

**ANCHORAGE, ALASKA**  
**AO No. 2009-40(S)**

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9 **Section 1.** Anchorage Municipal Code chapter 16.60 is hereby repealed in its  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 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.  
 28  
 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.  
 35

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.  
 46

- 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.  
4

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;  
34  
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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5. In whole or in part, the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse;
  6. In a container composed, in whole or in part, of a poisonous or deleterious substance that may render the contents injurious to health;
  7. Potentially hazardous and held at temperatures not in compliance with the requirements set forth in this chapter; or
  8. Defined in the Federal Food, Drug, and Cosmetic Act part 402 as adulterated.
- C. *Approved facility* means a non-permitted place other than a commissary or residence acceptable to the department for a specific activity or event in support of a temporary food establishment, or a mobile food unit.
- D. *Bed and breakfast homestay* means a business located in an owner- or host-occupied, one-family dwelling where up to five guestrooms are provided for compensation as overnight accommodations for transient guests to whom a continental or cook-and-serve breakfast is customarily served and included in the charge for the room.
- E. *Caterer* means a food operation using a permitted food establishment to prepare food for service and consumption at another permitted food establishment or at a public or private event.
- F. *Change of ownership* means a transfer of fifty percent or more of the ownership of a food establishment.
- G. *Child care center* means a child care and educational center as defined in section 16.55.010.
- H. *Commissary* means a permitted food establishment where support services are provided to one or more caterers, vending machines, mobile food units, or temporary food establishments; these support services may include:
1. Food preparation, handling, packaging, or storage;
  2. Storage of utensils, including single-service items, or supplies;
  3. Washing, rinsing, and sanitizing of equipment and utensils;

- 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
- 43 2. Operates out of an commissary or other approved facility  
44 (unless the unit is a self-contained mobile food unit);  
45
- 46 3. Has a menu usually restricted to service of specific food;

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

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

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

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

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

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

FF. *Snack* means food served consisting of:

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

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

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

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

23  
 24           **16.60.060    Applicability**

25  
 26           A.    Except as otherwise provided herein, the requirements of this  
 27           chapter shall apply to premises, practices, and procedures of food  
 28           establishments including each type of operation.

29  
 30           B.    The requirements of this chapter shall not apply to the following  
 31           items as long as these food operations are regulated by state law:

- 32  
 33                   1.     Milk, Milk Products and Reindeer Slaughtering and  
 34                   Processing regulated by the state under 18 AAC 32;  
 35  
 36                   2.     Seafood Processing and Inspection regulated by the state  
 37                   under 18 AAC 34;  
 38  
 39                   3.     Food processing plants with a permit under state law to bottle  
 40                   drinking water; or  
 41  
 42                   4.     ~~Food establishments authorized under state law to operate at~~  
 43                   ~~assisted living facilities.~~

44  
 45           C.    The following activities and facilities are not subject to this chapter:  
 46

- 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;
- 43  
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.**

- 33
- 34 A. A person shall not operate a food establishment unless the following
- 35 requirements are met:
- 36
- 37 1. The person complies with section 16.60.070;
  - 38 2. The person applies for a permit for each operation as
  - 39 described in subsection D.;
  - 40
  - 41 3. The person pays each applicable fee required by
  - 42 section 16.60.110;
  - 43
  - 44

- 1 4. The department issues a permit for each separate operation  
2 as described in subsection D.; and  
3
- 4 5. The permit for each separate operation is posted in a location  
5 conspicuous to the public.  
6
- 7 B. Any permit issued under this chapter is non-transferable.  
8
- 9 C. A business licensed as a beverage dispensary by the State of Alaska  
10 shall obtain a permit under this chapter for service of beverages,  
11 even if other food is not served.  
12
- 13 D. Each operation shall have a separate permit. Some examples of  
14 operations requiring a separate permit include the following:  
15
  - 16 1. A food establishment that acidifies, cures, dehydrates, thermal  
17 processes low-acid food, or reduced oxygen packages food  
18 as a food processing plant as defined in section 16.60.050.  
19
  - 20 2. A bar licensed as a beverage dispensary by the State of  
21 Alaska also has a restaurant designation permit from the  
22 State of Alaska.  
23
  - 24 3. If two or more operations share equipment or facilities such as  
25 warewashing, refrigerator, freezer, or storage areas, then a  
26 separate permit is required for each operation.  
27
  - 28 4. A food demonstration operation not exempt under section E.3.  
29
- 30 E. A separate permit is not required for:  
31
  - 32 1. A permitted food establishment under this chapter where:  
33
    - 34 a. Consumers serve themselves with individual  
35 prepackaged foods that may be heated; and  
36
    - 37 b. Single service tableware and condiments are provided.  
38
  - 39 2. Service of food at an auxiliary site, if the auxiliary site:  
40
    - 41 a. Has the same operator as the permitted food  
42 establishment or is serviced by a caterer; and  
43
    - 44 b. Food preparation occurs at the permitted food  
45 establishment.  
46

- 1                   3.     A food demonstration at a permitted food establishment if:  
2  
3                   a.     The food establishment has a permit;  
4  
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.**  
35

- 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:  
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44 1. A food establishment is to be constructed;  
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2. An existing structure is to be converted for use as a food establishment;
  3. An existing food establishment is proposed to be extensively remodeled; or
  4. A new type of operation is to be added to an existing permitted food establishment.
- C. Whenever plans and specifications for construction, remodeling, altering, conversion or change of operation of a food establishment are submitted to the department, the department shall inspect the completed establishment.
- D. An operator shall submit for prior department approval any significant change to the types of food, methods of preparation, or style of service.
- E. Except for a temporary food establishment subject to section 16.60.220, an applicant for a food establishment permit shall submit plans that include at a minimum:
1. A floor plan of the entire premises showing the location of buildings, refuse storage site, approved water supply, approved waste disposal system, and access for deliveries;
  2. A detailed to-scale drawing of the food establishment showing the storage areas and type, model, and location of equipment, and plumbing fixtures, such as sinks and toilets;
  3. A plumbing schematic depicting hot and cold lines, wastewater lines, floor drains, and grease traps;
  4. The construction and design specifications for equipment;
  5. The finish materials specifications for floors, walls, and ceilings;
  6. Types and location specifications for lighting and ventilation;
  7. A description of foods to be served, projected volumes, methods of preparation and service;
  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 3-301.11 of the 2005 FDA Model Food Code is adopted with  
6 the following amendment to paragraph (B) of Section 3-301.11  
7 (paragraph (A) is set out for context only; paragraphs (C) and (D) are  
8 not affected and therefore not set out):  
9

