, the provisions of this chapter shall control.

10  
11 **16.60.040 Copies of the FDA Food Code on File.**

- 12  
13 A. At least one copy of the currently adopted and incorporated FDA  
14 Model Food Code shall be kept available for the public in the office of  
15 the municipal clerk.  
16  
17 B. At least one copy of the currently adopted and incorporated FDA  
18 Model Food Code shall be kept and available for the public by the  
19 department.

20  
21 **16.60.050 Definitions.**

- 22  
23 A. The definitions from the 2005 FDA Model Food Code paragraph 1-  
24 201.10(B) are adopted and incorporated by reference, except as  
25 otherwise modified or supplemented by this section as follows:  
26  
27 B. *Adulterated food* means food:  
28  
29 1. Bearing or containing a poisonous or deleterious substance  
30 which may render it injurious to health; but in case the  
31 substance is not an added substance the food is not  
32 considered adulterated under this paragraph if the quantity of  
33 the substance does not ordinarily render it injurious to health;  
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35 2. Bearing or containing added poisonous or added deleterious  
36 substance which is unsafe;  
37  
38 3. Consisting in whole or in part of a diseased, contaminated,  
39 filthy, putrid, or decomposed substance, or if it is otherwise  
40 unfit for food;  
41  
42 4. Produced, prepared, packed, or held under unsanitary  
43 conditions in which it may have become contaminated with  
44 filth, or in which it may have been rendered diseased, not  
45 wholesome, or injurious to health;  
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- 1 5. In whole or in part, the product of a diseased animal or an  
2 animal which has died otherwise than by slaughter, or that  
3 has been fed upon the uncooked offal from a slaughterhouse;  
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- 5 6. In a container composed, in whole or in part, of a poisonous  
6 or deleterious substance that may render the contents  
7 injurious to health;  
8
- 9 7. Potentially hazardous and held at temperatures not in  
10 compliance with the requirements set forth in this chapter; or  
11
- 12 8. Defined in the Federal Food, Drug, and Cosmetic Act part 402  
13 as adulterated.  
14

15 C. *Approved facility* means a non-permitted place other than a  
16 commissary or residence acceptable to the department for a specific  
17 activity or event in support of a temporary food establishment, or a  
18 mobile food unit.  
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20 D. *Bed and breakfast homestay* means a business located in an owner-  
21 or host-occupied, one-family dwelling where up to five guestrooms  
22 are provided for compensation as overnight accommodations for  
23 transient guests to whom a continental or cook-and-serve breakfast  
24 is customarily served and included in the charge for the room.  
25

26 E. *Caterer* means a food operation using a permitted food  
27 establishment to prepare food for service and consumption at  
28 another permitted food establishment or at a public or private event.  
29

30 F. *Change of ownership* means a transfer of fifty percent or more of the  
31 ownership of a food establishment.  
32

33 G. *Child care center* means a child care and educational center as  
34 defined in section 16.55.010.  
35

36 H. *Commissary* means a permitted food establishment where support  
37 services are provided to one or more caterers, vending machines,  
38 mobile food units, or temporary food establishments; these support  
39 services may include:  
40

- 41 1. Food preparation, handling, packaging, or storage;  
42
- 43 2. Storage of utensils, including single-service items, or supplies;  
44
- 45 3. Washing, rinsing, and sanitizing of equipment and utensils;  
46

- 1 4. Storage of a mobile food unit when the unit is not in use;
- 2
- 3 5. Cleaning of a mobile food unit; or
- 4
- 5 6. Supplying potable water or dumping wastewater.
- 6

7 I. *Contamination* means contact with dust, insects, rodents, or other  
8 pests, unsanitary equipment or utensils, coughing, sneezing, spitting,  
9 unnecessary handling, flooding, draining, leakage from overhead,  
10 condensation, poisonous or toxic materials, or any substance,  
11 organism, or entity that might threaten public health;

12  
13 J. *Continental breakfast* means a morning meal consisting of ready-to-  
14 eat packaged products from approved sources such as pastries, cold  
15 cereals, dairy products, juices, coffees and teas, and cut fruit.

16  
17 K. *Cure or curing* means to preserve by means of salting, smoking, or  
18 aging.

19  
20 L. *Custom processing* means the processing of a consumer's sport-  
21 caught fish or game for the consumption by that consumer, and not  
22 for subsequent sale or distribution in commerce for human  
23 consumption.

24  
25 M. *Department* means the Municipality's Department of Health and  
26 Human Services.

27  
28 N. *Director* means the director of the department or the director's  
29 designee.

30  
31 O. *Event* means an organized occurrence promoted for a special  
32 purpose with a definite time limit, and generally includes other  
33 activities besides food sales.

34  
35 P. *Event coordinator* means any person, group, association, business  
36 or individual offering space for lease or rent to a temporary food  
37 establishment.

38  
39 Q. *Extensively remodeled* means an alteration of the basic floor plan  
40 where substantial construction, building or repair of a permitted food  
41 establishment materially affects a food preparation area,  
42 dishwashing area or other feature of the permitted food  
43 establishment regulated by this title.

44  
45 R. *Farmers' market* means a seasonal market where the main purpose  
46 is to provide an opportunity for producers to sell agricultural products

1 directly to consumers.  
2

3 S. *Food demonstration* means to prepare and serve without charge  
4 samples of food to promote the sale of that food or associated food  
5 preparation equipment.  
6

7 T. *Food establishment* means an operation where any activity occurs  
8 related to the preparation, processing, packaging, storage,  
9 transportation, display, sale, service, or salvaging of food for  
10 consumers.  
11

12 U. *Food processing plant* means a type of food establishment that  
13 manufactures, packages, labels or stores food for wholesale  
14 distribution.  
15

16 V. *Herb vinegar* means commercial vinegar where a small amount of  
17 one or more herbs is added, with a resultant pH not significantly  
18 different from the original vinegar prior to adding the herb.  
19

20 W. *Imminent health hazard* means a condition including, but not limited  
21 to, an extended loss of a potable water supply, an extended power  
22 outage, a sewage backup into a food establishment or onto the  
23 grounds of a food establishment, a natural disaster, one or more  
24 employees sick with a disease communicable by food, a major insect  
25 or rodent problem, a foodborne outbreak, an extended loss of hot  
26 running water under pressure provided to all plumbing fixtures, or  
27 any other condition with the potential to adversely affect public  
28 health, as determined by the director.  
29

30 X. *Inspector* means any officer, agent or employee of the department  
31 authorized to act for the department with respect to the enforcement  
32 and administration of this chapter.  
33

34 Y. *Kiosk* means a type of permitted food establishment in a semi-  
35 permanent structure constructed on a nonpermanent foundation.  
36

37 Z. *Mobile food unit* means a type of permitted food establishment  
38 located in a vehicle, trailer, or pushcart that:  
39

- 40 1. Is capable of easily moving daily for servicing of water and  
41 wastewater holding tanks;
- 42 2. Operates out of an commissary or other approved facility  
43 (unless the unit is a self-contained mobile food unit);  
44
- 45 3. Has a menu usually restricted to service of specific food;  
46

- 1  
2 4. A mobile food unit, other than a pushcart, shall:  
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4 a. Be capable of being licensed by the state as a motor  
5 vehicle; and  
6  
7 b. Be capable of moving without special conditions, such  
8 as a pilot car, flagging, restricted hours of movement,  
9 or a state motor vehicle permit.  
10  
11 c. A unit is not considered as a "mobile food unit" if it  
12 does not completely retain its mobility or is connected  
13 to water or sewer.  
14

15 AA. *Mobile retail unit* means a type of permitted food establishment  
16 operated out of a vehicle or trailer, licensed by the state as a motor  
17 vehicle, with packaged retail food items or whole or packaged  
18 seafood available for sale.  
19

20 BB. *Operator* means the owner, permit holder, manager, or supervisor of  
21 a permitted food establishment.  
22

23 CC. *Operation* means a distinct food preparation or food service process  
24 wholly separable from other food preparation or food service  
25 processes.  
26

27 DD. *Pushcart* means a wheeled, non-motorized mobile food unit,  
28 manually movable by one or two persons, capable of easily moving  
29 daily, operating out of a commissary, and containing on or within the  
30 cart sufficient food, utensils, paper products, cleaning supplies,  
31 potable water supply, and wastewater holding capacity necessary for  
32 operating daily, except a pushcart may use one additional ice chest  
33 and one additional barbecue grill placed immediately adjacent to the  
34 street pushcart.  
35

36 EE. *Reasonable hours* means all hours of operation including periods of  
37 food preparation and receiving, stocking or storing of foods.  
38

39 FF. *Snack* means food served consisting of:  
40

- 41 1. Pre-packaged non-potentially hazardous food from an  
42 approved source and requiring minimal handling;  
43  
44 2. Fruits and vegetables requiring only washing, peeling or  
45 single-service utensils for service;  
46

- 1 3. Commercially packaged individual containers of milk; or
- 2
- 3 4. Commercially packaged, previously unopened and adequately
- 4 stored bulk containers of milk and 100 percent fruit juice
- 5 dispensed during a single meal service into single-service
- 6 containers.
- 7

8 GG. *Temporary food establishment* means a type of permitted food  
9 establishment kept at one location for no more than 21 consecutive  
10 days in conjunction with a single event.

