

ORDINANCE OF THE CITY OF BLOOMINGTON,  
 COUNTY OF MONROE, STATE OF INDIANA,  
 No. 1, 1950

An Ordinance defining eating and drinking establishments, food, itinerant eating and drinking establishments, employee of eating and drinking establishments, utensils used in connection with eating and drinking establishments, health officer, and other terms; requiring permits for the operation of such establishments; prohibiting the sale of adulterated, unwholesome, or misbranded food or drink; regulating the inspection of such establishments; providing for the enforcement of this Ordinance and fixing penalties for violations thereof.

BE IT ORDAINED by the Common Council of the City of Bloomington, Indiana, that:

Section 1. DEFINITIONS. The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

A. EATING AND DRINKING ESTABLISHMENT.- The term "eating and drinking establishment" shall mean any restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, delicatessen, or any combination of such eating or drinking establishments, and all other eating or drinking establishments, as well as kitchens, or other places, in which food or drink is prepared for sale elsewhere.

B. FOOD.- The term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment, whether simple, mixed or compound, and all substances or ingredients used in the preparation thereof.

C. ITINERANT EATING AND DRINKING ESTABLISHMENT. - The term "itinerant eating and drinking establishment" shall mean one operating for a temporary period, in connection with a fair, carnival, circus, public exhibition, or other similar gatherings.

D. EMPLOYEE. - The term "employee" shall mean any person who handles food or drink during the preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room or other place in which food or drink is prepared or served.

E. UTENSILS. - The term "utensils" shall include any kitchenware, tableware, glassware, cutlery, containers, or other equipment of any kind or nature, with which food or drink comes in contact during storage, preparation or serving.

F. HEALTH OFFICER. - The term "Health officer" shall mean the Secretary of the Board of Health of the City of Bloomington, Indiana, or his authorized representative.

G. PERSON. - The word "person" shall mean any person, firm, corporation, or association.

Section 2. PERMITS. It shall be unlawful for any person to operate an eating and drinking establishment in the City of Bloomington, Indiana, who does not possess an unrevoked permit from the Health Officer. Such permit shall be posted in a conspicuous place in such eating and drinking establishment. Only persons who comply with the requirements of this Ordinance shall be entitled to receive and retain such a permit. The permit shall be for a term of one year on a calendar year basis and shall be renewed annually. Any permit issued by the Health Officer shall contain the name of the person, firm or corporation to whom the permit is granted, the address of the premises for which the same is issued, the

address of the person to whom the same is issued if such permittee is a sole ownership, the address of each partner if such permittee is a partnership and the address of the resident agent if such permittee is a corporation, if any of such addresses be different than the premises for which such permit is issued, and such other pertinent information as may be required by the Health Officer. A permit shall be issued to any person who has complied with the requirements of this Ordinance and no permit or renewal thereof shall be denied on arbitrary or capricious grounds. A separate permit shall be required for each eating and drinking establishment operated, or to be operated by any person, firm or corporation. A person, firm or corporation conducting an itinerant eating and drinking establishment shall be required to secure a permit.

Such a permit may be temporarily suspended by the Health Officer upon the violation by the holder of any of the terms of this Ordinance, or revoked after an opportunity for a hearing by the City Board of Health upon serious or repeated violation.

**Section 3. EXAMINATION AND CONDEMNATION OF UNWHOLESOME OR ADULTERATED FOOD OR DRINK.** Samples of food, drink, and other substances may be taken and examined by the Health Officer as often as may be necessary for the detection of unwholesomeness or adulteration. The Health Officer may condemn and forbid the same of, or cause to be removed, or destroyed, any food or drink which is unwholesome or adulterated.

**Section 4. INSPECTION OF EATING AND DRINKING ESTABLISHMENTS.** At least once every 6 months the Health Officer shall inspect every eating and drinking establishment located within the City of Bloomington, Indiana. In case the Health Officer discovers the violation of any item of sanitation, he shall make a second inspection after reasonable lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this Ordinance. Any violation of the same item of this Ordinance on such second inspection shall call for immediate suspension of the permit held by such eating and drinking establishment.

The person operating the eating and drinking establishment shall, upon request of the Health Officer, permit access to all parts of the eating and drinking establishment and shall permit copying records of any or all food or drink purchased.

