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CONSOLIDATION UPDATE: DECEMBER 11, 2002

THE CITY OF WINNIPEG

FOOD SERVICE ESTABLISHMENT BY-LAW
NO. 5160/89

**A By-law of THE CITY OF WINNIPEG to
regulate Food Service Establishments.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

SHORT TITLE

1. This By-law shall be referred to as the "**Food Service Establishment By-law**".

DEFINITIONS

2. In this By-law:

"Catering Establishment" means any premise wherein food is prepared for consumption elsewhere than on the premises.

amended 6595/95

"Commissary" means an establishment in which food, containers or supplies are kept, handled, prepared, packaged or stored.

"Certified Food Handler Training Program" means "The City of Winnipeg Food Safe Certification Program" or other programs approved by the Medical Health Officer.

added 6197/93

"Corrosion-resistant material" means any material that maintains its original surface characteristics under repeated exposure to food, cleaning compounds and bactericidal solutions.

"Easily cleanable" means surfaces that are readily accessible and made of such material and finish that residue may be completely removed by normal cleaning methods.

"Easily movable" means any equipment that is mounted on wheels or casters, or does not exceed 23 kg. (50 lbs.) in weight.

"Employee" means any person working or employed in or for a food service establishment.

"Equipment" includes grinders, food display shelving, stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables and similar items, excluding utensils used in a food service establishment.

amended 8162/2002

"Food" means any raw, cooked or processed edible substance, ice, beverage, milk or milk product, ice milk or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact and includes those surfaces from which food may drain, drip or splash.

"Food Service Establishment" means any place where food is kept, handled, manufactured, packaged, stored or prepared. The term shall include any such place regardless of whether consumption is on or off the premises and regardless of whether there is or is not a charge for the food, and includes bakeries, institutions, retail food stores, delicatessen-type operations, restaurants, catering establishments, commissaries, hotels, beverage rooms, dairy bars, milk bars, ice-cream parlours, canteens, mobile food units and temporary food service establishments, but shall not include private homes where food is prepared or served for individual family consumption, producer markets, food vending machines and food supply vehicles.

amended 8162/2002

"Hermetically sealed container" means a container designed and intended to be secure against entry of micro-organisms and to maintain the sterility of its content after processing.

"Insanitary condition" means a condition or circumstance:

- (i) that is offensive, or
- (ii) that is or may be injurious to health, or
- (iii) that may contaminate food with dirt, or
- (iv) that contaminates or pollutes or may contaminate or pollute food, air or water, or
- (v) that may render food, air, or water injurious to the health of any person, and includes a nuisance, or

- (vi) that is or may be a substantial or imminent danger or hazard to public health.

"Kitchen" includes any part of a food service establishment wherein food is manufactured, prepared, handled or packaged, and includes equipment used for these purposes.

"Kitchenware" means all utensils, other than tableware, used in the manufacturing, storage, preparation, transportation, handling or packaging or service of food.

"Meat Processing Plant" means any commercial establishment all or part of whose business is the cutting, processing, wrapping or storage of meat and meat products.

added 6310/94

"Mobile Food Unit" means a trailer, cart or vehicle-mounted food service establishment designed to be readily movable.

"Operator" means any person occupying, in possession of, or in charge of any food serving establishment.

"Packaged" means bottled, canned, cartoned, bagged or wrapped.

"Person" includes an individual, partnership, corporation, firm, association, operator, owner or person in charge.

"Person in Charge" means the operator or the individual present in a food service establishment who is the apparent supervisor of the food service establishment, and if no individual is the apparent supervisor then any employee present shall be conclusively deemed to be the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meats, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms but does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.

amended 6310/94

"Public Health Inspector" means a public health inspector appointed under *The Department of Health Act* or *The Public Health Act*.

"Retail Food Store" means any establishment or section of an establishment where food or food products are offered for sale to the ultimate consumer.

amended 8162/2002

"Sanitization" means bactericidal treatment by a process that provides sufficient heat or concentration of chemicals for sufficient time to reduce the bacterial count, including pathogens on utensils and equipment in accordance with subsections 18.3 and 18.4 of this By-law.

"Sealed" means free of cracks or other openings to so as to prevent the entry or passage of moisture, insects and rodents.

"Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, and toothpicks which are designed to be used only once and includes paper, plastic and aluminium foil utensils.

"Tableware" means eating and drinking utensils.

"Temporary Food Service Establishments" means a food service establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

"Utensil" means any implement used in the manufacture, preparation, storage, transportation, eating or service of food in a food service establishment.

amended 6595/95

ENFORCEMENT

3. "A Public Health Inspector may conduct inspections to take steps to enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter*¹ and for those purposes has the powers of a "designated employee" under *The City of Winnipeg Charter* which powers shall not be further delegated by the Public Health Inspector."

amended 8162/2002

RESPONSIBILITY

4. The owner, operator or person in charge of a food service establishment shall comply with the terms of this By-law, and are jointly and severally liable for any contravention, breach or failure to obey any of the provisions of this By-law and may be charged therefor.

CERTIFICATES AND LICENSES

5.1 No person shall operate a food service establishment without having a valid permit from the Public Health Inspector to do so and without complying with the provisions of the City of Winnipeg License By-law and amendments thereto. The receipt and retention of a permit shall be conditional upon compliance with this By-law.

amended 7609/2000

5.2 Prior to issuance of a permit, the Public Health Inspector shall inspect the food service establishment and determine compliance with this By-law.

amended 7609/2000

5.3 No person shall transfer or assign a permit to another person without the approval in writing of the Public Health Inspector.

amended 7609/2000

5.4 The permit shall be renewed annually and may be suspended or withheld by the Public Health Inspector where any provision of this By-law is found to have been violated.

amended 7609/2000

5.5 No person shall operate a food service establishment unless the permit is posted in a conspicuous location.

5.6 Effective March 31, 1996 no person shall operate a food service establishment excluding retail food stores unless the person in charge has successfully completed the Certified Food Handler Training Program.