11 HH. *Temporary food establishment - seasonal* means a type of permitted  
12 food establishment meeting all of the following requirements:

- 13 1. Operates at the same location;
- 14
- 15 2. Operates no more than 2 days in any one week; and
- 16
- 17 3. A permit is valid for no more than 120 days.
- 18

19 II. *Wholesome* means in sound condition and free from spoilage, filth,  
20 and contamination.

#### 21 **16.60.060    Applicability**

22 A. Except as otherwise provided herein, the requirements of this  
23 chapter shall apply to premises, practices, and procedures of food  
24 establishments including each type of operation.

25 B. The requirements of this chapter shall not apply to the following  
26 items as long as these food operations are regulated by state law:

- 27 1. Milk, Milk Products and Reindeer Slaughtering and
- 28 Processing regulated by the state under 18 AAC 32;
- 29
- 30 2. Seafood Processing and Inspection regulated by the state
- 31 under 18 AAC 34;
- 32
- 33 3. Food processing plants with a permit under state law to bottle
- 34 drinking water; or
- 35
- 36 4. Food establishments authorized under state law to operate at
- 37 assisted living facilities.
- 38

39 C. The following activities and facilities are not subject to this chapter:  
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- 1 1. Custom processing of an individual's sport-caught fish or  
2 game;
- 3
- 4 2. A business, such as a convenience store, gift shop, video  
5 store, or student store, selling only prepackaged, non-  
6 potentially hazardous food from an approved source;
- 7
- 8 3. A bake sale. For purposes of this subsection, "bake sale"  
9 means the occasional sale to the public at a fundraising event  
10 or a seasonal event, such as a fair or bazaar of packaged  
11 jams, jellies, or confections, or bakery-type items, such as fruit  
12 or berry pies and cobblers, cakes, cookies, donuts, and  
13 breads. Potentially hazardous food, including bakery-type  
14 items containing potentially hazardous fillings or toppings,  
15 such as custard, whipped cream, or meringue shall not be  
16 sold at a bake sale;
- 17
- 18 4. A person or business distributing or selling only popcorn,  
19 cotton candy, pre-packaged ice cream novelties, black coffee  
20 with single-service items, or coffee offered with non-dairy  
21 creamers and served with single-service items;
- 22
- 23 5. A school or licensed child care center serving only snacks;
- 24
- 25 6. Continental breakfasts or breakfasts cooked and immediately  
26 served at a bed and breakfast homestay;
- 27
- 28 7. The sale of homemade jam, jelly, fruit syrup, herb vinegar,  
29 dried herbs, or dried tea leaves, if sold by the person who  
30 prepared the food directly to the consumer at a bed and  
31 breakfast homestay, a farmers market, a roadside stand, or a  
32 seasonal event, such as a fair or bazaar;
- 33
- 34 8. The extraction of raw honey;
- 35
- 36 9. The packaging or sale of extracted or unextracted raw honey;
- 37
- 38 10. The packaging and sale of raw, whole vegetables and fruit at  
39 a farmers market, a roadside stand, or a seasonal event, such  
40 as a fair, if the vegetables and fruit are offered in their natural  
41 state or after rinsing, trimming of unnecessary parts, or  
42 separating greens from roots;
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- 44 11. The harvesting and evaporation of tree sap. However, further  
45 processing of tree sap, including packaging, is subject to this  
46 chapter;

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12. Food served in conjunction with the following activities, if the food is prepared or provided by and for members of the group and their invited guests:
    - a. A meeting or an event of a private or charitable organization, association, or club;
    - b. An activity of a church or other religious congregation;
    - c. A gathering, such as a party, picnic, or potluck held by a neighborhood, family, school, or office; or
    - d. The occasional food preparation as a part of a curriculum in a school or child care center.
    - e. Subsection C does not exempt fundraisers, promotional events, or other gatherings that are advertised or open to the public where food is provided, with or without charge.
  13. Food prepared and served at an assisted living home, as defined in AS 47.33.990, with five or fewer residents;
  14. The harvesting or cleaving of glacier ice, if the glacier ice is exported from the state without further processing; and
  15. A food establishment within a federal facility or property where inspections and regulatory oversight are provided by the federal government.

32 **16.60.070 Food establishment permit required.**

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- A. A person shall not operate a food establishment unless the following requirements are met:
    1. The person complies with section 16.60.070;
    2. The person applies for a permit for each operation as described in subsection D.;
    3. The person pays each applicable fee required by section 16.60.110;

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4. The department issues a permit for each separate operation as described in subsection D.; and
  5. The permit for each separate operation is posted in a location conspicuous to the public.
- B. Any permit issued under this chapter is non-transferable.
- C. A business licensed as a beverage dispensary by the State of Alaska shall obtain a permit under this chapter for service of beverages, even if other food is not served.
- D. Each operation shall have a separate permit. Some examples of operations requiring a separate permit include the following:
1. A food establishment that acidifies, cures, dehydrates, thermal processes low-acid food, or reduced oxygen packages food as a food processing plant as defined in section 16.60.050.
  2. A bar licensed as a beverage dispensary by the State of Alaska also has a restaurant designation permit from the State of Alaska.
  3. If two or more operations share equipment or facilities such as warewashing, refrigerator, freezer, or storage areas, then a separate permit is required for each operation.
  4. A food demonstration operation not exempt under section E.3.
- E. A separate permit is not required for:
1. A permitted food establishment under this chapter where:
    - a. Consumers serve themselves with individual prepackaged foods that may be heated; and
    - b. Single service tableware and condiments are provided.
  2. Service of food at an auxiliary site, if the auxiliary site:
    - a. Has the same operator as the permitted food establishment or is serviced by a caterer; and
    - b. Food preparation occurs at the permitted food establishment.

- 1                   3.     A food demonstration at a permitted food establishment if:
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- 3                   a.     The food establishment has a permit;
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- 5                   b.     The demonstration station has the same operator as
- 6                         the permitted food establishment; and
- 7
- 8                   c.     All preparation occurs at the permitted food
- 9                         establishment except for final heating or portioning of
- 10                         ready-to-eat foods at the demonstration station.
- 11
- 12                  4.     A permitted food establishment that is also manufacturing
- 13                         food for use or sale within the establishment;
- 14
- 15     F.     A food establishment permit is valid only for service of the food
- 16             approved for that operation at the time of application.
- 17
- 18     G.     An operator shall obtain department approval before:
- 19
- 20             1.     Making any significant change to the types of food, methods
- 21                         of preparation, or style of service at the permitted food
- 22                         establishment; or
- 23
- 24             2.     Changing the commissary used to support the permitted food
- 25                         establishment.
- 26
- 27     H.     The department may require more than one permit within one
- 28             calendar year if there is a change in ownership, including a leasehold
- 29             interest.
- 30
- 31     I.     An operator shall make this chapter and the 2005 FDA Model Food
- 32             Code easily accessible for review by employees.
- 33

34     **16.60.080     Permit application requirements.**

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- 36     A.     An applicant shall apply for a permit using a form provided by the
- 37             department. A separate form is required for each separate
- 38             operation. A person may not begin operation until the department
- 39             issues a permit for each operation.
- 40
- 41     B.     Except as provided in sections C. and D. below, an applicant shall
- 42             apply for a permit at least thirty (30) days before the food
- 43             establishment begins operation.
- 44
- 45     C.     If there is a change of ownership, the new owner shall apply for a
- 46             permit not less than seven (7) days prior to the change of ownership.

1 A new owner applying for a permit less than seven (7) days prior to  
2 the change of ownership shall pay the applicable late fee.

- 3  
4 D. If the application is for a temporary food establishment under section  
5 16.60.220, an applicant shall apply for a permit not less than seven  
6 (7) days prior to the date of operation. An applicant applying for a  
7 permit less than seven (7) days prior to the event shall pay the  
8 applicable late fee.

9  
10 **16.60.090 Confidentiality of trade secrets.**

- 11  
12 A. The department may require a person subject to this chapter to  
13 disclose a trade secret to the department to assist the department in  
14 evaluating a permit application or in determining compliance with this  
15 chapter. The department shall treat the trade secret as confidential  
16 except as otherwise provided in this section.
- 17  
18 B. The department may disclose information that is confidential under  
19 this section under a continuing restriction of confidentiality to other  
20 departments of the municipality, state or United States or to a court:
- 21  
22 1. To protect against an imminent threat to public health or  
23 safety;
- 24  
25 2. In a proceeding to deny, modify, suspend, or revoke a permit  
26 required under this chapter; or
- 27  
28 3. In pursuit of an enforcement activity.
- 29  
30 C. This section does not limit the department's authority to release  
31 confidential information during an emergency.