**Section 5. SANITATION REQUIREMENTS FOR EATING AND DRINKING ESTABLISHMENTS.** All eating and drinking establishments shall comply with the following items of sanitation:

**ITEM 1. FLOORS. \* FLOORS.** - The floors of all rooms in which food is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

**ITEM 2. WALLS AND CEILINGS.** - Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food is prepared, or utensils are washed, shall be finished in light color, and the walls shall have a smooth, washable surface up to the level reached by splash or spray.

**ITEM 3. DOORS AND WINDOWS.** - When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

**ITEM 4. LIGHTING.** - All rooms in which food is stored or prepared or in which utensils are washed shall be well lighted.

**ITEM 5. VENTILATION.** - All rooms in which food is stored, prepared, or served or in which utensils are washed, shall be well ventilated.

**ITEM 6. TOILET FACILITIES.** - Every eating and drinking establishment shall be provided with adequate and conveniently located water-

flush toilet facilities for its employees. The toilet fixtures and the installation of same shall conform with the plumbing ordinance of the City of Bloomington, Indiana, or conform with the rules and regulations prescribed by the Administrative Building Council of Indiana. Toilet rooms shall not open directly into any room in which food or utensils are handled or stored. The doors of all toilet rooms shall be tight-fitting and self-closing. Toilet rooms shall be kept in a clean condition, in good repair, well lighted and ventilated. Handwashing signs shall be posted in each toilet room used by employees. Toilet rooms accessible only through the kitchen shall not be used by guests of the eating and drinking establishment.

ITEM 7. WATER SUPPLY. - Running hot and cold water, under mechanical pressure, shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate and of a safe, sanitary quality. All coolers for drinking water shall be of an approved type and shall be kept free from contamination.

If a water supply is maintained, the supply and all appurtenances thereto shall be constructed, installed and maintained as required by the Indiana State Board of Health, and approved before the water supply is used. A sample of water from private wells must be sent to a recognized laboratory each month for bacteriological analysis and a copy of report of analysis filed with the City Board of Health.

ITEM 8. LAVATORY FACILITIES. - Adequate and convenient handwashing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

ITEM 9. CONSTRUCTION OF UTENSILS AND EQUIPMENT. - All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used on connection with the operation of an eating and drinking establishment shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used; provided, however, that solder containing lead may be used for jointing.

ITEM 10. CLEANING AND BACTERICIDAL TREATMENT OF UTENSILS AND EQUIPMENT. - All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, sinks, et cetera, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation.

Approved facilities shall be provided for the washing and bactericidal treatment of all multi-use food preparation and eating and drinking utensils. Drying cloths, if used, shall be clean and shall be used for no other purpose.

No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

ITEM 11. STORAGE AND HANDLING OF UTENSILS AND EQUIPMENT. - After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

ITEM 12. DISPOSAL OF WASTES. - All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

ITEM 13. REFRIGERATION. - Refrigerating facilities shall be of adequate capacity to provide ample storage space for all perishable foods on hand at all times. All readily perishable food shall be kept at or below fifty degrees Fahrenheit except when being prepared or served. Waste water from refrigeration shall be properly disposed of.

ITEM 14. WHOLESOMENESS OF FOOD. - All food shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, milk drinks, cream, ice cream and other frozen desserts served shall be pasteurized and obtained from an approved source. Grade A milk and milk products shall be served when available. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; provided, however, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking time.

ITEM 15. STORAGE, DISPLAY, AND SERVING OF FOOD. - All food shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, poisonous compounds and other contamination. No live animals or fowls shall be kept or allowed in any room in which food is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

ITEM 16. CLEANLINESS OF EMPLOYEES. - All employees shall wear clean outer garments, and a suitable head covering to protect the food from contamination from human hair, and shall keep their hands clean at all times while engaged in the handling of food, utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

ITEM 17. MISCELLANEOUS. - The premises of all eating and drinking establishments shall be kept clean and free of litter or rubbish. None of the operations connected with an eating or drinking establishment shall be conducted in any room used as living or sleeping quarters, or in any room which opens directly into living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this use.

ITINERANT EATING AND DRINKING ESTABLISHMENTS. - Itinerant eating and drinking establishments shall be constructed and operated in an approved manner.