10 **3-301.11 Preventing Contamination from Hands.**

- 11  
12 (A) Food employees shall wash their hands as specified under  
13 Section 2-301.12.  
14  
15 (B) Except when washing fruits and vegetables as specified under  
16 Section 3-302.15, or when garnishing beverages, or as  
17 specified in paragraph (D) of this section, food employees  
18 may not contact exposed, ready-to-eat food with their bare  
19 hands and shall use suitable utensils such as deli tissue,  
20 spatulas, tongs, single-use gloves, or dispensing equipment.  
21

22 \*\*\*                    \*\*\*                    \*\*\*  
23

24 B [A]. Section 3-402.11 of the 2005 FDA Model Food Code shall not be  
25 adopted. is optional, provided the operator complies with section  
26 16.60.260 of the Anchorage Food Code.  
27

28 C [B]. Subparagraphs 3-501.16(A)(2)(b) and 3-501.17(A)(2)(b) of the 2005  
29 FDA Model Food Code shall not be adopted.  
30

31 **16.60.150 2005 FDA Model Food Code: Equipment, utensils, and**  
32 **linens.**  
33

34 The 2005 FDA Model Food Code Chapter 4 governing "Equipment,  
35 Utensils, and Linens." is adopted and incorporated by reference herein  
36 except as follows:  
37

38 A. Section 4-204.16 2005 FDA Model Food Code shall not become  
39 effective until five (5) years after the adoption of this code.  
40

41 **16.60.160 2005 FDA Model Food Code: Water, Plumbing, and**  
42 **Waste.**  
43

44 The 2005 FDA Model Food Code Chapter 5 governing "Water, Plumbing,  
45 and Waste" is adopted and incorporated by reference herein except as  
46 follows:

- 1  
2 A. Section 5-203.13 of the 2005 FDA Model Food Code shall not apply  
3 to a mobile food unit or kiosk.  
4

5 **16.60.170 2005 FDA Model Food Code: Physical Facilities.**  
6

7 The 2005 FDA Model Food Code Chapter 6 governing "Physical Facilities"  
8 is adopted and incorporated by reference herein.  
9

10 **16.60.180 2005 FDA Model Food Code: Poisonous or toxic**  
11 **materials.**  
12

13 The 2005 FDA Model Food Code Chapter 7 governing "Poisonous or Toxic  
14 Materials" is adopted and incorporated by reference herein.  
15

16 **16.60.190 2005 FDA Model Food Code: Compliance and**  
17 **Enforcement (Variances and HACCP Plans).**  
18

19 The 2005 FDA Model Food Code Chapter 8 sections 8-103.10, 8-103.11, 8-  
20 **103.12** ~~430.12~~, 8-201.13 and 8-201.14 governing Variances and HACCP  
21 Plans are adopted and incorporated by reference herein. No other  
22 provisions of 2005 FDA Model Food Code Chapter 8 are adopted.  
23

24 **16.60.200 Water supply.**  
25

- 26 A. The operator of a permitted food establishment not directly  
27 connected to a water supply and subject to 18 AAC 80 shall ensure  
28 the potable water is obtained from an approved source and is  
29 transported, delivered, and stored in accordance with 18 AAC 80.  
30
- 31 B. In addition to section A. above, the operator of a permitted food  
32 establishment not directly connected to a water supply and subject to  
33 18 AAC 80 shall take the following actions at least annually or, for  
34 food establishments operating seasonally, prior to opening:  
35
- 36 1. Superchlorinate each potable water tank for at least two (2)  
37 hours with fifty (50) ppm chlorine solution;  
38
  - 39 2. Drain, thoroughly rinse, and refill the tank;  
40
  - 41 3. Submit samples of potable water being used in the facility to a  
42 certified laboratory for coliform analysis every twelve (12)  
43 months during operation; and  
44
  - 45 4. Forward a copy of the coliform analysis report to the  
46 department within five (5) days of receiving the results of the

1 analysis.

2  
3 **16.60.210 Ventilation.**

- 4  
5 A The operator of a permitted food establishment shall ensure  
6 equipment producing excessive heat, steam, condensation, vapors,  
7 noxious odor, smoke, or fumes is adequately vented to the outside  
8 air through a hood and filter system complying with applicable law,  
9 and preventing grease, condensation, or debris from collecting on  
10 walls and ceilings or from dripping onto food or food-contact  
11 surfaces.  
12  
13 B. The operator of a permitted food establishment shall ensure  
14 equipment producing grease-laden vapors is vented through a hood  
15 and grease collection system designed and installed in accordance  
16 with the International Mechanical Code; Section 507–Commercial  
17 Kitchen Hoods, as adopted by section 23.05.010 and maintained as  
18 required in the International Fire Code; Section 904 –Alternative  
19 Automatic Fire-Extinguishing Systems, as adopted by section  
20 23.05.010.  
21

22 **16.60.220 Temporary food establishment.**

- 23  
24 A. In addition to the other requirements of this chapter, the operator of a  
25 temporary food establishment shall comply with this section.  
26  
27 B. Food shall be prepared at the temporary food establishment unless  
28 the department approves prior preparation at a commissary or  
29 approved facility under section C.3. below.  
30  
31 C. Depending on the adequacy of facilities, equipment, and utensils for  
32 the types and volume of food, and methods of preparation and  
33 service, the department may:  
34  
35 1. Limit the foods to be prepared and sold;  
36  
37 2. Limit preparation steps;  
38  
39 3. Authorize prior preparation of food at a commissary or  
40 approved facility if:  
41  
42 a. The commissary or approved facility has adequate  
43 equipment for the type and volume of food and  
44 methods of preparation;  
45  
46 b. Potentially hazardous food is maintained at

