

1 Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending
2 Chapter 15, Food and Food Establishments, Section 15-1, Section 15-3, Section 15-21, Section
3 15,26, Section 15-38, Section 15-40, Section 15-47, Section 15-50, Section 15-66, Section 15-66,
4 Section 15-67, Section 15-74, Section 15-86, Section 15-87, Section 15-88, Section 15-96, Section
5 15-97, Section 15-98, Section 15-106, Section 15-107, Section 136, Section 137, Section 141 and
6 Section 142, to make the Ordinance consistent with the current practices of the Health
7 Department and to conform to state and federal law; the repeal of Section 15-4, Sections 15-22 –
8 15-25, Sections 15-27 – 15-37, Section 15-39, Sections 15-41 – 15-46, Section 15-48 – 15-49,
9 Sections 15-51 – 15-56, Sections 15-68 – 15-73, Sections 15-108 – 15-118, Sections 15-138 -15-
10 140 and Sections 15-143 – 15-173 to delete sections that are already covered by state law; and
11 the renumbering of appropriate sections for efficiency.

12
13 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 15 of the City Code
14 of the City of Hampton, Virginia be amended to read as follows:

15
16 **CHAPTER 15. FOOD AND FOOD ESTABLISHMENTS**

17
18 **ARTICLE I. IN GENERAL**

19
20 **Sec. 15-1. Definitions.**

21 For the purposes of this chapter, the following words and terms shall have the meanings herein
22 ascribed to them, unless the context clearly indicates to the contrary:

23 *Cook-for-hire.* A person hired to prepare and/or serve food at a private function or home. All
24 food prepared by the cook is handled at the location of the function or in the home. No food is stored,
25 prepared, or handled off-site. A health permit is not required for a cook-for-hire.

26 ~~Eating, drinking and cooking utensils.~~ The term "eating, drinking and cooking utensils" shall
27 mean any kitchenware, tableware, cutlery, containers or other equipment with which food or drink
28 comes in contact during storage, preparation or serving.

29 ~~Employee.~~ The word "employee" shall mean any person who handles food or drink during
30 preparation or serving or who comes in contact with any eating or cooking utensils or who is employed
31 at any time in a room in which food or drink is stored, prepared or served.

32 *Food.* The word "food" shall mean any raw, cooked, or processed, edible substance, ice
33 beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

34 *Food establishment.* The term "food establishment" shall mean a restaurant, as herein defined,
35 and shall also include any place where food is prepared or provided and intended for individual portion
36 service, and includes the site at which individual portions are provided. The term includes any such
37 place, regardless of whether consumption is on or off the premises and regardless of whether or not
38 there is a charge for the food. ~~The term also includes retail food stores and mobile food service~~
39 ~~facilities.~~ The term does not include private homes where food is prepared or served without
40 compensation for individual family consumption, the location of food vending machines *or* and supply
41 vehicles.

42 *Food service manager.* The term "food service manager" shall mean an individual having
43 supervisory or management duties and any other person working in a food establishment who may be
44 in charge of its food handling operation and who holds a valid food service manager's certificate issued
45 under section 15-98.

46 *Health authority.* The term "health authority" shall mean the director of the department of public
47 health or his authorized representative.

48 *Mobile food service facility.* The term "mobile food service facility" shall *mean a food*
49 *establishment mounted on wheels (excluding boats in the water) readily moveable from place to place*
50 *at all times during operation and shall include, but not be limited to, pushcarts, trailers, trucks, or vans.*
51 *The facility, all operations, and all equipment must be integral to and be within or attached to the facility.*
52 ~~include the following:~~

- 53 (1) ~~A nonmotorized pushcart which is operated as a self-contained food service facility,~~
54 ~~in association with an approved base of operations.~~

55 ~~(2) A motorized vehicle which is operated as a self-contained food service facility~~
56 ~~containing approved food preparation and handwashing facilities.~~

57 ~~*Potentially hazardous food.* The term "potentially hazardous food" shall mean any perishable~~
58 ~~food which consists, in whole or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish or~~
59 ~~any other ingredient capable of supporting rapid and progressive growth of infectious or toxigenic~~
60 ~~microorganisms.~~

61 ~~*Prepackaged.* The term "prepackaged" shall mean contained in a bottle, can, carton, secure~~
62 ~~wrapping or other types of containers and includes both hermetically and non-hermetically sealed~~
63 ~~packaging.~~

64 ~~*Risk assessment.* The term "risk assessment" shall mean an evaluation of the potential for a~~
65 ~~foodborne illness to occur in a food establishment based on a hazard analysis of the food.~~

66 ~~*Restaurant.* The word "restaurant" shall mean a restaurant, coffee shop, cafeteria, short order~~
67 ~~cafe, luncheonette, hotel dining room, tavern, sandwich shop, soda fountain and any other eating and~~
68 ~~drinking establishment, including the kitchen of a caterer serving off the premises.~~

69 ~~*Temporary food establishment.* The term "temporary food establishment" shall mean a food~~
70 ~~establishment that operates at a fixed location for a period of not more than fourteen (14) days in~~
71 ~~conjunction with a single event or celebration.~~

72
73 **Sec. 15-2. Violations of chapter.**

74 Unless otherwise specifically provided, a violation of any provision of this chapter shall
75 constitute a Class three misdemeanor. Each day that such a violation exists shall constitute a separate
76 offense.

77 **Cross references:** Penalty for Class three misdemeanor, § 1-11.