added 6197/93; amended 8162/2002

5.7 Effective March 31, 1996 no person shall operate a food service establishment employing more than five persons on duty at any one time, unless there is a person in charge present during all operating hours who has successfully completed the Certified Food Handler Training Program.

added 6197/93

5.8 Effective March 31, 1996 the on duty person in charge shall post their Food Handler Training Program Certificate in a prominent place in the food service establishment.

added 6197/93

REVIEW OF PLANS

6.1 Whenever a food service establishment is constructed, altered or extensively remodelled and whenever an existing structure is converted for use as a food service establishment, properly prepared plans and specifications for such construction, alteration, remodelling or conversion shall

be submitted to the Public Health Inspector for review and approval before construction, alteration, remodelling or conversion is commenced. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials to be used, and the type and model of proposed equipment and facilities. No food service establishment shall be constructed, altered, extensively remodelled or converted, except in accordance with plans and specifications approved by the Public Health Inspector.

amended 7609/2000

FOOD SUPPLIES

7.1 Food shall be in sound condition, free from spoilage, adulteration, poisonous or harmful substance, filth or other contamination and shall be safe for human consumption.

7.2 (a) Food shall be obtained from sources that have been approved by the appropriate authority.

(b) Food in a hermetically sealed container shall be obtained from a food service establishment that is regulated by the Food Regulatory agency that has jurisdiction over the establishment.

(c) Meat, meat products, poultry or poultry products shall be obtained from an establishment registered under *The Meat Inspection Act (Canada)* or the Canada-Manitoba Meat Inspection Agreement.

(d) Notwithstanding clause (c), the meat from game animals or game birds may be present and processed in a meat processing plant provided:

(i) The owner or operator is in possession of a valid and subsisting permit from the Public Health Inspector to allow game meat on the premises;

amended 7609/2000

(ii) The meat is received directly from the owner for processing;

(iii) The meat or meat products are returned directly to the owner;

(iv) The meat and meat products are stored and processed entirely separately from all other meat and meat products;

(v) The meat and meat products are clearly labelled denoting the species of the game animal and the name of the owner.

(e) Fish shall be obtained from persons licensed for commercial harvest under *The Manitoba Fisheries Act* or *The Freshwater Fish Marketing Act of Canada* or from an establishment registered under *The Fish Inspection Act and Regulations (Canada)*.

- (f) Eggs and egg products shall be obtained from establishments registered under *The Canada Agricultural Products Act* and only clean whole eggs, with shall intact and without cracks or checks, or pasteurized liquid frozen or dry eggs or pasteurized egg products shall be used, except that hard-boiled peeled eggs commercially prepared and packaged may be used.

amended 7572/2000 (Section 7.2 (a) - (f) inclusive)

7.3 Fluid milk and fluid milk products used or served shall be pasteurized. Dry milk and dry milk products shall be made from pasteurized milk and pasteurized milk products.

7.4 Acceptable microbial levels for milk and artificial dairy products shall not be more than 50,000 bacteria per gram and not more than 10 coliform per gram. The Public Health Inspector may prohibit the sale of processing of these products if analysis shows that these standards are not met and may order the immediate destruction of these products and the operator or person in charge shall immediately cease selling or processing these products, and if so ordered, shall immediately destroy said product in the manner specified by the Public Health Inspector.

amended 7609/2000

7.5 Shellfish that are fresh or frozen shall be packed in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker and said shellfish shall be kept in the container in which they were received until used.

7.6

repealed 7572/2000

FOOD PROTECTION

8.1 Food shall be protected at all times while being kept, handled, manufactured, packaged, stored, prepared, displayed, served or transported from insanitary conditions and from potential contamination, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs, sneezes, flooding, drainage, leakage or drippage.

8.2 Potentially hazardous foods shall be kept hot or cold as appropriate at all times as provided in this By-law.

8.3 No person shall prepare, sell or be in possession of any food that has been salvaged from fires, snow storms, floods, failure of structures, explosions, truck and train crashes, or other disaster without the written permission of the Public Health Inspector.

amended 7609/2000

8.4 No food shall be served in any food service establishment unless it is prepared on the premises or other place approved by the Public Health Inspector.

amended 7609/2000

FOOD STORAGE

9.1 Food if removed from the container or package in which it was obtained shall be stored in a clean covered container, except during necessary periods of preparation or service. Container covers shall be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll containers. Meat shall be covered, except that quarters or sides of meat may be hung uncovered on clean sanitized hooks if no other food is stored beneath the meat.

9.2 Containers of food shall be stored a minimum of 16 centimetres (6 inches) off the floor, in a manner that protects food from contamination and permits easy cleaning of the storage area. Containers may be stored on dollies, racks, slip sheets, or pallets, provided such equipment is easily movable.

9.3 Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, excepting automatic fire protection sprinkler heads. The storage of food in toilet rooms, changing rooms, vestibules or hallways is prohibited.

9.4 Food shall be stored in such a way as to prevent cross-contamination from other food.

9.5 Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice.

9.6 Bulk food, not stored in the container or package in which it was obtained, shall be stored in a container identifying the food by its common name.

REFRIGERATED STORAGE

10.1 Potentially hazardous food requiring refrigeration shall be rapidly cooled in a time period not exceeding four hours, and kept at an internal temperature of 5 degrees Celsius (41 degrees Fahrenheit) or below.

10.2 Frozen food shall be kept frozen and shall be stored at a temperature of -18 degrees Celsius (0 degrees Fahrenheit) or below.

10.3 Ice used for cooling stored food shall not be used for human consumption.

10.4 Sufficient, conveniently located refrigeration facilities shall be provided to assure maintenance of potentially hazardous food at required temperatures during storage. Each refrigerated facility storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to 1 degree Celsius (2 degrees Fahrenheit). Such thermometer shall be located so as to be easily readable.

HOT STORAGE

11.1 The internal temperature of potentially hazardous foods requiring hot storage shall be 60 degrees Celsius (140 degrees Fahrenheit) or above, except during necessary periods of preparation.