1 temperatures in accordance with 2005 FDA Model  
2 Food Code section 3-501.16;  
3

4 c. All food is protected from contamination during  
5 transportation to the temporary food establishment; and  
6

7 d. A letter of agreement signed by the operator of the  
8 commissary or approved facility is attached to the  
9 temporary food establishment application specifying  
10 the food, and the dates and times the food is prepared  
11 and stored.  
12

13 D. The operator of a temporary food establishment shall provide  
14 documentation the operator:  
15

16 1. Is a certified food protection manager in accordance with  
17 section 16.60.270; or  
18

19 2. Is a certified food worker in accordance with  
20 section 16.60.280.  
21

22 E. The operator of a temporary food establishment shall ensure:  
23

24 1. Potentially hazardous food cooked and/or hot-held at the  
25 temporary food establishment is not cooled and later served  
26 to the public.  
27

28 2. Except as provided in section E.3. below, a hand washing  
29 station is provided for employees, including:  
30

31 a. A container with a minimum capacity of two gallons,  
32 equipped with a faucet-type spigot, and filled with warm  
33 water or if the container is not insulated, a means to  
34 heat the water;  
35

36 b. A container to catch wastewater from hand washing;  
37 and  
38

39 c. Soap and single-service towels.  
40

41 3. Upon approval from the department, temporary food  
42 establishments with minimal handling may use chemically  
43 treated towelettes as specified in 2005 FDA Model Food Code  
44 paragraph 5-203.11(C).  
45

46 F. The operator of a temporary food establishment shall ensure

1 wastewater is disposed of into an approved wastewater disposal  
2 system.

3  
4 G. The operator of a temporary food establishment shall ensure toilets  
5 and hand washing facilities are available within two hundred (200)  
6 feet of the temporary food establishment.

7  
8 H. Event coordinators:

9  
10 1. Shall not interfere with and shall cooperate with the  
11 enforcement of this chapter by the department. An event  
12 coordinator shall not allow any food establishment ordered to  
13 close by the department to continue to operate.

14  
15 2. Shall provide the department with a list of all temporary food  
16 establishments and operators participating in the planned  
17 event at least seven (7) days prior to the event. In addition,  
18 the temporary event coordinators shall provide a map  
19 indicating proposed sites of each food establishment and all  
20 public toilets and hand wash facilities at least forty-eight (48)  
21 hours prior to the event. The temporary event coordinator  
22 shall inform all temporary food establishment operators  
23 participating in the event of the requirement for a food  
24 establishment permit from the department.

25  
26 3. Shall ensure, at events open to the public for two (2) hours or  
27 longer, public toilets and hand washing facilities are provided  
28 and:

29  
30 a. The number of toilets furnished is adequate based on  
31 the peak crowd anticipated and the toilets are  
32 conveniently located and available to all vendors;

33  
34 b. If running water is not practically available, portable  
35 toilets are provided instead of flush toilets; in  
36 determining the number of portable toilets required, the  
37 operator shall use comply with title 23; and

38  
39 c. Lavatories are supplied for washing hands from a  
40 storage tank approved by the department, or from an  
41 insulated container with a minimum capacity of two  
42 gallons each, equipped with a faucet-type spigot and  
43 filled with warm water.

44  
45 4. Shall ensure toilet facilities:  
46

- 1 a. Have cleanable interior surfaces, screened openings  
2 for ventilation, self-closing doors, and otherwise  
3 prohibit the entrance of insects and rodents; and  
4  
5 b. Are serviced as often as necessary to remove  
6 accumulated wastes, are kept clean, and are supplied  
7 with toilet paper.  
8

9 **16.60.230 Mobile food units and kiosks.**

- 10  
11 A. In addition to the other requirements of this chapter, the operator of a  
12 mobile food unit or kiosk shall comply with this section.  
13  
14 B. The operator of a mobile food unit or kiosk, except a self-contained  
15 mobile food unit or kiosk described in section C. below, shall:  
16  
17 1. Ensure functions that cannot be performed in the mobile food  
18 unit or kiosk, but are required by this code, be performed at  
19 least once each day in a commissary or other location  
20 approved by the department, such as cleaning the unit,  
21 equipment, and utensils; servicing potable water and  
22 wastewater tanks; and restocking food and supplies;  
23  
24 2. Provide to the department a letter of agreement between the  
25 operator and the commissary outlining:  
26  
27 a. The days and hours the commissary is to be used; and  
28  
29 b. The extent of support services to be provided at the  
30 commissary.  
31  
32 3. Advise the department in writing immediately, but not later  
33 than seventy-two (72) hours, if use of the commissary is  
34 discontinued or the commissary used is changed.  
35  
36 C. The operator of a self-contained mobile food unit or kiosk is not  
37 required to work out of a commissary as described in section B.  
38 above if the department determines the unit has:  
39  
40 1. Installed on the unit, adequate for one full day of operation,  
41 water and wastewater holding tanks, hand washing, and ware  
42 washing facilities; and  
43  
44 2. Adequate storage facilities on the unit for all food, equipment,  
45 utensils, including single-service items, and supplies used in  
46 the operation.

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- D. The operator of a mobile food unit shall:
1. Provide only single-service articles to consumers; and
  2. Ensure toilet facilities are available within two hundred (200) feet of the unit or conveniently located and available to employees during work hours, as approved by the department.
- E. In addition to the other requirements of this section, the operator of a pushcart shall ensure:
1. The pushcart size is limited to three (3) feet wide by six (6) feet long excluding extensions from the ends of the cart. The overall length of the pushcart with extensions shall not exceed ten (10) feet.
  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.