78
79 **Sec. 15-3. Enforcement of chapter generally.**

80 ~~*Unless otherwise noted,* The director of public health *authority* shall be responsible for the~~
81 ~~enforcement of this chapter. Inspections for the enforcement of this chapter shall be made as frequently~~
82 ~~as deemed necessary by the director of public health *authority*.~~

83
84 **Sec. 15-4. Exceptions from chapter.**

85 This chapter shall not apply to boardinghouses that do not accommodate transients nor shall it
86 apply to local churches or fraternal, civic and social organizations which hold occasional bazaars of one
87 (1), two (2) or three (3) days, at which small quantities of food, candy, baked goods and similar
88 delicacies made in homes of members are offered for sale.

89
90 Secs. 15-54--15-20. Reserved.

91
92 **ARTICLE II. FOOD ESTABLISHMENTS GENERALLY***

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95 ***Cross references:** Indecent exposure by waitresses or waiters, § 23-13; tax on meals sold by
96 restaurants, § 37-226 et seq.

97 **State law references:** Sanitary requirements for food establishments generally, Code of Virginia, §
98 3.2-5106 et seq.; regulations of state board of health governing restaurants, § 35.1-14.

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101
102 **DIVISION 1. GENERALLY**

103
104 **Sec. 15-21. *Compliance with law.* Approval of plans required prior to construction or alteration.**
105 *All food establishments must comply with the relevant requirements of the Virginia Code and the*
106 *Virginia Administrative Code.*

107 A building permit for the construction of a new food establishment or for the alteration of an existing
108 food establishment shall not be issued, nor construction thereof begun, without prior written approval of
109 the plans therefor by the director of public health.

110 (Ord. No. 1439, 11-15-06)

111
112 **Sec. 15-22. Certificate of occupancy required prior to operation in existing building.**

113 No existing building not previously used for such purposes shall be used for the operation of a
114 food establishment, unless a certificate of occupancy is first issued under the provisions of the building
115 code of other applicable ordinances of the city.

116 (Ord. No. 428, § 8.1-124; Code 1964, § 8.1-124; Ord. No. 1439, 11-15-06)

117 ~~Cross references: Building code, § 9-26 et seq.~~

118
119 **Sec. 15-23. Inspections generally.**

120 The operator of a food establishment shall, upon request of the director of public health, permit access
121 to all parts of the establishment in question at all reasonable times for the purpose of making
122 inspections for the enforcement of this chapter.

123 (Code 1964, § 33-3; Ord. No. 1439, 11-15-06)

124
125 **Sec. 15-24. Inspection reports.**

126 One (1) copy of an inspection report made upon an inspection for the enforcement of this
127 chapter shall be posted by the director of public health upon an inside wall of the food establishment in
128 such a manner as to be conveniently readable by the employees of the establishment, but not by the
129 general public. Such inspection report shall not be defaced or removed by any person, except the
130 director of public health.

131 (Code 1964, § 33-4; Ord. No. 1439, 11-15-06)

132
133 **Sec. 15-25. Protection of food and drink generally.**

134 (a) All food and drink shall be so stored and displayed at food establishments as to be protected from
135 dust, flies, vermin, handling by the public, droplet infection, overhead leakage and other contamination.
136 The use of community sugar bowls is prohibited. All readily perishable food and drink shall be kept at or
137 below forty five (45) degrees Fahrenheit, except when being prepared or served. All pork products shall
138 be cooked to a minimum temperature of one hundred fifty (150) degrees Fahrenheit. Food stored in
139 steam tables or warming ovens pending service shall be kept at or above one hundred forty five (145)
140 degrees Fahrenheit. All refrigeration used for the storage of drinks, food or food products, except fish,
141 poultry and vegetables, shall be of a dry storage type where contact is not made with ice or water.
142 Frozen foods shall not be permitted to become defrosted while stored or displayed. If frozen foods
143 should become defrosted through failure of storage unit refrigeration, such defrosted foods shall not be
144 refrozen. All custard pies, custard filled and cream filled pastries and meringue topped pies sold or
145 served by a food establishment shall be cooled to a temperature of forty five (45) degrees Fahrenheit or
146 less until sold or served. No article intended for human consumption shall be stored, exposed or
147 displayed on the surface of any sidewalk or street or placed in any doorway of or in front of any place of
148 business or in any other place accessible to dogs or other animals.

149 (b) No article shall be stored directly on the floor of any food establishment, but shall be stored on
150 platforms or racks providing clearance of at least one (1) foot above the surface of the floor or upon
151 platforms at least four (4) inches above the surface of the floor, the supporting members of which make
152 a continuous dustproof joint with the floor around the entire perimeter of the platform.

153 (Code 1964, § 33-41; Ord. No. 1439, 11-15-06)

154 ~~State law references: Protection of food and drink from flies, dust and dirt, Code of Virginia, § 3.2-~~
155 ~~5111.~~

156
157 **Sec. 15-226. Examination and condemnation of food and drink.**

158 Samples of food and drink may be taken from food establishments and examined by the director
159 of public health *authority* as often as he deems *ed* necessary *to determine if such food or drink is*
160 *adulterated, impure or dangerous* for the detection of unwholesomeness. The director of public health
161 *authority* may condemn, remove and destroy any food or drink which he deems *ed adulterated, impure*
162 *or dangerous* unwholesome. Portions of food once served to customers and left unconsumed shall be
163 deemed *adulterated, impure or dangerous* unwholesome and shall be destroyed. Food or drink, after
164 having been once condemned by the director of public health *authority* or his authorized representative

165 shall not thereafter be removed or disposed of by the operator or employee, except at the direction of,
166 and in accordance with the directions of, the director of public health *authority*.

167 **State law references:** Authority to condemn adulterated, impure or dangerous milk, milk product,
168 beverage, food or food product, Code of Virginia, § 15.2-1109.