11.2 A sufficient number of conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage and be provided with a numerically scaled indicating thermometer or have available a metal stem bayonet-type thermometer accurate to 1 degree Celsius (2 degrees Fahrenheit).

FOOD PREPARATION

12.1 Food shall be prepared with the least possible manual contact using suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent contamination.

12.2 All raw fruits and vegetables shall be washed in clean potable water prior to eating or cooking.

12.3 Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to a temperature of at least 60 degrees Celsius (140 degrees Fahrenheit) excepting:

- (a) Poultry stuffings, stuffed meats and stuffing containing meat or poultry shall be cooked to heat all parts of the food to at least 74 degrees Celsius (165 degrees Fahrenheit) with no interruption of the cooking process.
- (b) Rare to medium-rare beef shall be cooked to a minimum internal temperature of 55 degrees Celsius (131 degrees Fahrenheit).
- (c) Ground meat shall be cooked to a minimum internal temperature of 70 degrees Celsius (160 degrees Fahrenheit).

added 6310/94

12.4 Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 74 degrees Celsius (165 degrees Fahrenheit) or higher throughout before being served or being placed in a hot food storage facility, excepting rare to medium-rare beef. Steam tables, bainmaries, warmers and similar hot food holding facilities shall not be used for the reheating of potentially hazardous foods.

12.5 Non-dairy creaming, whitening or whipping agents may be reconstituted on the premises only if they are stored in sanitized, covered containers not exceeding 4.15 litres (one gallon) in capacity which are rapidly cooled to 5 degrees Celsius (41 degrees Fahrenheit) or lower.

12.6 Metal stem-type numerically scaled individual thermometers, accurate to 1 degree Celsius (2 degrees Fahrenheit) shall be provided, and used to ensure the attainment and maintenance of proper internal cooking and holding temperatures of all potentially hazardous foods.

12.7 Frozen potentially hazardous foods shall be thawed:

- (a) In refrigerated units at a temperature not to exceed 5 degrees Celsius (41 degrees Fahrenheit); or
- (b) Under cold potable running water with sufficient water velocity to agitate or float off loose food particles; or
- (c) as part of the cooking process; or
- (d) in a microwave oven.

12.8 Salads and other ready-to-eat foods shall be prepared in areas that are separate and with separate equipment and utensils, from raw meat processing areas.

added 8162/2002

FOOD DISPLAY AND SERVICE

13.1 Potentially hazardous foods shall be kept at an internal temperature of 5 degrees Celsius (41 degrees Fahrenheit) or below or at an internal temperature of 60 degrees Celsius (140 degrees Fahrenheit) or above, as appropriate, during the display and service, except that rare to medium-rare beef shall be held for service at a temperature of at least 55 degrees Celsius (131 degree Fahrenheit).

13.2 Milk and milk products for drinking purposes shall be served in or from the original container in which it was received from the distributor, excepting cream or milk used as a beverage additive may be served in a protected pour-type container not exceeding 250 ml. in capacity.

13.3 Condiments provided for table or counter service shall be individually portioned or served in the original container or protected-type dispenser.

13.4 Ice for consumer use shall be dispensed only by using scoops, tongs, or other ice-dispensing utensils, or through automatic self-service ice-dispensing equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. When not in use, ice transfer receptacles shall be stored as to prevent contamination. Ice storage bins shall be drained in such a manner so as to provide an air gap in the drain line.

13.5 Suitable dispensing utensils shall be used. When not in use and during service, dispensing utensils shall be:

- (a) Stored in the food with dispensing utensil handle extended out of the food;
or
- (b) Stored clean and dry; or
- (c) Stored in a dipper well supplied with running water.

13.6 Food on display shall be protected from contamination by the use of packaging, serving line or salad bar protector devices, display cases or other effective means.

13.7 Re-use of soiled tableware by self-service consumers returning to the service area for additional food is prohibited, excepting cups and glasses.

13.8 Once served to a consumer, portions of left-over food shall not be served again, except that packaged food, other than potentially hazardous food, which is still unopened and is in sound condition may be reserved.

13.9 Every table or counter used for eating at shall be provided with a clean tablecloth or place mats or individual napkins, or sanitized trays.

13.10 Frozen food stored or on display shall be maintained at an air temperature of -18 degrees Celsius (0 degrees Fahrenheit) or less.

13.11 Potentially hazardous foods shall not be sold in non-packaged self-serve bulk form.

13.12 Foods on display for self serve purposes in non-packaged bulk form excluding raw unprocessed fruits and vegetables, shall be protected from contamination by:

- (a) clearly labeled containers equipped with a close-fitting hinged or sliding lids of sanitary design;
- (b) display cases equipped with an effective food guard or canopy not more than 50 cm (21 inches) above the food display surface or counter top;
- (c) clearly labeled gravity feed containers equipped with sanitary fittings may be used for free flowing or semi-liquid foods;
- (d) display units or container tops that are at least 80 cm (34 inches) above floor level;
- (e) distinctly separating foods, containers and dispensing utensils not intended for human consumption from those intended for human consumption;
- (f) utilizing dispensers such as tongs, scoops and pumps that facilitate ease of product movement;

- (g) provision of a program to maintain dispensing equipment and monitor customer movement in the self serve display area;
- (h) posting of appropriate signs in the display area to instruct the public in the proper use of dispensing equipment;
- (i) discarding of non-packaged bulk foods returned to the store.

13.13 Food sample demonstrations or promotions are subject to all applicable provision of this By-law.

added 8162/2002 (sections 13.10 to 13.13 inclusive)

FOOD TRANSPORTATION

14.1 All food being transported to or from a food service establishment shall be effectively protected from contamination.

14.2 Potentially hazardous foods being transported and requiring refrigeration or hot storage shall be kept at a temperature not higher than 5 degrees Celsius (41 degrees Fahrenheit) or not lower than 60 degrees Celsius (140 degrees Fahrenheit).

14.3 All frozen foods being transported shall be kept at a temperature not higher than -15 degrees Celsius (5 degrees Fahrenheit).

EMPLOYEE HEALTH, CLEANLINESS, AND PRACTICES

15.1 No person infected with a communicable disease or who is a carrier of organisms that cause such a disease shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces.