- 1 2. Shall not process seafood as defined in 18 AAC 34 at the
- 2 mobile retail unit or commissary.
- 3
- 4 3. Shall provide approved and adequate hand washing, this shall
- 5 include, at a minimum:
- 6
- 7 a. A container with a minimum capacity of five gallons,
- 8 equipped with a faucet-type spigot, and filled with warm
- 9 water or, if the container is not insulated, a means to
- 10 heat the water;
- 11
- 12 b. A container to catch wastewater from hand washing;
- 13 and
- 14
- 15 c. Soap and single-service towels.
- 16
- 17 4. Chemically treated towelettes as specified in 2005 FDA Model
- 18 Food Code paragraph 5-203.11(C) may be substituted for
- 19 handwashing requirements in section F.3. above.
- 20

21 **16.60.240** **Child care centers.**

- 22
- 23 A. In addition to the other applicable requirements of this chapter, the
- 24 operator of a child care center shall comply with this section.
- 25
- 26 B. Food provided to child care centers by parents/guardians for service
- 27 to children other than their own shall be limited to:
- 28
- 29 1. Snacks; or
- 30
- 31 2. Confections or bakery-type items, such as fruit or berry pies
- 32 and cobblers, cakes, cookies, donuts, and breads. Potentially
- 33 hazardous food, including bakery-type items containing
- 34 potentially hazardous fillings or topping, such as custard,
- 35 whipped cream, or meringue, shall not be allowed under this
- 36 section.
- 37
- 38 C. Formula, breast milk and juice served to infants shall be:
- 39
- 40 1. Supplied daily to the child care center by the
- 41 parent(s)/guardian as packaged (ready-to-feed) and fully
- 42 prepared, except breast milk, if frozen, may be provided in
- 43 baby bottles or bottle liners and identified for the appropriate
- 44 child; or
- 45
- 46 2. Supplied to the child care center by the parent(s)/guardian as

1 unopened containers of powdered or liquid formula  
2 concentrate, provided the containers are identified for the  
3 appropriate child and the formula is prepared as prescribed by  
4 the child's physician or parent(s)/guardian and fed only to that  
5 parent's child and after opening.  
6

7 D. Any excess formula, breast milk, or juice shall be discarded after  
8 each feeding.  
9

10 E. Warming of baby food, formula, milk and breast milk shall be done  
11 by placing the containerized food item in hot water (not boiling),  
12 shaking or stirring the food well, and temperature testing the food  
13 before feeding. Bottles and baby food shall not be warmed in a  
14 microwave oven.  
15

16 F. Commercially prepared and homemade baby food provided by the  
17 parent(s)/guardian shall be:  
18

19 1. Provided as needed, except homemade baby food shall be  
20 provided only on a daily basis;  
21

22 2. Labeled with the child's name;  
23

24 3. Served only to the parent's/guardian's child;  
25

26 4. Served from a cup or bowl, not directly from the container;  
27 and  
28

29 5. After opening, used, discarded, or returned to the parent at  
30 the end of the day.  
31

32 G. Commercially prepared baby food, after opening, shall be:  
33

34 1. Served from a cup or bowl, not directly from the container;  
35 and  
36

37 2. Used, discarded, or returned to the parent at the end of the  
38 day.  
39

40 H. Employees, while engaged in food handling and/or preparation  
41 activities, shall not be involved in diapering or toilet training unless it  
42 is an emergency situation.  
43

44 I. Toilet room doors are exempt from the requirements of 2005 FDA  
45 Model Food Code section 6-202.14.  
46

- 1 J. Outside doors at a child care center governed by this section are  
2 exempt from the self-closing requirement in 2005 FDA Model Food  
3 Code subparagraph 6-202.15(A)(3).  
4

5 **16.60.250 Food processing plant.**  
6

- 7 A. In addition to the other applicable requirements of this chapter, the  
8 operator of a food processing plant shall comply with this section.  
9
- 10 B. The operator of a food processing plant may not use a packaging  
11 process or material that may:  
12
- 13 1. Transmit a contaminant or objectionable material to the food;
  - 14 2. Impart additives;
  - 15 3. Fail to prevent food contamination; or
  - 16 4. Allow the growth of infectious or toxigenic microorganisms.
- 17
- 18
- 19
- 20
- 21 C. In addition to the labeling requirements listed in 2005 FDA Model  
22 Food Code paragraph 3-201.11(C), the owner or operator of a food  
23 processing plant shall ensure food products made by the processor  
24 are labeled:  
25
- 26 1. With a lot number or other code allowing production lots to be  
27 identified in the event the food is recalled, contaminated, or  
28 otherwise found to be unfit for human consumption. The  
29 operator shall keep lot records for a period exceeding the  
30 shelf life of the product by six (6) months, or for two (2) years,  
31 whichever is less.  
32
  - 33 2. So known allergens, including fish, tree nuts, mollusks, wheat,  
34 milk crustacea, eggs, and legumes (particularly peanuts and  
35 soybeans) used in food product formulations are declared on  
36 the label, even if a processing or incidental additive. The  
37 name of the ingredient may be accompanied by a  
38 parenthetical statement such as "processing aid" for clarity.  
39
  - 40 3. So all foods in reduced oxygen packaging relying on  
41 refrigeration as a barrier to microbial growth must bear the  
42 statement "Important – Must be kept refrigerated at 41° F" or  
43 "Important – Must be kept frozen," in the case of foods relying  
44 on freezing as a primary safety barrier.  
45
  - 46 4. So each container of food in reduced oxygen packaging must

1 bear a "use-by" date. This date cannot exceed fourteen (14)  
2 days from retail packaging or repackaging without further  
3 variance granted by the regulatory authority. The date  
4 assigned to a repackaged food cannot extend beyond the  
5 manufacturer's recommended "pull date" for the food. The  
6 "use-by" date must be listed on the principal display panel in  
7 bold type on a contrasting background.  
8

- 9 D. The operator of a food processing plant shall develop and maintain  
10 procedures for notifying the department and consumers of a product  
11 recall and shall implement those procedures for any product the  
12 operator or the department knows or has reason to believe might  
13 cause illness, injury, or gross consumer deception.  
14