169
170 **Sec. 15-27. General maintenance requirements.**

171 ~~The surroundings of all food establishments shall at all times be kept clean and free of litter or~~
172 ~~rubbish.~~

173 ~~(Code 1964, § 33-21; Ord. No. 1439, 11-15-06)~~

174 ~~**State law references:** Sanitary conditions in food establishments, Code of Virginia, § 3.2-5106.~~

175
176 **Sec. 15-28. Floors.**

177 ~~The floors of all rooms in which food is sold, prepared, dispensed or served at a food~~
178 ~~establishment, and of all rooms where utensils are washed, shall be of impervious material and of such~~
179 ~~construction as to be easily cleaned and shall be kept clean and in good repair. Floors in rooms used~~
180 ~~for storage shall be of smooth, easily cleanable material and shall be kept clean and in good repair.~~
181 ~~Floors shall be properly graded and free from low spots which will not properly drain. Carpets may be~~
182 ~~used only in rooms used exclusively for dining. The use of duck boards is prohibited, except that such~~
183 ~~approved installations thereof as are in use on June 1, 1964, may be continued in use so long as they~~
184 ~~are maintained in a clean and sanitary condition.~~

185 ~~(Code 1964, § 33-22; Ord. No. 1439, 11-15-06)~~

186 ~~**State law references:** Floors in food establishments, Code of Virginia, § 3.2-5107.~~

187
188 **Sec. 15-29. Walls and ceilings.**

189 ~~Walls and ceilings of all food establishments shall be kept clean and in a state of good repair.~~
190 ~~Walls and ceilings of food preparation areas shall be finished in a light color and shall have a smooth,~~
191 ~~washable surface.~~

192 ~~(Code 1964, § 33-23; Ord. No. 1439, 11-15-06)~~

193 ~~**State law references:** Walls and ceilings in food establishments, Code of Virginia, § 3.2-5107.~~

194
195 **Sec. 15-30. Lighting.**

196 ~~Natural or artificial light of twenty (20) foot candles shall be provided for all work surfaces in food~~
197 ~~preparation and utensil washing areas in all food establishments; provided, however, that natural or~~
198 ~~artificial light of four (4) foot candles shall be provided in storage areas.~~

199 ~~(Code 1964, § 33-24; Ord. No. 1439, 11-15-06)~~

200
201 **Sec. 15-31. Ventilation.**

202 ~~All food establishments shall be well ventilated. Effective ventilating fans, operating with~~
203 ~~canopies, with up-draft ventilation, fitted with adequate metal grease filters and vented to outside air,~~
204 ~~shall be provided over all heavy-duty cooking equipment, including, but not limited to, ranges, broilers,~~
205 ~~ovens (other than properly vented ovens in bakeries), steam kettles, roasters, fat fryers and griddles.~~

206 ~~(Code 1964, § 33-25; Ord. No. 1439, 11-15-06)~~

207
208 **Sec. 15-32. Water supply; ice.**

209 ~~(a) Any water supply used at a food establishment shall be properly located, constructed and operated~~
210 ~~and shall be easily accessible, adequate and of a safe, sanitary quality. Water coolers in which the~~
211 ~~water comes in direct contact with ice shall not be used at a food establishment.~~

212 ~~(b) Ice used in or with food and drink in food establishments shall be obtained only from an approved~~
213 ~~outside source or manufactured on the premises, with use of approved equipment, and shall be stored~~
214 ~~only in approved equipment. Utensils used for the handling of ice shall not be stored or kept in the ice~~
215 ~~storage compartment or container, but shall be stored outside such storage compartment or container~~
216 ~~in a clean, separate container.~~

217 ~~(Code 1964, § 33-27; Ord. No. 1439, 11-15-06)~~

218 ~~**Cross references:** Water supply, Ch. 39.~~

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Sec. 15-33. Disposal of liquid and sanitary wastes.

All liquid and sanitary wastes from food establishments shall be disposed of as provided in Chapter 30 of this Code.

(Code 1964, § 33-38; Ord. No. 1439, 11-15-06)

Sec. 15-34. Toilet facilities.

(a) All food establishments shall provide adequate and conveniently located toilet facilities for their employees. In addition, restaurants offering sit-down service shall provide such facilities for their patrons.

(b) Toilet facilities shall be conveniently located within the confines of the building occupied by a food establishment. Toilet rooms shall not open directly into any room in which food is stored, prepared or served or where utensils are stored or washed. Toilet rooms for patrons shall be so arranged as to permit access to same without passing through that portion of the building where food is prepared or in which utensils are washed or stored.

(c) The doors of all toilet rooms and vestibules thereof in a food establishment shall be self-closing.

(d) Adequate supplies of toilet paper shall be provided in each toilet room of a food establishment and each such room shall be kept in a clean condition and in good repair and shall be well lighted and ventilated to the outside air.

(e) Food establishments lawfully operating on June 1, 1964, shall be exempt from these provisions of this section which would require major construction or alteration.

(Code 1964, § 33-26; Ord. No. 1439, 11-15-06)

State law references: Washrooms and toilets in food establishments, Code of Virginia, § 3.2-5109.

Sec. 15-35. Hand-washing facilities.

Adequate hand-washing facilities, conveniently located in food preparation areas, shall be provided in food establishments. Such facilities shall include a stationary wash basin provided with hot and cold running water, adequate soap and sufficient individual towels.

(Code 1964, § 33-28; Ord. No. 1439, 11-15-06)

State law references: Washrooms and toilets in food establishments, Code of Virginia, § 3.2-5109.

Sec. 15-36. Protection from flies, roaches, etc.