15.2 The operator of the person in charge shall immediately notify the Public Health Inspector of any communicable disease occurring in his premises and shall adopt such precautions as the Public Health Inspector shall direct, and shall be subject in all respects to the orders of the Public Health Inspector.

amended 8162/2002

15.3 Employees shall thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking or using the toilet.

- 15.4 (a) The outer clothing of all employees shall be clean.
- (b) Every person preparing food, dispensing food or washing utensils shall wear a clean full length apron, smock, or uniform that is worn for no other purpose.

- (c) Every person preparing or dispensing food or washing utensils, excluding waiters, waitresses, busboys and bartenders, shall wear head covering or hair restraints that effectively covers the hair on the head so as to prevent direct or indirect contact of the hair with the food, equipment or utensils used in the preparation of food. Beards unless neat and trimmed shall not be permitted.

15.5 Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils or other items requiring protection.

15.6 No person shall use tobacco in any form while engaged in food or beverage preparation or service, nor while in areas used for equipment or utensil washing, food preparation or storage.

15.7 All persons handling food or washing utensils shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

MATERIALS, EQUIPMENT AND UTENSILS

16.1 All equipment and utensils shall be constructed and repaired with safe materials; be corrosion resistant and non-absorbent, and be smooth, easily cleanable, and durable under conditions of normal use. Single service articles shall be made from clean, sanitary materials.

16.2 Only hard maple or equivalent non-absorbent material may be used for cutting blocks, cutting boards, salad bowls and baker's tables. No potentially hazardous foods shall be served on wooden boards.

16.3 Only materials that are resistant to scratching, scoring, decomposition, crazing, chipping and distortion shall be used more than once.

16.4 Mollusk or crustaceous shells shall not be used more than once unless smooth and easily cleanable.

DESIGN, FABRICATION AND INSTALLATION

17.1 Equipment and utensils used more than once shall be of corrosion resistant material, non-absorbent, smooth, easily cleanable, resistant to denting, buckling, pitting, chipping and crazing, free of breaks, open seams, and free from difficult to clean internal corners and crevices.

17.2 Food contact surfaces shall be easily cleanable, smooth and free of breaks, open seams, cracks, chips, pits and similar imperfections.

17.3 Equipment requiring lubrication shall be designed and constructed and serviced so that the lubricant does not leak, drip or come into contact with food or food-contact surfaces.

17.4 Tubing conveying beverages or beverage ingredients to dispensing heads may be in contact with stored ice, provided that such tubing is fabricated from safe materials, designed to preclude moisture from entering the ice machine or the ice storage bin, and is kept clean. Drainage or drainage tubes from dispensing units shall not pass through the ice machine or the ice storage bin.

17.5 All sinks and drainage boards shall be self-draining.

17.6 Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection.

17.7 Equipment intended for in-place cleaning shall be so designed and fabricated that:

- (a) Cleaning and sanitizing solutions can be circulated throughout a fixed system; and
- (b) Cleaning and sanitizing solutions will contact all interior food-contact surfaces; and
- (c) The system is self-draining.

17.8 Hoods, canopies, filters and like devices shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces and shall be kept clean.

17.9 Equipment that is placed on tables or on counters, unless portable, shall be sealed to the table or counter, or elevated on legs to provide at least ten centimetres (4 inches) clearance between the table or counter and equipment to facilitate the cleaning of equipment and adjacent areas.

17.10 Floor mounted equipment, unless easily movable, shall be sealed to the floor or elevated at least fifteen (15) centimetres (6 inches) from the floor and installed in such a manner as to facilitate cleaning in and around the equipment.

17.11 Aisles and working spaces between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment shall be positioned to provide accessibility to working areas.

CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT & UTENSILS

18.1 CLEANING FREQUENCY

- (a) Tableware shall be washed, rinsed and sanitized after each use.

- (b) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, they shall be washed, rinsed and sanitized at intervals throughout the day.
- (c) The food-contact surfaces of stoves, ovens, ranges, grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens, excepting hot oil cooking equipment and hot oil filtering systems, shall be cleaned as often as is necessary and in any event at the end of each day's operation. The food-contact surfaces of all such equipment shall be kept free of encrusted grease deposits.
- (d) Food contact surfaces of preparation tables and cutting boards shall be cleaned and sanitized after each use.
- (e) Non food-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles and other debris.
- (f) Fixed equipment and utensils and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned using pressure spray methods.

18.2 WIPING CLOTHS

Cloths used for cleaning equipment, utensils, tables and shelves, shall be moist, clean, rinsed frequently, sanitized and stored in a sanitizing solution and shall not be used for any other purpose.

18.3 MANUAL CLEANING AND SANITIZING

- (a) Where utensils, tableware or kitchenware are manually cleaned and sanitized a sink with no fewer than three compartments conveniently located in the kitchen area shall be provided. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils to be washed and each compartment of the sink shall be supplied with hot and cold potable water. Draining boards shall be installed and be of adequate size for proper handling of equipment and utensils.
- (b) Where manual cleaning and sanitizing methods are used all utensils, tableware or kitchenware shall be scraped and pre-rinsed to remove coarse particles of food, washed in the first sink in a clean hot detergent solution, rinsed in the second sink in clean warm water and sanitized in the third sink.
- (c) Utensils shall be sanitized by one of the following methods:
 - (i) Immersion in a sanitizing solution containing:

- (1) A minimum of 50 parts per million of available chlorine at a temperature of not less than 24 Celsius (75 degrees Fahrenheit) for a minimum of one (1) minute; or
 - (2) A minimum of 12.5 parts per million of available iodine in a solution having a pH range which the manufacturer has demonstrated to be effective for sanitization and at a temperature of not less than 24 Celsius (75 degrees Fahrenheit) for a minimum of one (1) minute; or
 - (3) Immersion in hot water at a temperature of at least 77 degrees Celsius (170 degrees Fahrenheit) for a minimum of 30 seconds; or
- (ii) Treatment with any chemical sanitizing agent acceptable to the Public Health Inspector.
amended 7609/2000
- (d) Food-contact surfaces of equipment or utensils too large to treat in accordance with subsection (c) shall be treated by:
- (i) Live steam from a hose, in the case of equipment in which steam can be confined; or
 - (ii) By rinsing with boiling water; or
 - (iii) By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required under subsection (c).
- (e) Where chemical sanitization is used, a test kit or other device to accurately measure concentration shall be provided and used.