15 **16.60.260** ~~**Alternative to parasite destruction.**~~  
16

17 A. ~~Raw marinated, partially cooked, or marinated partially cooked fish~~  
18 ~~that does not undergo parasite destruction as required by 2005 FDA~~  
19 ~~Model Food Code section 3-402.11 may be served if:~~  
20

21 1. ~~The food establishment complies with section 3-603.11 of the~~  
22 ~~2005 FDA Model Food Code; and~~  
23

24 2. ~~The food establishment includes additional information in the~~  
25 ~~reminder as described in section 3-603.11 of the 2005 FDA~~  
26 ~~Model Food Code, stating "Raw or undercooked fish may~~  
27 ~~contain parasites that can cause foodborne illness" or similar~~  
28 ~~language as approved by the department.~~  
29

30 **16.60.270** **Certified food protection manager.**  
31

32 A. The operator of a permitted food establishment categorized as F002  
33 or F003 in section 16.60.110 shall have at least one certified food  
34 protection manager for each operation who is an active on-site  
35 person responsible for the day to day operation of the establishment.  
36

37 B. The department may require the operator of a permitted food  
38 establishment to have a certified food protection manager present  
39 during all hours of operation if there is a documented inability to  
40 maintain safe and sanitary food handling practices as demonstrated  
41 by a foodborne disease outbreak or serious and repeated violations  
42 of this chapter.  
43

44 C. A person shall be considered a certified food protection manager if  
45 the person provides documentation of successful completion of a  
46 food safety examination for food managers from an accredited

1 program.

2  
3 1. For certification purposes, the certificate date shall be the date  
4 the individual successfully completed the examination.

5  
6 2. The certificate shall expire five (5) years from the date of the  
7 original issuance.

8  
9 D. If more than one permitted food establishment is being operated by  
10 the same owner and is located on the same property, only one  
11 certified food protection manager shall be required if that person is  
12 an active on-site person in charge for each permitted activity.

13  
14 E. A copy of the certified food protection manager certificate shall be  
15 forwarded to the department within ten (10) days of receipt of the  
16 certificate, to be kept on file by the department. All copies of  
17 certificates forwarded to the department shall include the name and  
18 permit number of the establishment where the certificate holder is  
19 currently employed.

20  
21 F. The operator of a food establishment shall supply the department  
22 with the name and a copy of the certificate of a new certified food  
23 protection manager within thirty (30) days after the termination date  
24 of the previous certified food protection manager.

25  
26 **16.60.280 Certified food worker.**

27  
28 A. The operator of a temporary food establishment shall **ensure each**  
29 **food worker employed in the establishment, within 30 days after**  
30 **the date of hire, has been trained in basic food safety including**  
31 **employee health requirements.** ~~have at least one certified food~~  
32 ~~worker for each operation who is an active on-site person~~  
33 ~~responsible for the day-to-day operation of the establishment.~~

34  
35 B. The operator of a food establishment shall provide proof of  
36 compliance with section A. by providing documentation of one of the  
37 following:

38 ~~1. Training records kept by the operator of a food establishment~~  
39 ~~for each food worker in the establishment;~~

40 ~~1.2.~~ A food worker card issued by the department; or

41 ~~2.3.~~ **A food worker card issued by other food worker card**  
42 **programs** documentation as approved by the department.

43  
44 C. An individual shall be considered a certified food worker if they  
45 provide documentation indicating successful completion of a food  
46 safety examination for food workers from a program provided by or

1 approved by the department.  
2

3 D. The certificate shall expire **three (3)** ~~five (5)~~ years from the date of  
4 the original issuance and be provided to the department upon  
5 request by the department.  
6

7 **E. In this section, "food worker" means:**  
8

9 **1. An individual working with unpackaged food, potentially**  
10 **hazardous food, or food-contact surfaces; and**  
11

12 **2. Does not include the following individuals, or an**  
13 **individual whose activities are limited to one or more of**  
14 **the following:**

15 **a. an individual responsible for greeting, seating, or**  
16 **transacting the exchange of money or credit with**  
17 **customers;**  
18

19 **b. a grocery checker or an individual responsible for**  
20 **bagging groceries;**  
21

22 **c. a delivery driver;**  
23

24 **d. a patient or resident in an institution;**  
25

26 **e. an individual who assists patients or residents in**  
27 **an institution with meals;**  
28

29 **f. a volunteer;**  
30

31 **g. an individual responsible for stocking shelves or**  
32 **display areas;**  
33

34 **h. an individual responsible for receiving, stocking,**  
35 **shipping, delivering, or picking product in a**  
36 **warehouse; or**  
37

38 **i. an individual under the age of 18 who is assisting**  
39 **in a school kitchen with school meal service.**  
40

41 **16.60.290 Compliance Inspections.**  
42

43 A. The department may conduct inspections to determine compliance  
44 with this chapter.  
45

46 B. The person operating a food establishment shall allow an inspector

1 to enter and have free access to the food establishment during  
2 reasonable hours to conduct an inspection in order to determine  
3 compliance with this chapter. During an inspection the department  
4 may, but is not limited to:

- 5
- 6 1. Inspect all or any portion of the establishment, including each  
7 type of operation required to have a permit under section  
8 16.60.070;
- 9
- 10 2. Inspect all or any portion of any commissary, servicing area,  
11 or other facility supporting or operating in conjunction with the  
12 establishment, including areas supporting vending machines;
- 13
- 14
- 15 3. Examine records relating to food and supplies purchased,  
16 received, or used;
- 17
- 18 4. Examine employees' illness or absenteeism if investigating a  
19 possible foodborne disease outbreak; and
- 20
- 21 5. Examine food, observe procedures, obtain samples, or  
22 conduct tests to assure compliance with this chapter.
- 23
- 24 C. Failure to grant free access as described in section B. above shall  
25 constitute cause for the suspension or revocation of the food  
26 establishment permit pursuant to sections 16.60.320 and 16.60.330  
27 or a Notice of Closure under section 16.60.340.
- 28
- 29 D. During an inspection, the inspector shall record the findings on forms  
30 developed by the department.
- 31
- 32 E. The department shall conduct inspections as follows:
- 33
- 34 1. *Regular inspections.* The department shall make a  
35 reasonable effort to inspect every permitted food  
36 establishment at least once per year. When a regular  
37 inspection is made, the inspector shall inspect the entire  
38 permitted food establishment. The department may conduct  
39 additional inspections of permitted food establishments based  
40 upon the potential risk of foodborne illness transmission.
- 41
- 42 2. *Re-inspections.* The department may conduct re-inspections  
43 to verify compliance with this chapter. When a re-inspection  
44 is conducted, the inspector shall complete an inspection in its  
45 entirety.
- 46