32  
33 **16.60.100 Plan review and pre-operation inspection.**

- 34  
35 A. A person may not operate a food establishment unless the  
36 department inspects the food establishment for compliance with this  
37 chapter.
- 38  
39 B. A person shall submit a plan review application accompanied by one  
40 copy of plans and specifications, and the applicable plan review fee  
41 required by section 16.60.110 to the department before beginning  
42 any construction or remodeling if:
- 43  
44 1. A food establishment is to be constructed;
- 45

- 1 2. An existing structure is to be converted for use as a food  
2 establishment;
- 3
- 4 3. An existing food establishment is proposed to be extensively  
5 remodeled; or
- 6
- 7 4. A new type of operation is to be added to an existing  
8 permitted food establishment.
- 9
- 10 C. Whenever plans and specifications for construction, remodeling,  
11 altering, conversion or change of operation of a food establishment  
12 are submitted to the department, the department shall inspect the  
13 completed establishment.
- 14
- 15 D. An operator shall submit for prior department approval any significant  
16 change to the types of food, methods of preparation, or style of  
17 service.
- 18
- 19 E. Except for a temporary food establishment subject to  
20 section 16.60.220, an applicant for a food establishment permit shall  
21 submit plans that include at a minimum:  
22
  - 23 1. A floor plan of the entire premises showing the location of  
24 buildings, refuse storage site, approved water supply,  
25 approved waste disposal system, and access for deliveries;
  - 26
  - 27 2. A detailed to-scale drawing of the food establishment showing  
28 the storage areas and type, model, and location of equipment,  
29 and plumbing fixtures, such as sinks and toilets;
  - 30
  - 31 3. A plumbing schematic depicting hot and cold lines,  
32 wastewater lines, floor drains, and grease traps;
  - 33
  - 34 4. The construction and design specifications for equipment;
  - 35
  - 36 5. The finish materials specifications for floors, walls, and  
37 ceilings;
  - 38
  - 39 6. Types and location specifications for lighting and ventilation;
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  - 41 7. A description of foods to be served, projected volumes,  
42 methods of preparation and service;
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  - 44 8. The seating capacity;
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9. A description of equipment used to maintain temperatures during transportation, display, and service; and

10. If applicable, a description of any services to be provided by a commissary or other approved facility.

F. The department shall approve plans submitted under this section if the plans meet the requirements of this chapter.

G. If a person fails to comply with this section, including failing to submit to an inspection under subsection C., or opens or operates a food establishment constructed or remodeled in a manner different from the plans approved by the department, or does not submit plans for review, or the construction, remodeling, plans, or operation violates a provision of this chapter, the department may:

1. Refuse to issue a permit;
2. Suspend the permit as provided in section 16.60.320;
3. Issue a Notice of Closure as provided in section 16.60.340; and
4. Impose civil penalties and fines as set forth in section 16.60.350.

**16.60.110 Fees.**

A. An applicant for a food permit shall pay to the department a permit fee for each separate type of operation at the food establishment based on the results of a risk assessment according to the following tables.

B. An operator, within thirty (30) days of receiving notice a permit fee is due for renewal, shall pay to the department an annual permit fee for each separate type of operation at the food establishment based on the results of a risk assessment according to the following tables.

<b>Table One—Risk Assessment</b>	
<b>Operation Processes</b>	<b>Points</b>
The operation prepares, serves or stores potentially hazardous foods (PHF)	2
The operation uses or prepares raw meat items	2
The operation uses Time as a Control	2
The operation hot holds foods	2
The operation specifically serves a highly susceptible	2

population	
The operation uses or requires parasite destruction for undercooked or raw items	2
The operation cools foods from 135°-41° F for later service	2
The operation handles ready-to-eat foods	2
The operation acidifies, cures, reduced-oxygen packages or otherwise modifies foods from PHF to non-PHF	2
The operation uses multiple-use (washable) utensils for customers	1
The operation operates as a mobile food establishment	1
<b>Total Points</b>	

1

<b>Table Two—Food Establishment Permit Fees Based on Risk Assessment</b>		
<b>Total Points from Section One</b>	<b>Risk Type</b>	<b>Permit Fee</b>
0-5	F001	\$225.00
6-9	F002	\$400.00
10+	F003	\$575.00

2

<b>Table Three—Temporary Food Establishment Fees</b>	
<b>Temporary Food Establishment Type</b>	<b>Permit Fee (Per event)</b>
For a Temporary Food Establishment Operating 1 day	\$25.00
For a Temporary Food Establishment Operating 2 to 4 days	\$40.00
For a Temporary Food Establishment Operating 5 to 21 days	\$60.00

3

<b>Table Four—Seasonal Temporary Food Establishment Fees</b>		
<b>Total Points from Section One</b>	<b>Risk Type</b>	<b>Permit Fee</b>
0--5	F506	\$115.00
6--9	F507	\$200.00
10+	F508	\$290.00

4

<b>Table Five—Child Care Centers and Public School Fees</b>	
The fee for child care centers and public schools is a flat fee and not based on a risk assessment.	
Child Care Centers	\$150.00
Public Schools	\$150.00

5

6

7

8

9

C. In addition to the fee required by section A. and B. above, the department shall charge a fee of \$150.00 for each enforcement inspection conducted according section 16.60.290.



- 1 D. Prior to application for a plan review or permit, a pre-consultation fee  
2 for food establishment planning, design consultation or expedited  
3 plan review may be assessed at the rate of \$150.00 per hour.  
4
- 5 E. At the time of application for plan review under section 16.60.100,  
6 the applicant shall pay to the department a plan review fee as set  
7 forth below:  
8
- |    |    |                           |           |
|----|----|---------------------------|-----------|
| 9  | 1. | 0--1,000 square feet      | \$200.00. |
| 10 | 2. | 1,001--4,000 square feet  | \$300.00. |
| 11 | 3. | 4,000 square feet or more | \$500.00. |
- 12
- 13 F. Overtime inspections of a food establishment shall be assessed at  
14 the rate of \$150.00 per hour.  
15
- 16 G. Department provided food worker certification shall be assessed as  
17 follows:  
18
- |    |    |  |          |
|----|----|--|----------|
| 19 | 1. | Training classes including examination | \$25.00. |
| 20 | 2. | Challenge examination                  | \$10.00. |
- 21
- 22 H. A person who seeks a variance under section 16.60.190 shall pay a  
23 variance application review fee of \$50.00 at the time of application.  
24
- 25 I. When ownership changes for a permitted food establishment, the  
26 new owner shall apply to the department for issuance of a new  
27 permit and shall pay a fee of \$150.00 for each physical location  
28 where a new permit is issued.  
29
- 30 J. A fee imposed under this section is nonrefundable. The department  
31 may prorate an annual permit fee.  
32
- 33 K. The annual fee required under section B. is due within thirty (30)  
34 days after receiving notice the fee is due.  
35
- |    |    |   |
|----|----|---|
| 36 | 1. | The department may assess a late fee not to exceed ten (10)<br>37 percent of the applicable fee, if payment is more than thirty<br>38 (30) days past due.   |
| 39 | 2. | A payment more than sixty (60) days past due shall be<br>40 assessed a late fee not to exceed twenty-five (25) percent of<br>41 the applicable permit fee.  |
| 42 | 3. | Failure to pay the fees within sixty (60) days of the date of the<br>43 notice a fee is due shall constitute cause for the department's<br>44 issuance of a Notice of Suspension of the food establishment.<br>45<br>46 |

- 1  
2 L. Change of ownership and temporary food establishment late fees  
3 shall be assessed as follows:  
4  
5 1. An applicant applying for a permit as a result of a change of  
6 ownership less than seven (7) days prior to the change of  
7 owner shall pay a late fee of ten (10) percent; or  
8  
9 2. An applicant applying for a temporary food establishment  
10 permit less than seven (7) days prior to the date of operation  
11 shall pay a late fee of \$10.00.  
12  
13 M. An operator of a food establishment who ceases to operate a food  
14 establishment remains responsible for past due fees.  
15  
16 N. Charitable operations and organizations are required to have a  
17 permit under this chapter but the department may waive permit fees  
18 for inspection and service for food establishments meeting all of the  
19 following criteria:  
20  
21 1. The food establishments prepare and provide food to the  
22 public at no charge; and  
23  
24 2. The food establishments are operated by tax exempt nonprofit  
25 corporations under the laws of Alaska whose purpose is to  
26 foster the general community welfare of the municipality.  
27  
28 O. The department may waive permit fees for student-oriented,  
29 elementary through secondary school organizations formed and  
30 operated by tax exempt nonprofit corporations under the laws of  
31 Alaska where all proceeds collected are used for the purpose of  
32 maintaining the welfare of the school's students.  
33

34 **16.60.120 Service of Notice.**

35  
36 Except as otherwise provided in this chapter, notice shall be served  
37 personally on the operator or in compliance with the Alaska Rules of Civil  
38 Procedure.  
39

40 **16.60.130 2005 FDA Model Food Code: Management and**  
41 **personnel.**

42  
43 The 2005 FDA Model Food Code Chapter 2 governing "Management and  
44 Personnel" is adopted and incorporated by reference herein.  
45

46 **16.60.140 2005 FDA Model Food Code: Food.**

1  
2 The 2005 FDA Model Food Code Chapter 3 governing "Food" is adopted  
3 and incorporated by reference herein except as follows:  
4

- 5 A. Section 3-402.11 of the 2005 FDA Model Food Code is optional,  
6 provided the operator complies with section 16.60.260 of the  
7 Anchorage Food Code.  
8  
9 B. Subparagraphs 3-501.16(A)(2)(b) and 3-501.17(A)(2)(b) of the 2005  
10 FDA Model Food Code shall not be adopted.  
11