18.4 MECHANICAL CLEANING AND SANITIZING

- (a) Where a food service establishment has a customer seating capacity of 50 seats or more and reusable utensils or tableware are used, a mechanical dishwasher shall be used.
- (b) Unless otherwise approved by the Public Health Inspector, all dishwashers and glasswashers used in a food service establishment shall bear a National Sanitation Foundation certificate and be installed and operated in accordance with the manufacturers specifications.
amended 7609/2000
- (c) Where mechanical dishwashers or glasswashers are used, the operator of the food service establishment shall ensure that the machine:

- (i) maintains a wash water temperature of not less than 50 degrees Celsius (122 degrees Fahrenheit) to physically clean all utensils and tableware to the satisfaction of the Public Health Inspector; or
amended 7609/2000
 - (ii) rinses the clean utensils or tableware with a solution of at least 50 ppm of available chlorine at a temperature of at least 24 degrees Celsius (75 degrees Fahrenheit) for sufficient time to provide effective sanitization but not less than 20 seconds; or
 - (iii) rinses the clean utensils or tableware with a solution of at least 12.5 ppm of available iodine and having a pH range which the manufacturer has demonstrated to be effective at a temperature of at least 24 degrees Celsius (75 degrees Fahrenheit) for sufficient time to provide effective sanitization, but not less than 20 seconds; or
 - (iv) treats utensils or tableware with any chemical sanitizing agent acceptable to the Public Health Inspector; or
amended 7609/2000
 - (v) raises the surface temperature of the utensils or tableware to a temperature of 71 degrees Celsius (160 degrees Fahrenheit) for at least 10 seconds; and
 - (vi) automatically dispenses chemical used for cleaning and sanitization purposes, excluding single batch dishwashers which may utilize manual dispensing methods for detergents.
- (d) Every dishwasher or glasswasher shall be thoroughly cleaned at the end of each day's operation or as often as necessary to maintain it in a satisfactory condition.
- (e) Where chemical sanitization is used a test kit or other device to accurately measure concentration shall be provided.
- (f) Draining boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing, and of cleaned utensils following sanitization, and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities.
- (g) Equipment and utensils shall be flushed, scraped and soaked to remove food particles prior to being washed in a dishwashing machine unless the machine has a pre-wash cycle.

18.5 DRYING

After sanitization, all equipment and utensils shall be air dried.

EQUIPMENT AND UTENSILS

19.1 All utensils, display cases, windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment used in connection with the operation of a food service establishment shall be so constructed as to be easily cleaned, and shall be kept clean and in good repair.

19.2 All refrigerators and refrigerated space shall have removable racks and trays.

19.3 Drains from refrigerators shall be properly trapped and discharged into an open water supplied plumbing fixture, or over a floor drain properly trapped.

19.4 Chipped or cracked dishes and cans or bags previously used for the preservation, storage or transportation of food, or badly worn, rusted or corroded utensils or equipment shall not be used, and shall be disposed of immediately.

19.5 Utensils plated with cadmium or lead shall not be used.

19.6 Cleaned and sanitized utensils and equipment shall be handled in such a way as to protect them from contamination. Utensils shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

19.7 STORAGE

(a) Cleaned and sanitized utensils and equipment shall be stored a minimum of 15 centimetres (6 inches) above the floor in a clean, dry location in such a way as to protect them from contamination. The food-contact surfaces of fixed equipment shall also be protected from contamination.

(b) Glasses and cups shall be stored in an inverted position and other stored utensils shall be covered or inverted wherever practical. Facilities for the storage of utensils shall be used so as to present the handle to the employee or consumer.

19.8 SINGLE-SERVICE ARTICLES

(a) Single-service articles shall be stored at least 15 centimetres (6 inches) above the floor in closed cartons or containers which protect them from contamination.

- (b) Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.
- (c) Single-service articles shall not be used more than once.
- (d) Single-service articles packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the articles. Unless single-service articles are pre-wrapped or pre-packaged, holders shall be provided to protect these items from contamination and present the non-food contact surfaces of the articles to the consumer.

19.9 Storage of food equipment, utensils or single-service articles in toilet rooms, hallways, or vestibules is prohibited.

WATER AND CONTROLS

20.1 All food service establishments shall be provided with sewer and water connections, properly connected to the public sewer and water systems, where available, in accordance with the Manitoba Plumbing Code. The water supply for drinking and culinary purposes shall be that supplied from the City of Winnipeg water mains, where available.

amended 7572/2000

20.2 All food service establishments shall provide a constant supply of hot water at a temperature of not less than 60 degrees Celsius (140 degrees Fahrenheit) to equipment and utensil washing facilities.

20.3 Bottled or packaged potable water shall be obtained from a source approved by the Public Health Inspector and shall be handled and stored in such a way as to protect it from contamination and shall be dispensed from the original container.

amended 7609/2000

20.4 There shall be no cross-connection between the potable water supply and any non-potable water supply.

20.5 All retail food stores shall be provided with an adequate supply of hot water at a temperature of not less than 50 degrees Celsius for cleaning purposes.

added 8162/2002

TOILET FACILITIES

21.1 Every food service establishment shall be provided with:

- (a) An adequate number of toilets for male and female patrons and employees in accordance with the Manitoba Building Code as amended from time to time.
- (b) An adequate number of hand wash basins with hot and cold running water in the toilet rooms in accordance with the Manitoba Building Code as amended from time to time.