- 1 a. A re-inspection may be conducted by the department  
2 as needed, subsequent to a regular inspection, where  
3 critical violations were noted and the department  
4 issued a compliance schedule pursuant to  
5 section 16.60.300, repeat noncritical violations were  
6 noted on three or more consecutive inspections, or to  
7 monitor correction of items listed on the last regular  
8 inspection form. A re-inspection may occur within thirty  
9 (30) calendar days of the initial inspection.  
10  
11 b. The department may issue a compliance schedule  
12 pursuant to section 16.60.300 for any new violations  
13 found during a re-inspection.  
14  
15 c. An enforcement inspection may be scheduled  
16 subsequent to a re-inspection according to section E.3.  
17 below.  
18

19 3. *Enforcement inspections.* An enforcement inspection may be  
20 conducted by the department as needed, subsequent to a  
21 regular inspection or re-inspection, where repeat critical  
22 violations were noted and ~~the department issued a~~  
23 ~~compliance schedule pursuant to section 16.60.300~~ or repeat  
24 noncritical violations were noted on four or more consecutive  
25 inspections.  
26

- 27 a. During an inspection resulting in the need for an  
28 enforcement inspection:  
29  
30 i. The operator shall receive written notice an  
31 enforcement inspection shall be made on a  
32 specific date, which shall be within fifteen (15)  
33 days of the current inspection date;  
34  
35 ii. Written notice shall be given should the operator  
36 fail to correct the identified violation(s) by the  
37 time of the enforcement inspection, the  
38 department may suspend or revoke the food  
39 establishment permit in accordance with  
40 sections 16.60.320 and 16.60.330;  
41  
42 b. The operator shall be assessed a fee for such  
43 enforcement inspection(s) at the current department  
44 rate set forth in section 16.60.110.  
45  
46 c. Should an enforcement inspection reveal critical

1 violations identified on the previous inspection continue  
2 to exist:

3  
4 i. The department may initiate the suspension or  
5 revocation of the permit in accordance with  
6 sections 16.60.320 and 16.60.330; or

7  
8 ii. The department may schedule additional  
9 enforcement inspections pursuant to this  
10 subsection.

11  
12 4. *Change of ownership inspections.* A change of ownership  
13 inspection shall be conducted by the department following  
14 receipt of an application for a permit indicating a change of  
15 ownership. The inspection shall check for compliance with  
16 this chapter.

17  
18 5. *Additional inspections.* The department may conduct  
19 additional inspections of permitted food establishments:

20  
21 a. Subsequent to extensive remodeling of a permitted  
22 food establishment;

23  
24 b. In response to a complaint;

25  
26 c. Prior to issuance of a permit and to opening of a new  
27 food establishment;

28  
29 d. After fire, flood, extended interruption of potable water  
30 or electrical service, or other emergency in the  
31 permitted food establishment potentially affecting food  
32 safety; or

33  
34 e. As needed to protect public health or to assure  
35 compliance with this chapter.

36  
37 6. *Structural inspections.* The department may conduct an  
38 inspection of a structure, where plans are approved by the  
39 department, to monitor compliance with this chapter.

40  
41 F. An operator may not interfere with or threaten an inspector  
42 performing an inspection under this section.

43  
44 **16.60.300** **Correction of Violations.**

45  
46 A. The operator shall correct violations found by the department during

1 an inspection pursuant to section 16.60.290 as follows:  
2

3 1. Violations shall be corrected immediately unless the  
4 department agrees immediate correction is not possible and  
5 interim measures are initiated to protect the public health. In  
6 such a case, the department may, in its discretion, issue a  
7 compliance schedule to the operator.  
8

9 2. The operator of a permitted food establishment shall notify the  
10 department in writing when the operator has corrected critical  
11 violations noted. The department may conduct an inspection  
12 to confirm correction.  
13

14 3. The operator of a temporary food establishment shall  
15 immediately correct any violation(s). If the violation cannot be  
16 corrected, the department may immediately suspend the  
17 operator's temporary food establishment permit.  
18

19 B. The department may suspend or revoke a permit in accordance with  
20 sections 16.60.320 and 16.60.330 for failure to comply with this  
21 section.  
22

23 C. If a permitted food establishment is required to cease operation, the  
24 operator shall not resume operations until the department confirms  
25 the conditions causing the suspension no longer exist. The  
26 department may, if public health is protected and the purpose of this  
27 chapter is otherwise satisfied, enter into a compliance agreement  
28 with the operator establishing a schedule for correcting deficiencies.  
29

30 D. The inspection report is a public record and is available for public  
31 review. The department may publish individual inspection reports or  
32 ratings, summaries or trend data extracted from groups of inspection  
33 reports.  
34

35 **16.60.310 Detention and destruction of food.**  
36

37 A. The department may examine and obtain samples of food offered or  
38 displayed for sale to the public.  
39

40 B. If the department finds or has cause to believe a food product or food  
41 ingredient is adulterated, misbranded, processed or harvested in  
42 violation of this chapter the department shall:  
43

44 1. Detain the food product or food ingredient;  
45

46 2. Order affixed in a conspicuous place to the food product or

1 food ingredient a "detained" tag or other appropriate marking  
2 that gives notice the food product or food ingredient is  
3 detained;

4  
5 3. Order the food product or food ingredient shall not be  
6 removed, disposed, moved, reprocessed, re-labeled,  
7 destroyed, or otherwise terminate detention of the food  
8 product or food ingredient without the department's written  
9 consent or order of the court;

10  
11 4. Issue a notice of detention and inform the person operating  
12 the food establishment of conditions required to terminate the  
13 detention.