12 **16.60.150 2005 FDA Model Food Code: Equipment, utensils, and**  
13 **linens.**  
14

15 The 2005 FDA Model Food Code Chapter 4 governing "Equipment,  
16 Utensils, and Linens." is adopted and incorporated by reference herein  
17 except as follows:  
18

- 19 A. Section 4-204.16 2005 FDA Model Food Code shall not become  
20 effective until five (5) years after the adoption of this code.  
21

22 **16.60.160 2005 FDA Model Food Code: Water, Plumbing, and**  
23 **Waste.**  
24

25 The 2005 FDA Model Food Code Chapter 5 governing "Water, Plumbing,  
26 and Waste" is adopted and incorporated by reference herein except as  
27 follows:  
28

- 29 A. Section 5-203.13 of the 2005 FDA Model Food Code shall not apply  
30 to a mobile food unit or kiosk.  
31

32 **16.60.170 2005 FDA Model Food Code: Physical Facilities.**  
33

34 The 2005 FDA Model Food Code Chapter 6 governing "Physical Facilities"  
35 is adopted and incorporated by reference herein.  
36

37 **16.60.180 2005 FDA Model Food Code: Poisonous or toxic**  
38 **materials.**  
39

40 The 2005 FDA Model Food Code Chapter 7 governing "Poisonous or Toxic  
41 Materials" is adopted and incorporated by reference herein.  
42

43 **16.60.190 2005 FDA Model Food Code: Compliance and**  
44 **Enforcement (Variances and HACCP Plans).**  
45

1 The 2005 FDA Model Food Code Chapter 8 sections 8-103.10, 8-103.11, 8-  
2 130.12, 8-201.13 and 8-201.14 governing Variances and HACCP Plans are  
3 adopted and incorporated by reference herein. No other provisions of 2005  
4 FDA Model Food Code Chapter 8 are adopted.

5  
6 **16.60.200** **Water supply.**

7  
8 A. The operator of a permitted food establishment not directly  
9 connected to a water supply and subject to 18 AAC 80 shall ensure  
10 the potable water is obtained from an approved source and is  
11 transported, delivered, and stored in accordance with 18 AAC 80.

12  
13 B. In addition to section A. above, the operator of a permitted food  
14 establishment not directly connected to a water supply and subject to  
15 18 AAC 80 shall take the following actions at least annually or, for  
16 food establishments operating seasonally, prior to opening:

- 17  
18 1. Superchlorinate each potable water tank for at least two (2)  
19 hours with fifty (50) ppm chlorine solution;
- 20  
21 2. Drain, thoroughly rinse, and refill the tank;
- 22  
23 3. Submit samples of potable water being used in the facility to a  
24 certified laboratory for coliform analysis every twelve (12)  
25 months during operation; and
- 26  
27 4. Forward a copy of the coliform analysis report to the  
28 department within five (5) days of receiving the results of the  
29 analysis.

30  
31 **16.60.210** **Ventilation.**

32  
33 A The operator of a permitted food establishment shall ensure  
34 equipment producing excessive heat, steam, condensation, vapors,  
35 noxious odor, smoke, or fumes is adequately vented to the outside  
36 air through a hood and filter system complying with applicable law,  
37 and preventing grease, condensation, or debris from collecting on  
38 walls and ceilings or from dripping onto food or food-contact  
39 surfaces.

40  
41 B. The operator of a permitted food establishment shall ensure  
42 equipment producing grease-laden vapors is vented through a hood  
43 and grease collection system designed and installed in accordance  
44 with the International Mechanical Code; Section 507–Commercial  
45 Kitchen Hoods, as adopted by section 23.05.010 and maintained as  
46 required in the International Fire Code; Section 904 –Alternative

1 Automatic Fire-Extinguishing Systems, as adopted by section  
2 23.05.010.

3  
4 **16.60.220 Temporary food establishment.**

- 5  
6 A. In addition to the other requirements of this chapter, the operator of a  
7 temporary food establishment shall comply with this section.  
8  
9 B. Food shall be prepared at the temporary food establishment unless  
10 the department approves prior preparation at a commissary or  
11 approved facility under section C.3. below.  
12  
13 C. Depending on the adequacy of facilities, equipment, and utensils for  
14 the types and volume of food, and methods of preparation and  
15 service, the department may:  
16  
17 1. Limit the foods to be prepared and sold;  
18  
19 2. Limit preparation steps;  
20  
21 3. Authorize prior preparation of food at a commissary or  
22 approved facility if:  
23  
24 a. The commissary or approved facility has adequate  
25 equipment for the type and volume of food and  
26 methods of preparation;  
27  
28 b. Potentially hazardous food is maintained at  
29 temperatures in accordance with 2005 FDA Model  
30 Food Code section 3-501.16;  
31  
32 c. All food is protected from contamination during  
33 transportation to the temporary food establishment; and  
34  
35 d. A letter of agreement signed by the operator of the  
36 commissary or approved facility is attached to the  
37 temporary food establishment application specifying  
38 the food, and the dates and times the food is prepared  
39 and stored.  
40  
41  
42 D. The operator of a temporary food establishment shall provide  
43 documentation the operator:  
44  
45 1. Is a certified food protection manager in accordance with  
46 section 16.60.270; or

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2. Is a certified food worker in accordance with section 16.60.280.

E. The operator of a temporary food establishment shall ensure:

1. Potentially hazardous food cooked and/or hot-held at the temporary food establishment is not cooled and later served to the public.

2. Except as provided in section E.3. below, a hand washing station is provided for employees, including:

a. A container with a minimum capacity of two gallons, equipped with a faucet-type spigot, and filled with warm water or if the container is not insulated, a means to heat the water;

b. A container to catch wastewater from hand washing; and

c. Soap and single-service towels.

3. Upon approval from the department, temporary food establishments with minimal handling may use chemically treated towelettes as specified in 2005 FDA Model Food Code paragraph 5-203.11(C).

F. The operator of a temporary food establishment shall ensure wastewater is disposed of into an approved wastewater disposal system.

G. The operator of a temporary food establishment shall ensure toilets and hand washing facilities are available within two hundred (200) feet of the temporary food establishment.

H. Event coordinators:

1. Shall not interfere with and shall cooperate with the enforcement of this chapter by the department. An event coordinator shall not allow any food establishment ordered to close by the department to continue to operate.

2. Shall provide the department with a list of all temporary food establishments and operators participating in the planned event at least seven (7) days prior to the event. In addition,

1 the temporary event coordinators shall provide a map  
2 indicating proposed sites of each food establishment and all  
3 public toilets and hand wash facilities at least forty-eight (48)  
4 hours prior to the event. The temporary event coordinator  
5 shall inform all temporary food establishment operators  
6 participating in the event of the requirement for a food  
7 establishment permit from the department.  
8

9 3. Shall ensure, at events open to the public for two (2) hours or  
10 longer, public toilets and hand washing facilities are provided  
11 and:

12  
13 a. The number of toilets furnished is adequate based on  
14 the peak crowd anticipated and the toilets are  
15 conveniently located and available to all vendors;

16  
17 b. If running water is not practically available, portable  
18 toilets are provided instead of flush toilets; in  
19 determining the number of portable toilets required, the  
20 operator shall use comply with title 23; and

21  
22 c. Lavatories are supplied for washing hands from a  
23 storage tank approved by the department, or from an  
24 insulated container with a minimum capacity of two  
25 gallons each, equipped with a faucet-type spigot and  
26 filled with warm water.  
27

28 4. Shall ensure toilet facilities:

29  
30 a. Have cleanable interior surfaces, screened openings  
31 for ventilation, self-closing doors, and otherwise  
32 prohibit the entrance of insects and rodents; and

33  
34 b. Are serviced as often as necessary to remove  
35 accumulated wastes, are kept clean, and are supplied  
36 with toilet paper.  
37

38 **16.60.230 Mobile food units and kiosks.**

39  
40 A. In addition to the other requirements of this chapter, the operator of a  
41 mobile food unit or kiosk shall comply with this section.

42  
43 B. The operator of a mobile food unit or kiosk, except a self-contained  
44 mobile food unit or kiosk described in section C. below, shall:

45  
46 1. Ensure functions that cannot be performed in the mobile food

1 unit or kiosk, but are required by this code, be performed at  
2 least once each day in a commissary or other location  
3 approved by the department, such as cleaning the unit,  
4 equipment, and utensils; servicing potable water and  
5 wastewater tanks; and restocking food and supplies;  
6

7 2. Provide to the department a letter of agreement between the  
8 operator and the commissary outlining:  
9

10 a. The days and hours the commissary is to be used; and  
11

12 b. The extent of support services to be provided at the  
13 commissary.  
14

15 3. Advise the department in writing immediately, but not later  
16 than seventy-two (72) hours, if use of the commissary is  
17 discontinued or the commissary used is changed.  
18

19 C. The operator of a self-contained mobile food unit or kiosk is not  
20 required to work out of a commissary as described in section B.  
21 above if the department determines the unit has:  
22

23 1. Installed on the unit, adequate for one full day of operation,  
24 water and wastewater holding tanks, hand washing, and ware  
25 washing facilities; and  
26

27 2. Adequate storage facilities on the unit for all food, equipment,  
28 utensils, including single-service items, and supplies used in  
29 the operation.  
30

31 D. The operator of a mobile food unit shall:  
32

33 1. Provide only single-service articles to consumers; and  
34

35 2. Ensure toilet facilities are available within two hundred (200)  
36 feet of the unit or conveniently located and available to  
37 employees during work hours, as approved by the  
38 department.  
39

40 E. In addition to the other requirements of this section, the operator of a  
41 pushcart shall ensure:  
42

43 1. The pushcart size is limited to three (3) feet wide by six (6)  
44 feet long excluding extensions from the ends of the cart. The  
45 overall length of the pushcart with extensions shall not exceed  
46 ten (10) feet.