21.2 The toilet rooms or compartments shall:

- (a) Have privacy of approach;
- (b) Be designated with appropriate signs;
- (c) Not open directly into any room where food or utensils are handled or stored;
- (d) Have hand washing signs posted in toilet rooms used by employees;
- (e) Be easily accessible to the persons using them and so located that patrons will not have to pass through any area where food and utensils are prepared, handled or stored in order to gain access to the room or compartment.

21.3 Toilet rooms shall have adequate ventilation and shall be completely enclosed and shall have tight-fitting, self-closing solid doors, which shall be closed except during cleaning or maintenance.

21.4 Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue in a dispenser shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

LAVATORY FACILITIES

22.1 Every food service establishment shall be provided with hand washing facilities, conveniently located in the food preparation area for employees.

22.2 Sinks used for food preparation or for washing equipment and utensils shall not be used for hand washing or the disposal of wastewater from cleaning operations.

22.3 A supply of soap or detergent shall be available at each hand wash basin.

22.4 A dispenser containing a supply of single-service towels or a hand-drying device providing heated air shall be conveniently located near a hand wash basin. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located at the hand washing facility.

22.5 Hand wash basins, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

22.6 Hand wash basins shall be provided with hot and cold running water under pressure, tempered by means of a mixing valve or combination faucet and shall be of sufficient size to allow for the total submersion of the hands into the basin.

amended 7572/2000

22.7 Any self-closing, slow closing or metering faucet shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

GARBAGE AND REFUSE

23.1 The operator or person in charge shall keep the entire premises clean and free from litter and rubbish.

23.2 Garbage and refuse shall be kept in durable, easily cleanable, insect and rodent-proof containers that do not leak or absorb liquids.

23.3 Garbage containers shall be provided in food preparation and utensil washing areas.

23.4 Garbage containers stored outside the establishment, compactors, and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors and covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

23.5 A sufficient number of containers to hold all the garbage and refuse shall be provided.

23.6 Soiled containers shall be cleaned with sufficient frequency to prevent insect and rodent attraction. Food, equipment, utensils or food preparation areas shall not be contaminated by such cleaning.

23.7 Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, non-absorbent, washable materials, shall be kept clean, insect and rodent proof, and shall be large enough to store the garbage and refuse containers.

23.8 Outside garbage areas or enclosures shall be large enough to store the garbage and refuse containers and shall be kept clean. Garbage and refuse containers and compactor systems located outside shall be stored on or above a smooth surface of non-absorbent material that is kept clean and maintained in good repair.

INSECT AND RODENT CONTROL

24.1 Food service establishments shall be kept in such condition as to prevent the harborage of feeding insects and rodents.

24.2 Outside openings shall be protected against the entrance of insects. Screen doors shall be self-closing, and screens for windows, doors, sky-lights, transoms, intake and exhaust air ducts and other openings to the outside shall be tight-fitting and free of breaks.

CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

25.1 Roofs shall be kept in good repair.

25.2 Walls, partitions and ceilings of walk-in refrigerating units, food preparation areas, equipment and utensil washing areas and toilet rooms shall be primarily light coloured, smooth, non-absorbent and easily cleanable. Concrete blocks used for interior wall construction shall be finished and sealed to provide an easily cleanable surface. All wall and ceiling surfaces shall be maintained in a clean condition and in good repair and finished to the satisfaction of the Public Health Inspector.

amended 7609/2000

25.3 Studs, joists and rafters shall not be exposed in walk-in refrigerating units, food preparation areas, equipment-washing and utensil-washing areas, storage areas, changing and toilet rooms.

25.4 Floors and floor-coverings of all food preparation areas, equipment and utensil washing areas, walk-in refrigeration units and washrooms shall be constructed of smooth, durable material which is either seamless or with seams that are heat-sealed or chemically bonded. All floors and floor coverings shall be maintained in a clean condition and in good repair. Nothing in this section shall prohibit the use of anti-slip covering in areas where necessary for safety.

- 25.5 (a) Carpeting shall be of closely woven construction, properly installed, easily cleanable and maintained in good repair. Carpeting shall not be used in food preparation, equipment and utensils washing areas, food storage areas or toilet room areas.
- (b) The use of sawdust, wood shavings, peanut hulls, or similar material on a floor surface is prohibited.
- (c) Properly installed, trapped floor drains shall be provided in floors that are water flushed for cleaning or that receive discharges of water from equipment.
- (d) Mats and duckboards shall be of non-absorbent, grease resistant materials and of such size and construction as to facilitate their being easily cleaned.

25.6 The floor covering in food preparation areas, utensil-washing areas and washrooms shall be covered up the wall to a height of not less than 10 centimetres (4 inches) and sealed.

25.7 BELOW GRADE OCCUPANCY

- (a) The below grade level location of a food service establishment or part thereof:
 - (i) shall have wall and floor surfaces that are in good repair and free of cracks or openings that might allow the ingress of external moisture or vermin;
 - (ii) where a food preparation area is located below grade level that area shall have a sewage pit installed which is equipped with a dual effluent pump unit to safeguard against backflow of sewage and shall be approved by the City of Winnipeg;
amended 6310/94
 - (iii) shall have equipment installed to prevent the backup of water from any source which shall be approved by the City of Winnipeg.
- (b) Raised floors or platforms shall not be installed or used.
- (c) The finished ceiling height shall be at least 2.13 metres (7 feet).
amended 6310/94

LIGHTING

26.1 Permanently fixed artificial light source shall be installed to provide at least 540 Lx (50 foot candles) of light on all food preparation surfaces and at equipment or utensil-washing work areas, excepting food preparation surfaces in dining rooms which shall have at least thirty (30) foot candles of light.

26.2 Permanently fixed artificial light sources shall be installed to provide at a distance of 76 centimetres (30 inches) from the floor, a minimum of 216 Lx (20 foot candles) of light in utensil and equipment storage areas and in lavatory and toilet areas; and in dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.

26.3 Permanently fixed artificial light sources shall be installed to provide at a distance of 76 centimetres (30 inches) from the floor, a minimum of 108 Lx (10 foot candles) of light in walk-in refrigerator and freezer units.

26.4 Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures and infra-red or other heat lamps located over, by, or within food storage, preparation, service lines and display units and facilities where utensils and equipment are cleaned and stored.