(a) All openings to the outer air from food establishments shall be effectively screened and screen doors shall be self-closing and shall open outward, unless other effective means are provided to prevent the entrance of flies. It shall be permissible to place and operate an adequate electric fan over the entrance. All other means necessary for the elimination of flies shall be used.

(b) Methods used for the control of flies, roaches and other vermin, and for the control of rodents must be effective at all food establishments. All insecticides and poisons and all stationary-based dispensers, emitters, ejectors, vaporizers or other equipment or devices used for repelling insects, rodents or other vermin shall be only those approved by the United States Public Health Service. The use of uncolored open poisons or poison baits, either or both, is prohibited.

(Code 1964, §§ 33-29, 33-52; Ord. No. 1439, 11-15-06)

State law references: Protection of food from flies, dust and dirt in food establishments, Code of Virginia, § 3.2-5111.

Sec. 15-37. Construction and maintenance of utensils, equipment, etc., generally.

All eating and cooking utensils and all show and display cases or counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operation of a food establishment shall be so constructed as to be easily cleaned and shall be kept clean and in a sanitary condition and in good repair. All multi-use utensils and storage containers shall conform to the above requirements and shall be constructed of an approved impervious material. All table tops must be of nonabsorbent material, when deemed necessary by the director of public health. Kitchen table tops and all other surfaces used in the active preparation of food shall be of laminated hard wood in a state of good repair or covered with an approved metal or other impervious material. Table tops and shelves shall be kept free of unnecessary articles, and must be kept clean, with the articles thereon

274 neatly arranged. Table covers, napkins and the like shall be clean. All napkins shall be discarded or
275 laundered after each usage.

276 (Code 1964, §§ 33-30, 33-36; Ord. No. 1439, 11-15-06)

277 ~~State law references:~~ Daily cleaning of instruments and machinery in food establishments, Code of
278 Virginia, § 3.2-5110.

279

280 **Sec. 15-38~~23~~.** Dishwashing equipment.

281 (a) ~~Adequate facilities shall be provided and maintained at food establishments for the cleaning and~~
282 ~~bactericidal treatment of utensils and equipment. Washing powder approved by the director of public~~
283 ~~health shall be used. Restaurants shall be equipped with adequate wash sinks with drain boards, one~~
284 ~~(1) of which shall be a sink of not less than three (3) compartments, with hot and cold running available~~
285 ~~to each compartment, and a sufficient number of dish baskets shall be provided. All non-restaurant food~~
286 ~~establishments shall be provided with adequate sinks, one (1) of which shall be a sink of not less than~~
287 ~~three two (2) compartments, with hot and cold running water available to each compartment.~~

288 (b) ~~Nothing contained in this section shall be construed as prohibiting the use of any other equipment~~
289 ~~which has been demonstrated as of at least equal efficiency and is approved by the director of public~~
290 ~~health.~~

291 (Code 1964, § 33-31; Ord. No. 1439, 11-15-06)

292 ~~State law references:~~ Daily cleaning of instruments and machinery in food establishments, Code of
293 Virginia, § 3.2-5110.

294

295 **Sec. 15-39.** Cleaning and bactericidal treatment of multi-use utensils generally.

296 (a) ~~All multi-use eating and drinking utensils, immediately after each use at a food establishment, shall~~
297 ~~be scraped of loose remnants of food, washed in an approved detergent solution, rinsed in clean water~~
298 ~~and subjected to bactericidal treatment by submersion, for at least two (2) minutes, in hot water~~
299 ~~maintained at a temperature of one hundred eighty (180) degrees Fahrenheit or higher, or for at least~~
300 ~~one (1) minute in a chlorine solution containing not less than fifty (50) parts per million of residual~~
301 ~~chlorine. A solution containing one hundred (100) parts per million or more of residual chlorine is~~
302 ~~recommended. If bactericidal treatment is by submersion in hot water, an accurate thermometer shall~~
303 ~~be permanently installed in the treatment compartment. If bactericidal treatment is by submersion in a~~
304 ~~chlorine solution, the operator shall provide, and be competent in the use of, testing equipment to~~
305 ~~assure that the solution is equal to or exceeds the above requirements at all times.~~

306 (b) ~~The above requirements of this section shall apply to manual dishwashing methods. Where~~
307 ~~dishwashing machines are used, such machine, the operation of the machine, temperature of wash and~~
308 ~~rinse waters and retention period of dishes in the machine must meet the approval of the director of~~
309 ~~public health. Dishwashing machines, if used, must be maintained in a state of good repair.~~
310 ~~Thermometers indicating the temperature of wash and rinse waters shall be operative and accurate.~~

311 (c) ~~This section shall not be construed to prohibit any other process which has been demonstrated as~~
312 ~~of at least equal efficiency and is approved by the director of public health.~~

313 (Code 1964, § 33-32; Ord. No. 1439, 11-15-06)

314 ~~State law references:~~ Daily cleaning of instruments and machinery in food establishments, Code of
315 Virginia, § 3.2-5110.

316

317 **Sec. 15-40~~24~~.** Use of poisonous material in cleaning or polishing utensils.

318 No article, polish or other substance containing any cyanide preparation or other poisonous
319 material shall be used in any food establishment for the cleaning or polishing of eating or cooking
320 utensils.

321 ~~State law references:~~ Daily cleaning of instruments and machinery in food establishments, Code of
322 Virginia, § 3.2-5110.

323

324 **Sec. 15-41.** Utensils not to be dried with towel.