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2. A pushcart is limited to preparing and serving ready-to-eat foods.
  3. Sufficient food, utensils, paper products, cleaning supplies, potable water supply, and wastewater holding capacity necessary for daily operations are contained on or within the cart, except the operator of the pushcart may provide:
    - a. Two (2) additional ice chests; and
    - b. One (1) additional barbecue grill.
  4. Water tanks installed for hand washing only are at least a five-gallon capacity.
  5. Pre-preparation of food, including washing, slicing, peeling, cutting, and assembly, occurs at the commissary.
  6. Potentially hazardous food heated and/or hot held at the push cart is not cooled and later served to the public.

F. In addition to the other applicable requirements of this chapter, the operator of a mobile retail unit:

1. Shall drain, wash, rinse, and sanitize refrigerators and ice chests after each day's operation or as approved by the department.
2. Shall not process seafood as defined in 18 AAC 34 at the mobile retail unit or commissary.
3. Shall provide approved and adequate hand washing, this shall include, at a minimum:
  - a. A container with a minimum capacity of five gallons, equipped with a faucet-type spigot, and filled with warm water or, if the container is not insulated, a means to heat the water;
  - b. A container to catch wastewater from hand washing; and
  - c. Soap and single-service towels.
4. Chemically treated towelettes as specified in 2005 FDA Model

1 Food Code paragraph 5-203.11(C) may be substituted for  
2 handwashing requirements in section F.3. above.

3  
4 **16.60.240** **Child care centers.**

- 5  
6 A. In addition to the other applicable requirements of this chapter, the  
7 operator of a child care center shall comply with this section.  
8
- 9 B. Food provided to child care centers by parents/guardians for service  
10 to children other than their own shall be limited to:  
11
- 12 1. Snacks; or
  - 13 2. Confections or bakery-type items, such as fruit or berry pies  
14 and cobblers, cakes, cookies, donuts, and breads. Potentially  
15 hazardous food, including bakery-type items containing  
16 potentially hazardous fillings or topping, such as custard,  
17 whipped cream, or meringue, shall not be allowed under this  
18 section.  
19
- 20
- 21 C. Formula, breast milk and juice served to infants shall be:  
22
- 23 1. Supplied daily to the child care center by the  
24 parent(s)/guardian as packaged (ready-to-feed) and fully  
25 prepared, except breast milk, if frozen, may be provided in  
26 baby bottles or bottle liners and identified for the appropriate  
27 child; or
  - 28 2. Supplied to the child care center by the parent(s)/guardian as  
29 unopened containers of powdered or liquid formula  
30 concentrate, provided the containers are identified for the  
31 appropriate child and the formula is prepared as prescribed by  
32 the child's physician or parent(s)/guardian and fed only to that  
33 parent's child and after opening.  
34
- 35
- 36 D. Any excess formula, breast milk, or juice shall be discarded after  
37 each feeding.  
38
- 39 E. Warming of baby food, formula, milk and breast milk shall be done  
40 by placing the containerized food item in hot water (not boiling),  
41 shaking or stirring the food well, and temperature testing the food  
42 before feeding. Bottles and baby food shall not be warmed in a  
43 microwave oven.  
44
- 45 F. Commercially prepared and homemade baby food provided by the  
46 parent(s)/guardian shall be:

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1. Provided as needed, except homemade baby food shall be provided only on a daily basis;
2. Labeled with the child's name;
3. Served only to the parent's/guardian's child;
4. Served from a cup or bowl, not directly from the container; and
5. After opening, used, discarded, or returned to the parent at the end of the day.

G. Commercially prepared baby food, after opening, shall be:

1. Served from a cup or bowl, not directly from the container; and
2. Used, discarded, or returned to the parent at the end of the day.

H. Employees, while engaged in food handling and/or preparation activities, shall not be involved in diapering or toilet training unless it is an emergency situation.

I. Toilet room doors are exempt from the requirements of 2005 FDA Model Food Code section 6-202.14.

J. Outside doors at a child care center governed by this section are exempt from the self-closing requirement in 2005 FDA Model Food Code subparagraph 6-202.15(A)(3).

**16.60.250    Food processing plant.**

A. In addition to the other applicable requirements of this chapter, the operator of a food processing plant shall comply with this section.

B. The operator of a food processing plant may not use a packaging process or material that may:

1. Transmit a contaminant or objectionable material to the food;
2. Impart additives;
3. Fail to prevent food contamination; or

1  
2 4. Allow the growth of infectious or toxigenic microorganisms.  
3

4 C. In addition to the labeling requirements listed in 2005 FDA Model  
5 Food Code paragraph 3-201.11(C), the owner or operator of a food  
6 processing plant shall ensure food products made by the processor  
7 are labeled:  
8

9 1. With a lot number or other code allowing production lots to be  
10 identified in the event the food is recalled, contaminated, or  
11 otherwise found to be unfit for human consumption. The  
12 operator shall keep lot records for a period exceeding the  
13 shelf life of the product by six (6) months, or for two (2) years,  
14 whichever is less.  
15

16 2. So known allergens, including fish, tree nuts, mollusks, wheat,  
17 milk crustacea, eggs, and legumes (particularly peanuts and  
18 soybeans) used in food product formulations are declared on  
19 the label, even if a processing or incidental additive. The  
20 name of the ingredient may be accompanied by a  
21 parenthetical statement such as "processing aid" for clarity.  
22

23 3. So all foods in reduced oxygen packaging relying on  
24 refrigeration as a barrier to microbial growth must bear the  
25 statement "Important – Must be kept refrigerated at 41° F" or  
26 "Important – Must be kept frozen," in the case of foods relying  
27 on freezing as a primary safety barrier.  
28

29 4. So each container of food in reduced oxygen packaging must  
30 bear a "use-by" date. This date cannot exceed fourteen (14)  
31 days from retail packaging or repackaging without further  
32 variance granted by the regulatory authority. The date  
33 assigned to a repackaged food cannot extend beyond the  
34 manufacturer's recommended "pull date" for the food. The  
35 "use-by" date must be listed on the principal display panel in  
36 bold type on a contrasting background.  
37

38 D. The operator of a food processing plant shall develop and maintain  
39 procedures for notifying the department and consumers of a product  
40 recall and shall implement those procedures for any product the  
41 operator or the department knows or has reason to believe might  
42 cause illness, injury, or gross consumer deception.  
43

44 **16.60.260 Alternative to parasite destruction.**  
45

1 A. Raw-marinated, partially cooked, or marinated-partially cooked fish  
2 that does not undergo parasite destruction as required by 2005 FDA  
3 Model Food Code section 3-402.11 may be served if:

4  
5 1. The food establishment complies with section 3-603.11 of the  
6 2005 FDA Model Food Code; and

7  
8 2. The food establishment includes additional information in the  
9 reminder as described in section 3-603.11 of the 2005 FDA  
10 Model Food Code, stating "Raw or undercooked fish may  
11 contain parasites that can cause foodborne illness" or similar  
12 language as approved by the department.

13  
14 **16.60.270 Certified food protection manager.**

15  
16 A. The operator of a permitted food establishment categorized as F002  
17 or F003 in section 16.60.110 shall have at least one certified food  
18 protection manager for each operation who is an active on-site  
19 person responsible for the day to day operation of the establishment.

20  
21 B. The department may require the operator of a permitted food  
22 establishment to have a certified food protection manager present  
23 during all hours of operation if there is a documented inability to  
24 maintain safe and sanitary food handling practices as demonstrated  
25 by a foodborne disease outbreak or serious and repeated violations  
26 of this chapter.

27  
28 C. A person shall be considered a certified food protection manager if  
29 the person provides documentation of successful completion of a  
30 food safety examination for food managers from an accredited  
31 program.

32  
33 1. For certification purposes, the certificate date shall be the date  
34 the individual successfully completed the examination.

35  
36 2. The certificate shall expire five (5) years from the date of the  
37 original issuance.

38  
39 D. If more than one permitted food establishment is being operated by  
40 the same owner and is located on the same property, only one  
41 certified food protection manager shall be required if that person is  
42 an active on-site person in charge for each permitted activity.