VENTILATION

27.1 All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapours, obnoxious odours, smoke and fumes.

27.2 Kitchens shall be provided with such hoods or canopies placed over stoves, ovens or other cooking apparatus, and such pipes and extractor fans as will sufficiently carry off and properly dispose of all gases, steam, and obnoxious odours.

CHANGING ROOMS AND LOCKER AREAS

28.1 Every food service establishment shall be provided with at least one conveniently located changing room of adequate size. Lockers may be located only in the designated changing rooms. Changing rooms shall have at least one chair or bench, pegs, an adequate number of coat hangers, and other equipment to make them suitable for the purpose intended. Personal belongings shall not be stored in the kitchen area. These changing rooms shall not be used for food preparation or food and utensil storage.

28.2 In food service establishments with more than five (5) employees on duty at any one time, two (2) changing rooms are required, one for female employees and one for male employees.

POISONOUS OR TOXIC MATERIALS

29.1 There shall be present in food service establishments only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

29.2 Containers of poisonous or toxic materials shall be prominently and distinctly labelled for easy identification of contents.

29.3 Poisonous or toxic materials shall be stored in cabinets used for no other purpose, or in a physically separate place and shall not be stored above food, food contact surfaces, food equipment, utensils or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

29.4 Poisonous or toxic materials shall not be used in a way that contaminates food, food-contact surfaces, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labelling.

29.5 Personal medication shall not be stored in food preparation, storage or service areas.

29.6 First-aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

29.7 Steam that is used on food or food-contact surfaces shall not contain materials or additives unless approved pursuant to *The Food and Drug Act of Canada*.

PREMISES

30.1 Floors shall not be dry swept in areas where food and food-contact surfaces are exposed.

30.2 Food service establishments and all parts of the property used in connection with the operation shall be kept clean and free of litter.

30.3 The walking and driving surfaces of all exterior areas of food service establishments shall be graded to prevent pooling and shall be kept free of litter.

30.4 Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.

30.5 Only employees and authorized personnel shall be permitted in the kitchen and areas where food is prepared, handled or stored.

30.6 No person shall use and no operator shall permit to be used any food service establishment or portion thereof as sleeping or living quarters.

30.7 No part of a building in which a food service establishment is located shall be used as sleeping or living quarters unless completely separated from the food service establishment. There shall be no direct access to the sleeping or living quarters from the food service establishment.

30.8 Laundry facilities shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons and shall be carried out in a separate room.

30.9 Clean uniforms, aprons and linens shall be stored in a clean place and protected from contamination until used.

30.10 Soiled clothes and linens shall be stored in non-absorbent containers or washable laundry bags.

30.11 Maintenance and cleaning tools shall be maintained and stored in such a way that food, utensils, equipment or linens are not contaminated. Where there is flour dust in preparation area, vacuum cleaning equipment shall be provided and used.

30.12 Live animals, including birds and turtles, shall not be permitted in a food service establishment. Guide dogs accompanying a blind or deaf person shall be permitted.

30.13 Every retail food store shall have at least one single compartment sink supplied with hot and cold potable water in or near the retail sales area. Hand wash basins in toilet compartments shall not be acceptable for this purpose.

added 8162/2002

MOBILE FOOD UNITS

31.1 No person shall operate a mobile food unit indoors.

31.2 Mobile food units shall be self-contained and shall comply with all applicable sections of this By-law except mobile food units serving pre-portioned and pre-cooked food need not comply with the requirements of this by-law pertaining to the cleaning and sanitizing of equipment and utensils if the required equipment for cleaning and sanitizing exists at the commissary.

31.3 Mobile food units shall provide only single-service articles for use by the consumer.

31.4 The water supply system of mobile food units shall be of sufficient capacity to meet the water demands at all times of operation.

31.5 Liquid wastes resulting from the operation of a mobile food unit shall be stored in a permanently installed retention tank that is at least fifteen (15) percent larger capacity than the water supply tank and any hot water tank.

31.6 Where a mobile food unit requires a water supply system, that system shall operate to allow a hands free operation.

31.7 The water supply tank on a mobile food unit:

- i) shall be enclosed from the filling inlet to the discharge outlet;
- ii) shall be sloped to an outlet that allows complete drainage of the tank;
- iii) shall have the water tank inlet positioned so that it is protected from any and all contaminants;
- iv) shall have a filling inlet with a hose connection of a size or type that will prevent its use for any other service;
- v) shall have a hose clearly identified as to its use, which shall not be used for any other purpose;
- vi) shall provide the water tank filling inlet with a cap and keeper chain or other approved protective cover or device.

31.8 The water supply system shall be maintained in a sanitary condition at all times.

31.9 The liquid waste tank on a mobile food unit:

- i) shall, on permanently affixed tanks, have a clearly marked discharge outlet which is located lower than the water inlet connection to preclude contamination of the potable water supply;
- ii) shall be equipped with a shut-off valve and shall be sloped to an outlet that allows complete drainage of the tank;
- iii) shall be constructed, installed and operated to prevent contamination of the potable water supply system.

31.10 No person shall allow liquid wastes to be discharged from the liquid waste tank when a mobile food unit is in motion.

31.11 Liquid wastes shall be removed from a mobile food unit in such a way that an unsanitary condition is not created.

31.12 Mobile food units requiring access to cleaning and sanitizing equipment, food preparation or food storage facilities shall operate from and when not in use shall be stored in a commissary where they shall obtain all supplies and conduct all cleaning and servicing operations.

31.13 The commissary used as a base of operation for mobile food units shall be constructed and operated in compliance with the requirements of this By-law.

amended 7572/2000 (entire Section 31)

TEMPORARY FOOD SERVICE ESTABLISHMENTS

32.1 In all temporary food service establishments:

- (a) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.
- (b) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided to prevent contamination.

32.2 All temporary food service establishments without facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

32.3 Potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for hand-washing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

32.4 Ice shall be used only in chipped, crushed or cubed form and contained in plastic bags filled and sealed at the point of manufacture.