14  
15 C. Upon request, the department shall notify the operator of the results  
16 of any laboratory analysis conducted by the department of a food  
17 product or food ingredient detained under section B above.

18  
19 **16.60.320 Summary permit suspension.**

20  
21 A. *Suspension.* The department may, without prior warning, notice, or  
22 hearing, suspend a permit and require the permitted food  
23 establishment cease operating if:

- 24  
25 1. An imminent health hazard exists;
- 26  
27 2. Repeated violations of this chapter constitute an unacceptable  
28 public health risk;
- 29  
30 3. A permitted food establishment is placed under a "boil water"  
31 notice under 18 AAC 80;
- 32  
33 4. Samples of the permitted food establishment's public drinking  
34 water supply are positive for fecal coliforms; or
- 35  
36 5. The operator or an employee interferes with a department  
37 employee or agent in the performance of official duties.

38  
39 B. *Effect of suspension.* The permitted food establishment shall cease  
40 all preparation and service of food immediately upon notice of  
41 suspension upon on the operator by the department.

42  
43 C. *Notice of suspension.* The notice of suspension shall include the  
44 reasons for the suspension and the right to appeal the suspension.

45  
46 D. *Reinstatement of permit.* A summary suspension shall remain in

1 effect until the conditions cited in the notice of suspension no longer  
2 exist and their elimination is confirmed by the department through re-  
3 inspection and other means as appropriate.  
4

- 5 E. *Posting of Suspension.* The department may order posting of a  
6 Notice of Suspension, affixed to prominent locations at the food  
7 establishment. Removal of the notice by anyone other than the  
8 department is a violation of this chapter.  
9

10 **16.60.330** **Permit revocation.**  
11

- 12 A. *Revocation.* The department may, in its discretion, revoke a permit  
13 if:  
14  
15 1. Serious and repeated violations of any requirement of this  
16 chapter occur;  
17  
18 2. A food establishment permit is suspended three (3) times  
19 within any twelve (12) month period and any inspection in the  
20 subsequent twelve (12) months reveals repeated critical  
21 violations;  
22  
23 3. Repeated interference with an inspector in the performance of  
24 their official duties; or  
25  
26 4. Assault upon an inspector in the performance of their official  
27 duties.  
28
- 29 B. *Notice of revocation.* The department shall notify the operator of the  
30 pending revocation by providing written notice to the address  
31 provided on the permit application and by delivering a second copy  
32 of that notice to the operator at the permitted food establishment.  
33 The notice of pending revocation shall state:  
34  
35 1. The permit shall be revoked on the 11th day following delivery  
36 of a revocation notice to the operator at the permitted food  
37 establishment, in the absence of a request for a hearing; and  
38  
39 2. The reason(s) for the pending revocation.  
40
- 41 C. *Application for permit following revocation.* The holder of a revoked  
42 permit shall not be granted a new permit for at least six (6) months  
43 after revocation, and then only if satisfactory evidence is provided to  
44 the department demonstrating the conditions causing the revocation  
45 were corrected.  
46

- 1 D. *Posting of Revocation.* Upon revocation, the department may order  
2 a Notice of Revocation affixed to prominent locations at the food  
3 establishment. Removal of the notice by anyone other than the  
4 department is a violation of this chapter.  
5

6 **16.60.340 Notice of Closure.**  
7

- 8 A. It is unlawful to operate a food establishment without a permit.  
9  
10 B. The department may issue a "Notice of Closure" to a food  
11 establishment operating without a permit as required by this chapter.  
12  
13 1. The Notice of Closure shall order the food establishment to  
14 close immediately and cease all preparation and service of  
15 food.  
16  
17 2. The Notice of Closure shall state the closure is for operating a  
18 food establishment without a permit as required by municipal  
19 law.  
20  
21 3. A Notice of Closure is effective upon personal service of the  
22 Notice of Closure on the owner or person operating the food  
23 establishment without a permit.  
24  
25 C. The department may order the Notice of Closure affixed to prominent  
26 locations at the food establishment. Removal of the notice by  
27 anyone other than the department is a violation of this chapter.  
28

29 **16.60.350 Penalties and remedies.**  
30

- 31 A. It is unlawful for a person to violate any provision of this chapter or  
32 the terms, conditions, or provisions of any permit issued under this  
33 chapter.  
34  
35 B. Penalties for violations of this chapter are as set forth in  
36 section 14.60.030. If no penalty is provided for in section 14.60.030,  
37 the penalty for a violation of this chapter or the terms, conditions, or  
38 provisions of any permit issued under this chapter, shall be not less  
39 than \$100.00 and not more than \$1,000.00.  
40  
41 C. In addition to any other penalty under this chapter, the municipality  
42 may seek injunctive relief to restrain a person from violating or  
43 threatening to violate this chapter or the terms, conditions, or  
44 provisions of any permit issued under this chapter. Upon application  
45 for injunctive relief and a finding a person is violating or threatening

1 to violate any provision of this chapter, the superior court shall grant  
2 injunctive relief to restrain the violation.  
3

4 D. Each day of violation of any provision of this chapter shall constitute  
5 a separate offense.  
6

7 E. Civil penalties and fines imposed under this section shall be enforced  
8 pursuant to title 14.  
9

10 **16.60.360 Appeal of penalties and remedies or a decision to deny,**  
11 **suspend, or revoke a permit, or to issue a notice of**  
12 **closure.**  
13

14 A. A person aggrieved by a decision of the department to enforce a civil  
15 penalty or fine under section 16.60.350 may request an  
16 administrative hearing under title 14. A hearing requested under this  
17 subsection shall be conducted pursuant to title 14, except as  
18 otherwise provided in this section.  
19

20 B. A person aggrieved by a decision of the department to deny,  
21 suspend or revoke a permit, or an order to detain food, or to issue a  
22 notice of closure may appeal to the administrative hearing officer.  
23 An appeal requested under this subsection shall be conducted  
24 pursuant to chapter 3.60, except as otherwise provided in this  
25 section.  
26