43  
44 E. A copy of the certified food protection manager certificate shall be  
45 forwarded to the department within ten (10) days of receipt of the  
46 certificate, to be kept on file by the department. All copies of

1 certificates forwarded to the department shall include the name and  
2 permit number of the establishment where the certificate holder is  
3 currently employed.  
4

- 5 F. The operator of a food establishment shall supply the department  
6 with the name and a copy of the certificate of a new certified food  
7 protection manager within thirty (30) days after the termination date  
8 of the previous certified food protection manager.  
9

10 **16.60.280 Certified food worker.**

- 11  
12 A. The operator of a temporary food establishment shall have at least  
13 one certified food worker for each operation who is an active on-site  
14 person responsible for the day to day operation of the establishment.  
15  
16 B. The department may require the operator of a permitted food  
17 establishment to have one or more certified food workers if there is a  
18 documented inability to maintain safe and sanitary food handling  
19 practices as demonstrated by a foodborne disease outbreak or  
20 serious and repeated violations of this chapter.  
21  
22 C. An individual shall be considered a certified food worker if they  
23 provide documentation indicating successful completion of a food  
24 safety examination for food workers from a program provided by or  
25 approved by the department.  
26  
27 D. The certificate shall expire five (5) years from the date of the original  
28 issuance and be provided to the department upon request by the  
29 department.  
30

31 **16.60.290 Compliance Inspections.**

- 32  
33 A. The department may conduct inspections to determine compliance  
34 with this chapter.  
35  
36 B. The person operating a food establishment shall allow an inspector  
37 to enter and have free access to the food establishment during  
38 reasonable hours to conduct an inspection in order to determine  
39 compliance with this chapter. During an inspection the department  
40 may, but is not limited to:  
41  
42 1. Inspect all or any portion of the establishment, including each  
43 type of operation required to have a permit under section  
44 16.60.070;  
45  
46 2. Inspect all or any portion of any commissary, servicing area,

- 1 or other facility supporting or operating in conjunction with the  
2 establishment, including areas supporting vending machines;  
3
- 4 3. Examine records relating to food and supplies purchased,  
5 received, or used;  
6
- 7 4. Examine employees' illness or absenteeism if investigating a  
8 possible foodborne disease outbreak; and  
9
- 10 5. Examine food, observe procedures, obtain samples, or  
11 conduct tests to assure compliance with this chapter.  
12
- 13 C. Failure to grant free access as described in section B. above shall  
14 constitute cause for the suspension or revocation of the food  
15 establishment permit pursuant to sections 16.60.320 and 16.60.330  
16 or a Notice of Closure under section 16.60.340.  
17
- 18 D. During an inspection, the inspector shall record the findings on forms  
19 developed by the department.  
20
- 21 E. The department shall conduct inspections as follows:  
22
- 23 1. *Regular inspections.* The department shall make a  
24 reasonable effort to inspect every permitted food  
25 establishment at least once per year. When a regular  
26 inspection is made, the inspector shall inspect the entire  
27 permitted food establishment. The department may conduct  
28 additional inspections of permitted food establishments based  
29 upon the potential risk of foodborne illness transmission.  
30
- 31 2. *Re-inspections.* The department may conduct re-inspections  
32 to verify compliance with this chapter. When a re-inspection  
33 is conducted, the inspector shall complete an inspection in its  
34 entirety.  
35
- 36 a. A re-inspection may be conducted by the department  
37 as needed, subsequent to a regular inspection, where  
38 critical violations were noted and the department  
39 issued a compliance schedule pursuant to  
40 section 16.60.300, repeat noncritical violations were  
41 noted on three or more consecutive inspections, or to  
42 monitor correction of items listed on the last regular  
43 inspection form. A re-inspection may occur within thirty  
44 (30) calendar days of the initial inspection.  
45
- 46 b. The department may issue a compliance schedule

1                   pursuant to section 16.60.300 for any new violations  
2                   found during a re-inspection.

- 3  
4                   c.    An enforcement inspection may be scheduled  
5                   subsequent to a re-inspection according to section E.3.  
6                   below.

- 7  
8                   3.    *Enforcement inspections.* An enforcement inspection may be  
9                   conducted by the department as needed, subsequent to a  
10                  regular inspection or re-inspection, where repeat critical  
11                  violations were noted and the department issued a  
12                  compliance schedule pursuant to section 16.60.300 or repeat  
13                  noncritical violations were noted on four or more consecutive  
14                  inspections.

- 15  
16                  a.    During an inspection resulting in the need for an  
17                  enforcement inspection:

18  
19                   i.    The operator shall receive written notice an  
20                   enforcement inspection shall be made on a  
21                   specific date, which shall be within fifteen (15)  
22                   days of the current inspection date;

23  
24                   ii.   Written notice shall be given should the operator  
25                   fail to correct the identified violation(s) by the  
26                   time of the enforcement inspection, the  
27                   department may suspend or revoke the food  
28                   establishment permit in accordance with  
29                   sections 16.60.320 and 16.60.330;

- 30  
31                  b.    The operator shall be assessed a fee for such  
32                  enforcement inspection(s) at the current department  
33                  rate set forth in section 16.60.110.

- 34  
35                  c.    Should an enforcement inspection reveal critical  
36                  violations identified on the previous inspection continue  
37                  to exist:

38  
39                   i.    The department may initiate the suspension or  
40                   revocation of the permit in accordance with  
41                   sections 16.60.320 and 16.60.330; or

42  
43                   ii.   The department may schedule additional  
44                   enforcement inspections pursuant to this  
45                   subsection.  
46



- 1                   4.    *Change of ownership inspections.* A change of ownership  
2 inspection shall be conducted by the department following  
3 receipt of an application for a permit indicating a change of  
4 ownership. The inspection shall check for compliance with  
5 this chapter.  
6
- 7                   5.    *Additional inspections.* The department may conduct  
8 additional inspections of permitted food establishments:  
9
- 10                  a.    Subsequent to extensive remodeling of a permitted  
11 food establishment;  
12
- 13                  b.    In response to a complaint;  
14
- 15                  c.    Prior to issuance of a permit and to opening of a new  
16 food establishment;  
17
- 18                  d.    After fire, flood, extended interruption of potable water  
19 or electrical service, or other emergency in the  
20 permitted food establishment potentially affecting food  
21 safety; or  
22
- 23                  e.    As needed to protect public health or to assure  
24 compliance with this chapter.  
25
- 26                  6.    *Structural inspections.* The department may conduct an  
27 inspection of a structure, where plans are approved by the  
28 department, to monitor compliance with this chapter.  
29
- 30                  F.    An operator may not interfere with or threaten an inspector  
31 performing an inspection under this section.  
32

33                  **16.60.300    Correction of Violations.**  
34

- 35                  A.    The operator shall correct violations found by the department during  
36 an inspection pursuant to section 16.60.290 as follows:  
37
- 38                   1.    Violations shall be corrected immediately unless the  
39 department agrees immediate correction is not possible and  
40 interim measures are initiated to protect the public health. In  
41 such a case, the department may, in its discretion, issue a  
42 compliance schedule to the operator.  
43
- 44                   2.    The operator of a permitted food establishment shall notify the  
45 department in writing when the operator has corrected critical  
46 violations noted. The department may conduct an inspection

1 to confirm correction.

2  
3 3. The operator of a temporary food establishment shall  
4 immediately correct any violation(s). If the violation cannot be  
5 corrected, the department may immediately suspend the  
6 operator's temporary food establishment permit.

7  
8 B. The department may suspend or revoke a permit in accordance with  
9 sections 16.60.320 and 16.60.330 for failure to comply with this  
10 section.

11  
12 C. If a permitted food establishment is required to cease operation, the  
13 operator shall not resume operations until the department confirms  
14 the conditions causing the suspension no longer exist. The  
15 department may, if public health is protected and the purpose of this  
16 chapter is otherwise satisfied, enter into a compliance agreement  
17 with the operator establishing a schedule for correcting deficiencies.

18  
19 D. The inspection report is a public record and is available for public  
20 review. The department may publish individual inspection reports or  
21 ratings, summaries or trend data extracted from groups of inspection  
22 reports.

23  
24 **16.60.310 Detention and destruction of food.**

25  
26 A. The department may examine and obtain samples of food offered or  
27 displayed for sale to the public.

28  
29 B. If the department finds or has cause to believe a food product or food  
30 ingredient is adulterated, misbranded, processed or harvested in  
31 violation of this chapter the department shall:

32  
33 1. Detain the food product or food ingredient;

34  
35 2. Order affixed in a conspicuous place to the food product or  
36 food ingredient a "detained" tag or other appropriate marking  
37 that gives notice the food product or food ingredient is  
38 detained;

39  
40 3. Order the food product or food ingredient shall not be  
41 removed, disposed, moved, reprocessed, re-labeled,  
42 destroyed, or otherwise terminate detention of the food  
43 product or food ingredient without the department's written  
44 consent or order of the court;

45  
46 4. Issue a notice of detention and inform the person operating

1 the food establishment of conditions required to terminate the  
2 detention.

- 3  
4 C. Upon request, the department shall notify the operator of the results  
5 of any laboratory analysis conducted by the department of a food  
6 product or food ingredient detained under section B above.