32.5 Storage of packaged food in contact with water or undrained ice shall be prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

32.6 All sewage, including liquid waste, shall be disposed of according to law.

32.7 A convenient handwashing facility shall be available for employees. This facility shall consist of running water, soap and individual hand-drying facilities.

32.8 Floors shall be constructed of concrete, asphalt, tight wood or other similar cleanable material, kept in good repair. Dirt or gravel when graded to drain, may be used as sub-flooring when covered with clean, removable platforms or duckboards.

32.9 Walls and ceilings of food preparation areas in temporary food service establishments shall comply with the following regulations:

- (a) Ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather. Walls and ceilings of food preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing.
- (b) Counter-service openings shall not be larger than necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed except when in actual use.

32.10 In temporary food service establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the Public Health Inspector.

amended 7609/2000

32.11 With the written permission of the Public Health Inspector a temporary food service establishment may operate without complying with section 32.9 of this By-law.

amended 7609/2000

INSPECTIONS

33. The Public Health Inspector may enter any food service establishment for the purpose of making inspections to determine compliance with this By-law in accordance with *The City of Winnipeg Charter*.¹

amended 8162/2002

EXAMINATION AND CONDEMNATION OF FOOD

34.1 Food may be examined and sampled by the Public Health Inspector as often as is necessary for enforcement of this By-law. The Public Health Inspector may, upon written notice to the owner or person in charge or the operator specifying the reasons therefore, place a hold order on any food which he believes is in violation of this By-law. The Public Health Inspector shall tag, label or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or moved from the establishment.

amended 7609/2000

34.2 *repealed 8162/2002*

NOTICES

35.1 The Public Health Inspector may serve a mandatory notice on the operator or the person in charge, to correct violations listed in or attached to said notice within the period specified and may cause a copy of said mandatory notice to be posted in a conspicuous place in the office of the Public Health Inspector.

amended 7609/2000

35.2 *repealed 8162/2002*

NOTICES, ORDERS AND APPEALS

36.1 An order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.²

36.2 A notice, decision or order shall contain the information required by and be served in accordance with *The City of Winnipeg Charter*.³

36.3 Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:

- (a) if the person to be served is the owner of the real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; or
- (b) the street address shown on the permit or application; and
- (c) if the person to be served is the occupant of real property, the street address for that property.

36.4 Notwithstanding subsection 36.2, when an emergency arises that effects the health of persons, the Public Health Inspector may:

- (a) condemn any food or any material which in his opinion is insanitary or creates, or may create, an insanitary condition and order its immediate destruction in a manner satisfactory to the Public Health Inspector; or
- (b) where an insanitary condition exists in a food service establishment; and
 - (i) serve a closing notice on the operator or the person in charge;
 - (ii) placard the premises;
 - (iii) post a copy of said closing notice in a conspicuous place in the office of the Public Health Inspector;
- (c) upon service of such a notice, the food service establishment shall be closed immediately and not re-opened until authorization in writing by the Public Health Inspector is given;
- (d) no person shall operate or allow the operation of a food service establishment which has been closed;

and there shall be no appeal from such an order or notice. Service of such an order or notice shall be effective once served in person on the owner, operator or person in charge.

36.5 Subject to subsection 36.4, an appeal from an order to remedy a contravention of this by-law or a notice or decision under section 5 or subsections 34.1 or 35.1 may be made in accordance with *The City of Winnipeg Charter*⁴ to the Standing Policy Committee on Protection and Community Services.

amended 8162/2002 (entire section 36)

PENALTY

37. A person or corporation who contravenes a provision of the By-law is guilty of an offence and is liable upon summary conviction:

- (a) for a first offence, to a fine of not less than \$50.00;
- (b) for a second offence, to a fine of not less than \$100.00;
- (c) for a third or subsequent offence, to a fine not less than \$200.00;
- (d) notwithstanding the penalties prescribed in clause (a), (b) and (c):
 - (i) an individual may also be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine of not more than \$1,000.00, or both;
 - (ii) a corporation may be liable on summary conviction to a fine of not more than \$5,000.00.

amended 8162/2002 (entire Section 37)

38. If any provision of this By-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of this By-law shall not be invalidated.

REPEAL

39.1 All by-laws and any amendments thereto passed prior hereto by any municipality as defined in section 1 of *The City of Winnipeg Act* and still in force, relating to food service establishments as defined in this By-law shall hereinafter cease to have effect.

amended 6595/95

39.2 Without limiting the generality of subsection (1), the following by-laws and any amendments thereto made from time to time, are hereby repealed:

- The City of Winnipeg By-law No. 16395;
- The Rural Municipality of Fort-Garry By-law No. 3488;
- The City of St. Vital By-law No. 6073;
- The City of St. James By-law No. 6425;
- The City of St. Boniface By-law No. 4124;
- The City of East Kildonan By-law No. 2787;
- The City of West Kildonan By-law No. 2291.

39.3 By-law No. 2920/81 and By-law No. 2973/81 are hereby repealed.

DONE AND PASSED in Council assembled, this 29th day of March, 1989.

1 [See sections 180-181 and sections 183-188 of *The City of Winnipeg Charter* for information about some of the key powers given to designated employees.](#)

2 [See sections 180 to 184 and sections 116 and 117 of The City of Winnipeg Charter for information about the powers given to designated employees to issue compliance orders and how they must be served.](#)

3 [See sections 116 and 117 of *The City of Winnipeg Charter* for information about how to serve orders, decisions and other documents.](#)

4 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)

SCHEDULE "A"
added 7399/99; 7855/2001

- (a) The cost of taking the City of Winnipeg Certified Food Handler Training Program, including the exam, shall be \$65.00;
amended 7855/2001 (effective September 1, 2001)
- (b) The cost to take the City of Winnipeg exam without taking the City of Winnipeg Certified Food Handler Training Program shall be \$28.00;
amended 7855/2001 (effective September 1, 2001)
- (c) The cost to any person to be recognized by The City of Winnipeg as having completed any other approved Certified Food Handler Training Program shall be \$20.00.