27 C. An appeal made under section B. above shall be filed within fifteen  
28 (15) days from service of the department's decision to deny,  
29 suspend, or revoke a permit, or to issue a notice of closure, or to  
30 issue an order to detain food.  
31

32 D. The application for an appeal made under section B. above shall  
33 include:  
34

35 1. The operator's name, mailing address, food establishment  
36 physical address, telephone number, and facsimile number or  
37 email address;  
38

39 2. The decision being appealed;  
40

41 3. A clear and concise statement of the reason for the appeal,  
42 including:  
43

44 a. A statement of the nature and scope of the operator's  
45 disagreement with the department decision;  
46

- 1                   b.     The specific nature of the right, authority, license,  
2                   permit or privilege desired by the operator;  
3  
4                   c.     Any legal authority in support of the operator's position;  
5                   and  
6  
7                   d.     The proposed alternatives the operator believes will  
8                   adequately address the operator's and the  
9                   department's concerns.  
10  
11                 4.     Any other information the operator believes will assist the  
12                 department in reviewing the department decision.  
13  
14                 E.     A hearing on an appeal made under section B. above to suspend a  
15                 permit, revoke a permit, issue a notice of closure, or to issue an  
16                 order to detain food shall be held within five days of a timely request  
17                 for appeal.  
18  
19                 F.     A hearing on an appeal made under section B. above to deny a  
20                 permit shall be held no later than thirty (30) days from a timely  
21                 request for appeal.  
22  
23                 G.     The time periods set forth in this section, chapter 3.60, and title 14  
24                 may be extended with the agreement of all parties to the action and  
25                 the approval of the administrative hearing office.  
26  
27                 H.     The administrative hearing officer shall prepare findings of fact,  
28                 conclusions of law and a final decision on the appeal made under  
29                 sections A. and B. above. This decision is appealable to the superior  
30                 court as provided in section I. below.  
31  
32                 I.     A party may appeal an administrative hearing officer decision under  
33                 section H. above to the superior court within thirty (30) days of  
34                 issuance of the final decision by the administrative hearing officer.  
35                 Review by the superior court shall be limited to whether the decision  
36                 of the administrative hearing office is supported by substantial  
37                 evidence. Failure to file an appeal within thirty (30) days shall be a  
38                 waiver of the right to appeal.  
39  
40                 J.     This section shall not preclude the department from choosing an  
41                 appeal under section B. above to be governed by section 16.02.020.  
42

43 **Section 3.** Anchorage Municipal Code section 14.60.030 is amended to read as  
44 follows (*the remainder of the section is not affected and therefore not set out*):  
45

**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
***	***	***

(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 \_\_\_\_\_.

1  
2  
3  
4  
5  
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7  
8  
9  
10  
11  
12  
13  
14

PASSED AND APPROVED by the Anchorage Assembly this 21<sup>st</sup> day of July, 2009.

Debbi Osseander  
Chair

ATTEST:

Ronda S. Jorgensen  
Municipal Clerk

**Content ID:** 007755**Type:** Ordinance - AO

AN ORDINANCE REPEALING ANCHORAGE MUNICIPAL CODE CHAPTER 16.60 REGARDING THE ANCHORAGE FOOD CODE AND REPEALING THE

**Title:** 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.**Author:** riderbg**Initiating Dept:** HHS**Date Prepared:** 5/20/09 9:02 AM**Director Name:** Diane Ingle**Assembly Meeting Date:** 5/26/09**Requested Public Hearing Date:** 5/26/09**Hearing Date:**

<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	5/21/09 9:51 AM	Exit	Joy Maglaqui	Public	007755
MuniMgrCoord_SubWorkflow	5/21/09 9:51 AM	Approve	Joy Maglaqui	Public	007755
MuniManager_SubWorkflow	5/21/09 9:51 AM	Approve	Joy Maglaqui	Public	007755
Legal_SubWorkflow	5/21/09 9:50 AM	Approve	Rhonda Westover	Public	007755
Finance_SubWorkflow	5/20/09 3:24 PM	Approve	Sharon Weddleton	Public	007755
OMB_SubWorkflow	5/20/09 3:13 PM	Approve	Bruce Holmes	Public	007755
HHS_SubWorkflow	5/20/09 1:33 PM	Approve	Diane Ingle	Public	007755
AllOrdinanceWorkflow	5/20/09 1:15 PM	Checkin	Benedicte Rider	Public	007755
HHS_SubWorkflow	5/20/09 11:12 AM	Reject	Diane Ingle	Public	007755
AllOrdinanceWorkflow	5/20/09 9:03 AM	Checkin	Benedicte Rider	Public	007755

**Submitted by:** ASSEMBLY CHAIR OSSIANDER  
**Prepared by:** Assembly Counsel  
**For reading:** July 21, 2009

FLOOR AMENDMENT TO AO 2009-40(S) [AGENDA ITEM 13C.]

**Amendment #1.** Section 1, page 19, line 5, AMC Section 16.60.140, is amended to add a new subsection A and renumber sequential subsections otherwise unchanged by this amendment, as follows:

- A. Section 3-301.11 of the 2005 FDA Model Food Code is adopted with the following amendment to paragraph (B) of Section 3-301.11 (paragraph (A) is set out for context only; paragraphs (C) and (D) are not affected and therefore not set out):

**3-301.11 Preventing Contamination from Hands.**

- (A) Food employees shall wash their hands as specified under Section 2-301.12.
- (B) Except when washing fruits and vegetables as specified under Section 3-302.15, or when garnishing beverages, or as specified in paragraph (D) of this section, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

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B [A]. Section 3-402.11 of the 2005 FDA Model Food Code shall not be adopted. ~~is optional, provided the operator complies with section 16.60.260 of the Anchorage Food Code.~~

C [B]. Subparagraphs 3-501.16(A)(2)(b) and 3-501.17(A)(2)(b) of the 2005 FDA Model Food Code shall not be adopted.