7  
8 **16.60.320 Summary permit suspension.**

- 9  
10 A. *Suspension.* The department may, without prior warning, notice, or  
11 hearing, suspend a permit and require the permitted food  
12 establishment cease operating if:

- 13  
14 1. An imminent health hazard exists;  
15  
16 2. Repeated violations of this chapter constitute an unacceptable  
17 public health risk;  
18  
19 3. A permitted food establishment is placed under a "boil water"  
20 notice under 18 AAC 80;  
21  
22 4. Samples of the permitted food establishment's public drinking  
23 water supply are positive for fecal coliforms; or  
24  
25 5. The operator or an employee interferes with a department  
26 employee or agent in the performance of official duties.

- 27  
28 B. *Effect of suspension.* The permitted food establishment shall cease  
29 all preparation and service of food immediately upon notice of  
30 suspension upon on the operator by the department.

- 31  
32 C. *Notice of suspension.* The notice of suspension shall include the  
33 reasons for the suspension and the right to appeal the suspension.

- 34  
35 D. *Reinstatement of permit.* A summary suspension shall remain in  
36 effect until the conditions cited in the notice of suspension no longer  
37 exist and their elimination is confirmed by the department through re-  
38 inspection and other means as appropriate.

- 39  
40 E. *Posting of Suspension.* The department may order posting of a  
41 Notice of Suspension, affixed to prominent locations at the food  
42 establishment. Removal of the notice by anyone other than the  
43 department is a violation of this chapter.

44  
45 **16.60.330 Permit revocation.**

46

- 1 A. *Revocation.* The department may, in its discretion, revoke a permit  
2 if:  
3
- 4 1. Serious and repeated violations of any requirement of this  
5 chapter occur;  
6
  - 7 2. A food establishment permit is suspended three (3) times  
8 within any twelve (12) month period and any inspection in the  
9 subsequent twelve (12) months reveals repeated critical  
10 violations;  
11
  - 12 3. Repeated interference with an inspector in the performance of  
13 their official duties; or  
14
  - 15 4. Assault upon an inspector in the performance of their official  
16 duties.  
17
- 18 B. *Notice of revocation.* The department shall notify the operator of the  
19 pending revocation by providing written notice to the address  
20 provided on the permit application and by delivering a second copy  
21 of that notice to the operator at the permitted food establishment.  
22 The notice of pending revocation shall state:  
23
- 24 1. The permit shall be revoked on the 11th day following delivery  
25 of a revocation notice to the operator at the permitted food  
26 establishment, in the absence of a request for a hearing; and  
27
  - 28 2. The reason(s) for the pending revocation.  
29
- 30 C. *Application for permit following revocation.* The holder of a revoked  
31 permit shall not be granted a new permit for at least six (6) months  
32 after revocation, and then only if satisfactory evidence is provided to  
33 the department demonstrating the conditions causing the revocation  
34 were corrected.  
35
- 36 D. *Posting of Revocation.* Upon revocation, the department may order  
37 a Notice of Revocation affixed to prominent locations at the food  
38 establishment. Removal of the notice by anyone other than the  
39 department is a violation of this chapter.  
40

41 **16.60.340 Notice of Closure.**  
42

- 43 A. It is unlawful to operate a food establishment without a permit.  
44
- 45 B. The department may issue a "Notice of Closure" to a food  
46 establishment operating without a permit as required by this chapter.

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1. The Notice of Closure shall order the food establishment to close immediately and cease all preparation and service of food.
  2. The Notice of Closure shall state the closure is for operating a food establishment without a permit as required by municipal law.
  3. A Notice of Closure is effective upon personal service of the Notice of Closure on the owner or person operating the food establishment without a permit.
- C. The department may order the Notice of Closure affixed to prominent locations at the food establishment. Removal of the notice by anyone other than the department is a violation of this chapter.

18 **16.60.350 Penalties and remedies.**

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43
- A. It is unlawful for a person to violate any provision of this chapter or the terms, conditions, or provisions of any permit issued under this chapter.
  - B. Penalties for violations of this chapter are as set forth in section 14.60.030. If no penalty is provided for in section 14.60.030, the penalty for a violation of this chapter or the terms, conditions, or provisions of any permit issued under this chapter, shall be not less than \$100.00 and not more than \$1,000.00.
  - C. In addition to any other penalty under this chapter, the municipality may seek injunctive relief to restrain a person from violating or threatening to violate this chapter or the terms, conditions, or provisions of any permit issued under this chapter. Upon application for injunctive relief and a finding a person is violating or threatening to violate any provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.
  - D. Each day of violation of any provision of this chapter shall constitute a separate offense.
  - E. Civil penalties and fines imposed under this section shall be enforced pursuant to title 14.

44 **16.60.360 Appeal of penalties and remedies or a decision to deny, suspend, or revoke a permit, or to issue a notice of closure.**

45  
46

- 1  
2 A. A person aggrieved by a decision of the department to enforce a civil  
3 penalty or fine under section 16.60.350 may request an  
4 administrative hearing under title 14. A hearing requested under this  
5 subsection shall be conducted pursuant to title 14, except as  
6 otherwise provided in this section.  
7
- 8 B. A person aggrieved by a decision of the department to deny,  
9 suspend or revoke a permit, or an order to detain food, or to issue a  
10 notice of closure may appeal to the administrative hearing officer.  
11 An appeal requested under this subsection shall be conducted  
12 pursuant to chapter 3.60, except as otherwise provided in this  
13 section.  
14
- 15 C. An appeal made under section B. above shall be filed within fifteen  
16 (15) days from service of the department's decision to deny,  
17 suspend, or revoke a permit, or to issue a notice of closure, or to  
18 issue an order to detain food.  
19
- 20 D. The application for an appeal made under section B. above shall  
21 include:  
22
- 23 1. The operator's name, mailing address, food establishment  
24 physical address, telephone number, and facsimile number or  
25 email address;  
26
  - 27 2. The decision being appealed;  
28
  - 29 3. A clear and concise statement of the reason for the appeal,  
30 including:  
31
    - 32 a. A statement of the nature and scope of the operator's  
33 disagreement with the department decision;  
34
    - 35 b. The specific nature of the right, authority, license,  
36 permit or privilege desired by the operator;  
37
    - 38 c. Any legal authority in support of the operator's position;  
39 and  
40
    - 41 d. The proposed alternatives the operator believes will  
42 adequately address the operator's and the  
43 department's concerns.  
44
  - 45 4. Any other information the operator believes will assist the  
46 department in reviewing the department decision.

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- E. A hearing on an appeal made under section B. above to suspend a permit, revoke a permit, issue a notice of closure, or to issue an order to detain food shall be held within five days of a timely request for appeal.
- F. A hearing on an appeal made under section B. above to deny a permit shall be held no later than thirty (30) days from a timely request for appeal.
- G. The time periods set forth in this section, chapter 3.60, and title 14 may be extended with the agreement of all parties to the action and the approval of the administrative hearing office.
- H. The administrative hearing officer shall prepare findings of fact, conclusions of law and a final decision on the appeal made under sections A. and B. above. This decision is appealable to the superior court as provided in section I. below.
- I. A party may appeal an administrative hearing officer decision under section H. above to the superior court within thirty (30) days of issuance of the final decision by the administrative hearing officer. Review by the superior court shall be limited to whether the decision of the administrative hearing office is supported by substantial evidence. Failure to file an appeal within thirty (30) days shall be a waiver of the right to appeal.
- J. This section shall not preclude the department from choosing an appeal under section B. above to be governed by section 16.02.020.

**Section 3.** Anchorage Municipal Code section 14.60.030 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**14.60.030    Fine schedule.**

The fine schedule under this chapter is as follows:  
TABLE INSET:

Code Section	Offense	Penalty/Fine
***	***	***
16.60.070	Food establishment permit required	300.00
16.60.100	Failure to obtain plan review	300.00
16.60.290F.	Interfering with or threatening an inspector during an inspection	300.00

16.60.320E.	Removal of sign	300.00
16.60.330D.	Removal of sign	300.00
16.60.340C.	Removal of sign	300.00
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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06)

**Section 4.** Anchorage Municipal Code of Regulations 16.60 regarding Food and Food Facilities is hereby repealed in its entirety.

**Section 5.** This ordinance shall be effective on \_\_\_\_\_.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk



**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2009-40

Title: AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE  
 CHAPTER 16.60 REGARDING THE ANCHORAGE FOOD CODE AND  
 REPEALING THE ANCHORAGE MUNICIPAL CODE OF REGULATIONS  
 16.60 REGARDING FOOD AND FOOD FACILITIES AND RE-ENACTING  
 CHAPTER 16.60 AND AMENDING THE FINE SCHEDULE IN SECTION  
 14.60.030

Sponsor: ACTING MAYOR  
 Preparing Agency: Department of Health and Human Services  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		(In Thousands of Dollars)				
	FY09	FY10	FY11	FY12	FY13	
<b>Operating Expenditures</b>						
1000 Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	
2000 Non-Labor	-	-	-	-	-	
3900 Contributions	-	-	-	-	-	
4000 Debt Service	-	-	-	-	-	
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>REVENUES:</b>	<b>\$ 60</b>	<b>\$ 59</b>	<b>\$ 59</b>	<b>\$ 59</b>	<b>\$ 59</b>	
<b>CAPITAL:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>POSITIONS: FT/PT and Temp</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**PUBLIC SECTOR ECONOMIC EFFECTS:**

There will be a \$59,000 increase in revenue due to adjusted permit fees for food establishments. There may be an additional but slight increase in revenue due to an optional food worker training/certification provision in the AO, which would likely be temporary in nature, within the first year. We estimate that 100 food workers will take this training to become familiar with new provisions in the food code. The certification is administered by DHHS at \$10 per exam, which accounts for the additional \$1000 for FY09.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

The permit fee adjustment is not an across-the-board increase, as the way fees are assessed has been restructured. As a whole, the 1700 food establishments in Anchorage will share in an increase in permit fees of \$59,000 or an average of \$35 per food establishment.