Section 6. EATING AND DRINKING ESTABLISHMENTS WHICH MAY OPERATE. - From and after 12 months from the date on which this Ordinance takes effect, or at the expiration of such later date as may be granted by the Board of Health of the City of Bloomington, Indiana, no eating and drinking establishment shall be operated within the City of Bloomington, Indiana, unless it conforms with the requirements of this Ordinance; provided, that when any eating and drinking establishment fails to qualify, the Health Officer is authorized to suspend the permit.

Section 7. REINSTATEMENT OF PERMIT. - Any eating and drinking establishment, the permit of which has been suspended, may, at any time, make application for the reinstatement of the permit.

Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provisions or provisions of this Ordinance have been complied with, the Health Officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the requirement and, in case the findings indicate compliance, shall reinstate the permit.

Section 8.A.DISEASE CONTROL. - No person who is infected with any disease in a communicable form, or is a carrier of such disease, shall work in any eating and drinking establishment or in any itinerant eating and drinking establishment, and no eating and drinking establishment or itinerant eating and drinking establishment shall employ any such person, or any person suspected of being infected with any disease in a communicable form or of being a carrier of such disease. If the eating and drinking establishment or itinerant eating and drinking establishment manager suspects that any employee has contracted any disease in a communicable form, or has become a carrier of such disease, he shall notify the Health Officer immediately.

B. PROCEDURE WHEN INFECTION IS SUSPECTED. - When suspicion arises as to the possibility of transmission of infection from any eating and drinking establishment or itinerant eating and drinking establishment employee, the Health Officer is authorized to require any or all of the following measures: (1) The immediate exclusion of the employee from all eating and drinking establishments; (2) The immediate closing of the eating and drinking establishment concerned until no further danger of disease outbreak exists, in the opinion of the Health Officer; (3) Adequate medical examinations of the employee and of his associates, with such laboratory examination as may be indicated.

C. HEALTH CERTIFICATES. - No person shall be permitted to work in an eating and drinking establishment or in an itinerant eating and drinking establishment who does not have a health certificate issued by a licensed physician. Such certificate shall be renewed annually and shall include a blood test for syphilis and any other test deemed necessary by the physician to determine whether or not such employee has, or is a carrier of, any infectious or contagious disease.

One copy of the certificate shall be filed with the Health Department and one copy shall be on file in the establishment in which the person is working.

Section 9. ENFORCEMENT INTERPRETATION. - This Ordinance shall be enforced by the Health Officer in accordance with the interpretations thereof contained in the Indiana State Board of Health Regulation HFD#17, or amendments thereto, governing the sanitation of public eating and drinking establishments, a certified copy of which shall be on file in the office of the City Clerk-Treasurer of Bloomington, Indiana.

Section 10. PENALTIES. - Any person who violates any of the provisions of this Ordinance, or who refuses to comply with any lawful orders, rules, or regulations of the Health Officer, as provided in this Ordinance, shall, upon conviction, be punished for the first offense by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00); for the second and any subsequent offenses by a fine of not less than Fifty Dollars (\$50.00)

nor more than One Hundred Dollars (\$100.00). Each day of operation in violation of the provisions of this Ordinance shall constitute a separate offense.

Section 11. REPEAL AND DATE OF EFFECT. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law.

Section 12. UNCONSTITUTIONALITY CLAUSE. - Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared to be unconstitutional, or invalid, for any reason, the remainder of this Ordinance shall not be affected thereby.

Section 13. This Ordinance shall take effect and be in full force from and after its adoption by the Common Council, its approval by the Mayor and its publication as provided by law.

Passed and Adopted by the Common Council of the City of Bloomington, Indiana, this 17th day of January, 1950.

/s/ Thos. L. Lemon  
Mayor and Presiding Officer

ATTEST:

/s/ Carl O. Stewart  
City Clerk-Treasurer

Presented to the Mayor of the City of Bloomington, Indiana, this 17th day of January, 1950, at the hour of 8:35 o'clock P.M.

/s/ Carl O. Stewart  
City Clerk-Treasurer

Approved and signed by me this 17th day of January, 1950, at the hour of 8:35 o'clock P. M.

/s/ Thos. L. Lemon  
Mayor of the City of Bloomington,  
Indiana.

ATTEST:

/s/ Carl O. Stewart  
City Clerk-Treasurer