325 The drying of eating and drinking utensils with a towel is prohibited at a food establishment.

326 (Code 1964, § 33-32; Ord. No. 1439, 11-15-06)

327 ~~State law references:~~ Daily cleaning of instruments and machinery in food establishments, Code of
328 Virginia, § 3.2-5110.

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Sec. 15-42. Disposition of single-service utensils.

In a food establishment, no disposable utensil intended for single service shall be used more than once, but shall be disposed of immediately after use.
(Code 1964, § 33-34; Ord. No. 1439, 11-15-06)

Sec. 15-43. Cleaning of multi-use dairy product containers.

In a food establishment, all multi-use dairy products containers shall be rinsed as soon as emptied and shall be washed, rinsed and sanitized before reuse.
(Code 1964, § 33-35; Ord. No. 1439, 11-15-06)

Sec. 15-44. Storage and handling of utensils.

No utensil used in a food establishment shall be stored, except in a clean, dry place, protected from flies, dust, grease and other contamination, and no utensil shall be handled except in such manner as to minimize the possibility of contamination. Single-service utensils shall be purchased only in sanitary containers and shall be stored therein in a clean, dry place or stored in an approved dispenser until used. Single-service forks, spoons, stirring sticks and similar utensils and soda straws shall be individually wrapped by the manufacturer.
(Code 1964, § 33-37; Ord. No. 1439, 11-15-06)

Sec. 15-45. Refrigerating equipment.

Refrigerators, iceboxes and the like used at food establishments shall be of adequate size to store all perishable food, be constructed of materials that will permit thorough cleaning, be properly drained and ventilated, be equipped with a thermometer placed in the warmest part of the food storage section and visible upon opening the door or from the outside of the unit, either or both, and kept at a temperature of forty-five (45) degrees Fahrenheit or lower at all times, except during a period of defrosting. Free circulation of air in the unit shall not be impeded. The floors, walls, ceilings, racks, hooks, pipes, conveyors and all other fittings and accessories of refrigerating equipment shall be kept clean. Drains from iceboxes shall not be connected directly to a sewer but shall drain into an open fixture connected to a sewer, or some other catchbasin approved by the director of public health.
(Code 1964, § 33-39; Ord. No. 1439, 11-15-06)

Sec. 15-46. Animals prohibited; exception.

No animal shall be kept or allowed in any room of a food establishment in which food or drink is prepared, stored or served. This prohibition shall not apply to a trained guide dog, service dog or hearing dog in the custody of a person with disabilities.
(Code 1964, § 33-43; Ord. No. 1439, 11-15-06)

Cross references: Animals, Ch. 5.

State law references: Animals in food establishments, Code of Virginia, § 3.2-5115; right of the blind, deaf, hearing impaired, mobility impaired and certain dog trainers to be accompanied by guide dogs, hearing dogs and service dogs, Code of Virginia, § 51.5-44.

Sec. 15-2547. Use of rooms for domestic purposes.

A person who prepares, furnishes, or prepares and furnishes food intended for individual portion service at the premises of the consumer, whether such premises are temporary or permanent, and as part of a specific menu for a specified number of people, shall not conduct their operation. No operation connected with a food establishment shall be conducted in any room used for domestic purposes. Similarly, no operations of a domestic nature shall be conducted in any room in which the operations of such person previously described in this section a food establishment are conducted. This section is not applicable to cooks-for-hire.

Sec. 15-48. Processing of food generally.

All food processed on the premises of a food establishment shall be so processed only in a specifically designated area used for no other purpose.
(Code 1964, § 33-45; Ord. No. 1439, 11-15-06)

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Sec. 15-49. Cooking of stuffing for turkeys or geese.

In food establishments, when stuffing or dressing for turkeys or geese is cooked, it shall be cooked separately from the turkeys or geese.
(Code 1964, § 33-42; Ord. No. 1439, 11-15-06)

Sec. 15-2650. Samplings and demonstrations.

Any sampling or so-called "demonstration" conducted in a food establishment shall be conducted in accordance with the requirements set forth in this chapter for the operation of a *temporary food establishment* ~~an itinerant restaurant~~. Approval in writing of the facilities for such sampling or demonstration by the director of public health *authority* shall be had before such an operation may lawfully be conducted.

Sec. 15-51. Limitation on food that may be sold.

No food shall be sold at a food establishment except such as is processed on the premises or furnished by an approved source.
(Code 1964, § 33-45; Ord. No. 1439, 11-15-06)

Sec. 15-52. Containers for soiled linens, aprons, etc.

Soiled linens, coats, aprons and the like at food establishments shall be kept in clean, covered containers specially provided for that purpose.
(Code 1964, § 33-47; Ord. No. 1439, 11-15-06)

Sec. 15-53. Lockers for employees.

All food establishments shall be provided with adequate lockers for employees' clothing and all personal property of the employees not worn or carried while on duty shall be stored therein.

Sec. 15-54. Cleanliness of employees.

All employees in food establishments engaged in the preparation and serving of food and in the care of utensils shall wear clean, washable outer garments used for no other purposes and shall keep their hands clean and shall otherwise observe a high standard of personal cleanliness at all times. The hands of all employees shall be thoroughly washed with soap and warm water after visiting the toilet and after smoking. Employees engaged in the preparation and serving of food and in the care of utensils shall wear an effective head covering and shall keep their fingernails short and clean at all times and such employees, when on duty, shall not use tobacco in any form, but shall keep their hands away from the mouth, nose, and other exposed parts of the body and shall wash their hands immediately should they become contaminated with oral or nasal secretions. The employer shall constantly and carefully supervise his employees to assure the observance of high standards of personal hygiene at all times.
(Code 1964, § 33-49; Ord. No. 1439, 11-15-06)

State law references: Clothing of employees of food establishments, Code of Virginia, § 3.2-5112.