Though not required, some food establishments may opt to use bakery tissues and latex or nitrile gloves to comply with the no bare-hand contact provision of the code. Bakery tissues cost 0.4 cents per tissue, nitrile gloves cost 12 cents per pair. There will be a savings of \$254,916 to the private sector due to relaxing of food protection manager certification to food establishment owners and an equal loss in revenue to private instructors that provide the certification.

Prepared by: Diane Ingle

Telephone: 343-6460

MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEMORANDUM

No. AM 158-2009

Meeting Date: March 24, 2009

1 **From:** ACTING MAYOR

2  
3 **Subject:** AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE  
4 CHAPTER 16.60 REGARDING THE ANCHORAGE FOOD CODE AND  
5 REPEALING THE ANCHORAGE MUNICIPAL CODE OF  
6 REGULATIONS 16.60 REGARDING FOOD AND FOOD FACILITIES  
7 AND RE-ENACTING CHAPTER 16.60 AND AMENDING THE FINE  
8 SCHEDULE IN SECTION 14.60.030.  
9

10  
11 The Department of Health and Human Services is requesting the Anchorage Municipal  
12 Assembly repeal Anchorage Municipal Code Chapter 16.60 regarding the Anchorage Food  
13 Code and re-enact Chapter 16.60 as proposed in the attached Assembly Ordinance.  
14

15 The proposed new food code adopts the 2005 FDA Food Code by reference with some  
16 amendments. Since the 2005 FDA Food Code is a model code, the Municipality of Anchorage  
17 is not required to adopt it. However, the FDA Food Code has become the standard for  
18 agencies that regulate food safety across the United States. According to a 2007 report from  
19 the Association of Food and Drug Officials, 48 of the 50 states have adopted food codes  
20 patterned after the FDA Food Code, including the State of Alaska.  
21

22 Some of the reasons for adopting the proposed new food code are to address current trends in  
23 foodborne illness such as the transmission of disease via bare-hand contact with ready-to-eat  
24 foods and consumer advisory that are not addressed in the current food code. Norovirus, the  
25 most common foodborne pathogen in the United States, is not even mentioned in the existing  
26 Anchorage food code. The proposed ordinance addresses these issues. Major changes are  
27 highlighted on the attached table.  
28

29 Permit fees have also been increased based on the Anchorage CPI from 2002-2007. Permit  
30 fees were last adjusted in 2001. The fee structure is changed slightly in the proposal and in  
31 most cases, amounts to less than a \$100.00 fee increase per establishment and equal savings in  
32 other cases.  
33

34 The existing Anchorage food code is very limited in the ability to assess fines, with only three  
35 particular violations that could result in a fine. The authority to assess fines has been  
36 broadened to include other critical repeat, non-compliance with the Anchorage food code.

37 Fines are rarely used as a means of gaining compliance (less than 5 citations have been issued  
38 since 1999) but the ability to use fines is necessary for serious and repeat violations.  
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42 THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE  
43 REPEALING ANCHORAGE MUNICIPAL CODE CHAPTER 16.60 REGARDING THE  
44 ANCHORAGE FOOD CODE AND REPEALING THE ANCHORAGE MUNICIPAL CODE  
45 OF REGULATIONS 16.60 REGARDING FOOD AND FOOD FACILITIES AND RE-  
46 ENACTING CHAPTER 16.60 AND AMENDING THE FINE SCHEDULE IN SECTION  
47 14.60.030.

48

49 Prepared by: Diane Ingle, Director, Department of Health and Human Services

50 Concur: James Reeves, Municipal Attorney

51 Concur: Michael K. Abbott, Municipal Manager

52 Respectfully submitted: Matt Claman, Acting Mayor

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**Table 1. Major Changes Proposed to AMC 16.60, the Anchorage Food Code.**

<b>Proposed Code Requirement</b>	<b>Existing Code Requirement</b>	<b>DHHS Comments</b>
<p><i>Prohibition of bare-hand contact with ready-to-eat foods.</i> At the point a food is ready for consumption, it may not be touched by a foodworker's bare hand.</p>	<p>Minimize bare-hand contact with ready-to-eat foods.</p>	<p>The CDC has reported that hands are the most common means by which enteric viruses are transmitted. Bare-hand contact with ready-to-eat foods is already restricted in the rest of the state.</p>
<p><i>Consumer advisory.</i> Foods that are served raw or undercooked must state on the menu "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness" or similar.</p>	<p>Raw or undercooked foods must be labeled "Raw" on a menu.</p>	<p>Raw or undercooked foods have become more popular. This allows customers to make informed decisions about what they choose to eat. Consumer advisory is already required in the rest of the state.</p>
<p><i>Date marking.</i> Certain foods, once opened and put into cold storage, must be labeled as to when they must be used by or discarded.</p>	<p>No requirement.</p>	<p>Listeria is the pathogen of concern here. Listeria can grow at refrigeration temperatures. Date marking is not required in the rest of the state.</p>
<p><i>Parasite destruction.</i> Fish that is served raw or undercooked must be held frozen for a set period of time to kill parasites in the meat.</p>	<p>No requirement.</p>	<p>Some food service industry representatives were concerned about how this affects the texture of fresh fish. We added an amendment that provides a consumer advisory option. Parasite destruction is required in the rest of the state, although the state is supportive of our consumer advisory alternative.</p>
<p><i>Demonstration of knowledge.</i> A person-in-charge must be able to demonstrate a basic level of food safety knowledge. This can be</p>	<p>All food facilities are currently required to have at least one certified food protection manager. There are no other options to demonstrate</p>	<p>The proposal provides more alternatives for food facility operators to achieve demonstration of knowledge. Demonstration of</p>

<p>accomplished by being a certified food protection manager, having no critical violations noted on an inspection, or answering certain food safety questions posed by the inspector correctly.</p>	<p>knowledge.</p>	<p>knowledge as proposed is required in the rest of the state.</p>
<p><i>Employee health requirements.</i>          Certain symptoms and foodborne disease diagnoses must be reported to management by the ill person. Management is responsible to let employees know of their responsibility and managers must restrict or exclude employees from working with food depending on the symptoms or clinical diagnoses.</p>	<p>Similar though less descriptive in terms of what conditions should result in what action on the part of food facility management and foodworkers.</p>	<p>Current trends in foodborne illness show that hands are a leading vehicle for contamination and foodborne illness. Existing code language deals adequately with source illnesses (E. coli, salmonella) but does not effectively address diseases such as norovirus, which causes more foodborne illnesses than any other foodborne pathogen. Similar requirements are in place in the rest of the state.</p>

**Content ID:** 007452**Type:** Ordinance - AO

**Title:** AN ORDINANCE REPEALING AND RE-ENACTING ANCHORAGE MUNICIPAL CODE CHAPTER 16.60 REGARDING THE ANCHORAGE FOOD CODE, REPEALING ANCHORAGE MUNICIPAL CODE OF REGULATIONS 16.60, AND AMENDING SECTION 14.60.030 (FINE SCHEDULE).

**Author:** riderbg**Initiating Dept:** HHS**Date Prepared:** 2/18/09 5:04 PM**Director Name:** Diane Ingle**Assembly Meeting Date:** 3/24/09**Public Hearing Date:** 4/21/09

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	3/12/09 3:18 PM	Exit	Joy Maglaqui	Public	007452
MuniMgrCoord_SubWorkflow	3/12/09 3:18 PM	Approve	Joy Maglaqui	Public	007452
MuniManager_SubWorkflow	3/12/09 9:36 AM	Approve	Michael Abbott	Public	007452
Legal_SubWorkflow	2/26/09 2:33 PM	Approve	Rhonda Westover	Public	007452
Finance_SubWorkflow	2/24/09 10:13 AM	Approve	Sharon Weddleton	Public	007452
OMB_SubWorkflow	2/20/09 11:20 AM	Approve	Wanda Phillips	Public	007452
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AllOrdinanceWorkflow	2/19/09 3:29 PM	Checkin	Benedicte Rider	Public	007452
HHS_SubWorkflow	2/19/09 3:27 PM	Reject	Jayson S. Smart	Public	007452
AllOrdinanceWorkflow	2/19/09 3:19 PM	Checkin	Benedicte Rider	Public	007452
HHS_SubWorkflow	2/19/09 3:16 PM	Reject	Jayson S. Smart	Public	007452
AllOrdinanceWorkflow	2/19/09 2:30 PM	Checkin	Benedicte Rider	Public	007452
HHS_SubWorkflow	2/18/09 7:55 PM	Reject	Diane Ingle	Public	007452
AllOrdinanceWorkflow	2/18/09 5:10 PM	Checkin	Benedicte Rider	Public	007452