Sec. 15-55. Health of employees--Notice of disease.

Notice shall be sent to the director of public health immediately, by the owner or manager of any food establishment or by the employee concerned, if the manager or any employee or any member of their respective households contracts any infectious, contagious or communicable disease, or such employee has a fever, skin eruption or a cough lasting more than three (3) weeks, or any other suspicious symptom. It shall be the duty of any such employee to notify the owner or manager of the food establishment immediately when any of such conditions exist and if neither the manager nor the employee concerned notifies the director of public health immediately when any of such conditions exist, they shall be held jointly and severally to have violated this section.

(Code 1964, § 33-50; Ord. No. 1439, 11-15-06)

State law references: Employees of food establishments with infectious diseases, Code of Virginia, § 3.2-5113.

438

439 **Sec. 15-56. Same--Procedure when infection suspected.**

440 When suspicion arises as to the possibility of the transmission of infection from any food establishment
441 employee, the director of public health may require any or all of the following measures:

442 (1) The immediate exclusion of the employee from all food establishments.

443 (2) The immediate closing of the food establishment concerned until no further danger of disease
444 outbreak exists, in the opinion of the director of public health.

445 (3) Adequate medical examination of the employee and his associates, with such laboratory
446 examinations as may be indicated.

447 (Code 1964, § 33-51; Ord. No. 1439, 11-15-06)

448 **State law references:** Employees of food establishments with infectious diseases, Code of Virginia, §
449 3.2-5113.

450 Secs. 15-57~~27~~--15-65. Reserved.

451

452 **DIVISION 2. OPERATOR'S PERMIT**

453

454 **Sec. 15-66. Required.**

455 It shall be unlawful for any person who does not possess a current unrevoked operator's permit issued
456 *pursuant to 12 VAC 5-421-3660* to him by the director of public health to operate *any* food establishment
457 in the city.

458

459 **Sec. 15-67. Prerequisite to issuance of license.**

460 No license to operate a food establishment shall be issued by any officer or agent of the city
461 until an operator's permit issued *pursuant to 12 VAC 5-421-3660* under this division is presented by the
462 applicant.

463

464 **Sec. 15-68. Application.**

465 Application for a permit required by this division shall be filed with the director of public health on forms
466 provided for that purpose.

467 (Ord. No. 1439, 11-15-06)

468

469 **Sec. 15-69. Issuance.**

470 Persons who meet the requirements of this article and other applicable provisions of this chapter shall
471 be entitled to receive an operator's permit, as required by this division, and the director of public health
472 shall issue such permit to such persons.

473 (Code 1964, § 33-10; Ord. No. 1439, 11-15-06)

474

475 **Sec. 15-70. Term.**

476 An operator's permit issued under this division shall be valid only until the end of the calendar
477 year in which it is issued, unless sooner revoked by the director of public health.

478 (Code 1964, § 33-9; Ord. No. 1439, 11-15-06)

479

480 **Sec. 15-71. Posting.**

481 An operator's permit issued under this division shall be conspicuously posted, under glass in view of
482 the public, in the food establishment for which it is issued.

483 (Code 1964, § 33-11)

484

485 **Sec. 15-72. Not transferable.**

486 No operator's permit issued under this division shall not be transferred to any other person or from one
487 location to another.

488 (Code 1964, § 33-12; Ord. No. 1439, 11-15-06)

489

490 **Sec. 15-73. Revocation.**

491 The director of public health may revoke an operator's permit issued under this division, if the food
492 establishment for which it was issued is operated in violation of any provision of this chapter. When so

493 ~~revoked, the permit shall remain revoked until the violation has been corrected, whereupon the permit~~
494 ~~shall be reinstated by the director of public health.~~
495 ~~(Code 1964, § 33-14; Ord. No. 1439, 11-15-06)~~

496
497 **Sec. 15-6874. Closing and padlocking establishment operated without permit.**

498 Upon written notice from the ~~director of public health~~ *authority* that a food establishment is being
499 operated without the permit required by *12 VAC 5-421-3660*, ~~this division~~ or after such permit has been
500 revoked, the chief of police *or his designee*, shall close and padlock such food establishment and it
501 shall not be reopened to the public until such permit has been issued or reinstated.

502 Secs. 15-69-75--15-85. Reserved.

503
504 **DIVISION 3. FOOD HANDLER'S PERMIT**

505
506 **Sec. 15-86. Required.**

507 (a) It shall be unlawful for any employee who does not possess an unexpired or unrevoked food
508 handler's permit issued under this division to work in any food establishment *in the city, unless such*
509 *employee is required to have a food service manager certificate pursuant to Sec. 15-98 or unless*
510 *otherwise exempted by the health authority.*

511 (b) The operator of a mobile food service facility shall be required to obtain a food handler's permit
512 under this division, before operating any mobile food service facility within the city, *unless the operator*
513 *is required to have a food service manager certificate pursuant to Sec. 15-98.*

514 (c) It shall be unlawful for any person operating a food establishment to employ any person to work
515 therein, unless such person has a valid food handler's permit issued under this division *or a food*
516 *service manager certificate pursuant to Sec. 15-98, unless otherwise exempted by the health authority.*

517 (d) *Anyone needing a food handler's permit shall make application to the health authority and pay the*
518 *application fee of ten dollars.*

519
520 **Sec. 15-87. To whom issued; temporary permits.**

521 Food handlers' permits required by this division shall be issued by the ~~director of public health~~
522 *authority* only to employees who shall furnish such information and laboratory specimens and submit to
523 such physical examination and tests as the ~~director of public health~~ *authority* may require and who have
524 received such instructions in personal hygiene and food establishment sanitation as may be offered or
525 required by the ~~director of public health~~ *authority*; ~~provided, however, that the director of public health~~
526 ~~may, when in his judgment it seems proper, issue a temporary permit to an applicant for a food~~
527 ~~handler's permit, pending the issuance of such food handler's permit. Such temporary permit shall be~~
528 ~~effective only for so many days as the director of public health shall indicate thereon in writing.~~

529
530 **Sec. 15-88. Term.**

531 Each food handler's permit issued under this division shall remain in force for not more than *two*
532 *years* ~~one (1) year~~ or until revoked by the ~~director of public health~~ *authority* for cause; ~~provided,~~
533 ~~however, that this provision shall not be construed to apply to temporary permits, referred to in section~~
534 ~~45-87.~~

535
536 **Sec. 15-89. Posting.**

537 A food handler's permit issued under the provisions of this division shall be kept posted in the
538 place of employment of the holder thereof, together with a complete list of all employees of the food
539 establishment in question.

540
541 Secs. 15-90--15-95. Reserved

542
543 **DIVISION 4. FOOD SERVICE MANAGER CERTIFICATE**

544
545 **Sec. 15-96. Purpose.**

546 The purpose of this division is to require a minimum of one (1) full-time staff supervisor at each
547 food establishment who has been certified in food sanitation. This person shall have *successfully*

548 *completed a health authority approved food manager course, and have* the knowledge necessary to
549 provide safe storage, preparation, display and service of foods in a manner to prevent foodborne illness
550 and to protect the public health and shall also have the knowledge to provide training for the employees
551 under their supervision in safe food handling procedures.

552
553 **Sec. 15-97. Rules and regulations for administration and enforcement.**

554 The director of public health *authority* or his designee is responsible for the enforcement of this
555 division. The director of public health *authority* is hereby authorized to make and adopt necessary rules
556 and regulations as he may deem necessary for the administration and enforcement of this division,
557 which rules and regulations shall not be in conflict with or an enlargement of any of the provisions of
558 this division.

559
560 **Sec. 15-98. Food service manager; responsibilities; certification.**

561 (a) No person shall operate a food establishment unless there is at least one (4) full-time certified food
562 service manager on staff.

563 (b) The food service manager shall be responsible for training employees and for establishing sanitary
564 food handling procedures. Written documentation of a training program and training records of
565 individual employees shall be available upon request by the health *authority* department.

566 (c) The application for a food service manager's certificate shall be submitted to the *health*
567 *authority* Hampton Health Department. Before a food service manager's certificate is issued, the
568 applicant must pay a fee of ten dollars (~~\$10.00~~) and:

569 (1) Show proof of having successfully completed a course in food preparation, which shall be
570 approved by the health authority; or

571 (2) Possess a valid certificate of registration from the food protection certification program of
572 the Educational Testing Service Center for Occupational and Professional Assessments.

573 (d) Such certificate shall be issued in the name of the individual only and shall be valid for a period of
574 three (3) years from the date of issuance. A food service manager's certificate is not transferable from
575 one person to another.

576 (e) A food service manager's certificate shall be renewed for a three-year period upon payment of a
577 fee of ten dollars (~~\$10.00~~) to the *health authority* Hampton Health Department and:

578 (1) Completing a refresher course in food protection, which shall be approved by the health
579 authority; or

580 (2) Take and pass the food protection certification test of the Educational Testing Services
581 Center for Occupational and Professional Assessment.

582 (f) The health authority may require certified supervisory personnel to successfully complete additional
583 training as specified by the health authority when:

584 (1) The employing food establishment has repeated or persistent violations of critical health
585 code requirements and effective corrective action has not been taken over a reasonable period
586 of time as determined by the health authority; or

587 (2) The employing food establishment is suspected with reasonable cause by the health
588 authority as the source of foodborne illness.

589 All costs associated with required training or testing shall be the responsibility of the food
590 establishment or the individual food service manager.

591
592 **Sec. 15-99. Proof of certification.**

593 Each certified food service manager shall display his certificate in a prominent location in the food
594 establishment or carry it upon his person when on duty as directed by the health authority.

595
596 **Sec. 15-100. Exemptions.**

597 Food establishments that serve, sell or distribute only prepackaged foods and beverages are
598 exempt from the provisions of this division. Temporary food establishments and mobile food service
599 facilities may be exempted by the health authority. The health authority may also grant additional
600 exemptions to this division on the basis of a risk assessment.

601
602 **Sec. 15-101. Repealed.**

603 Secs. 15-1012--15-105. Reserved.

604

605 **ARTICLE III. TEMPORARY FOOD ESTABLISHMENT ITINERANT RESTAURANTS**

606

607 **Sec. 15-106. Compliance with article.**

608 (a) *All temporary food establishments must have an operator's permit issued pursuant to 12 VAC 5-*
609 *421-3660.* The director of public health shall approve an itinerant restaurant only if it complies with the
610 minimum sanitation requirements set out in this article.

611 (b) Upon failure, after warning *by the health authority*, of any person maintaining or operating any
612 *temporary food establishment* itinerant restaurant to comply with any of the minimum sanitation
613 requirements set out in this article *or in the Virginia Code or the Virginia Administrative Code*, the *health*
614 *authority shall request and the* chief of police *or his designee* shall close and padlock the *temporary*
615 *food establishment* itinerant restaurant in question and it shall not be reopened to the public until such
616 compliance is had.

617

618 **Sec. 15-107. Application for a temporary food permit.**

619 *Temporary food vendors must apply for a temporary food permit no less than ten calendar days prior to*
620 *the event. No application for outdoor temporary food sales in conjunction with an event that requires a*
621 *special event permit pursuant to city code section 2-311, et. seq., will be accepted unless a special*
622 *event permit application has also been submitted to the special events coordinator.*

623

624 **Cleanliness of premises.**

625 Itinerant restaurants shall be located in clean surroundings and kept in a clean and sanitary condition.
626 (Code 1964, § 33-55; Ord. No. 1439, 11-15-06)

627

628 **Sec. 15-108. Protection of food, utensils, etc., from contamination.**

629 Itinerant restaurants shall be so constructed and arranged that food, drink, utensils and equipment will
630 not be exposed to insects or to dust or other contamination.
631 (Code 1964, § 33-56; Ord. No. 1439, 11-15-06)

632

633 **Sec. 15-109. Food to be clean, wholesome and unadulterated.**

634 Only food and drink which is clean, wholesome and free from adulteration shall be sold or served at
635 itinerant restaurants.
636 (Code 1964, § 33-57; Ord. No. 1439, 11-15-06)

637

638 **Sec. 15-110. Water supply.**

639 An adequate supply of water of approved sanitary quality shall be easily available and used for drinking
640 and for cleaning utensils and equipment at itinerant restaurants.
641 (Code 1964, § 33-58; Ord. No. 1439, 11-15-06)

642 **Cross references:** Water supply, ch. 39.

643

644 **Sec. 15-111. Refrigeration facilities; ice.**

645 Adequate provision shall be made at itinerant restaurants for the refrigeration of perishable food and
646 drink. Ice used in or with food or drink at itinerant restaurants shall be from an approved source and so
647 handled as to avoid contamination.
648 (Code 1964, § 33-60; Ord. No. 1439, 11-15-06)

649

650 **Sec. 15-112. Toilet and hand-washing facilities for employees.**

651 Adequate and satisfactory toilet and hand-washing facilities shall be readily accessible to employees of
652 itinerant restaurants.
653 (Code 1964, § 33-63; Ord. No. 1439, 11-15-06)

654

655 **Sec. 15-113. Cleaning and handling of multi-use utensils.**

656 If multi-use utensils are used in the serving of food or drink at an itinerant restaurant, such multi-use
657 utensils shall be thoroughly washed with hot water and a satisfactory detergent and effectively

658 ~~subjected to an approved bactericidal process after each use and so handled and kept as to be~~
659 ~~protected from contamination.~~
660 ~~(Code 1964, § 33-59; Ord. No. 1439, 11-15-06)~~
661

662 **~~Sec. 15-114. Garbage and refuse containers.~~**

663 ~~Garbage and refuse resulting from the operation of any itinerant restaurant shall be kept in tightly~~
664 ~~covered, watertight containers until removed.~~
665 ~~(Code 1964, § 33-61; Ord. No. 1439, 11-15-06)~~
666

667 **~~Sec. 15-115. Disposal of liquid waste.~~**

668 ~~Dishwater and other liquid waste resulting from the operation of an itinerant restaurant shall be so~~
669 ~~disposed of as not to create a nuisance.~~
670 ~~(Code 1964, § 33-61; Ord. No. 1439, 11-15-06)~~
671

672 **~~Sec. 15-116. Health of employees.~~**

673 ~~No person suffering from any disease transmissible by contact or through food or drink, or who is a~~
674 ~~carrier of the germs of such a disease, shall be employed in any capacity at an itinerant restaurant.~~
675 ~~(Code 1964, § 33-62; Ord. No. 1439, 11-15-06)~~
676

677 **~~Sec. 15-117. Cleanliness of food handlers.~~**

678 ~~No person engaged in the handling or serving of food and drink at an itinerant restaurant shall return to~~
679 ~~his work, after using the toilet or after smoking, without first thoroughly washing his hands. All persons~~
680 ~~so engaged shall wear clean, washable outer garments used for no other purpose, wear effective head~~
681 ~~coverings and keep their hands clean, with fingernails short and clean.~~
682 ~~(Code 1964, § 33-64; Ord. No. 1439, 11-15-06)~~
683

684 **~~Sec. 15-118. Food handlers not to smoke on duty.~~**

685 ~~All persons engaged in the handling or serving of food and drink at an itinerant restaurant shall refrain~~
686 ~~from smoking while on duty.~~
687 ~~(Code 1964, § 33-65; Ord. No. 1439, 11-15-06)~~
688 ~~Secs. 15-10819--15-135. Reserved.~~
689

690
691 **ARTICLE IV. MOBILE FOOD SERVICE FACILITIES GENERALLY***
692

693
694

***Cross references:** Regulations governing sales conducted on or adjacent to public right-of-way, §
695 34-7.
696

697
698
699 **Sec. 15-136. Compliance with article generally.**

700 *All mobile food service facilities must have an operator's permit issued pursuant to 12 VAC 5-*
701 *421-3660.* The director of public health *authority* shall approve a mobile food service facility only if it
702 complies with the minimum sanitation requirements set out in this article, *the Virginia Code and the*
703 *Virginia Administrative Code.*
704

705 **Sec. 15-137. Closing of facility for noncompliance with article.**

706 Upon failure, after warn~~ing~~*ing* from the director of public health *authority*, of any person
707 maintaining or operating any mobile food service facility to comply with any of the minimum
708 requirements set forth in this article, the director of public health *authority* shall close the facility and
709 post a notice of such closing upon the facility. The notice shall state that the mobile food service facility
710 has been found in violation of health regulations and that such facility shall remain closed until found to
711 be in full compliance.

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Sec. 15-138. Construction and arrangement.

Mobile food service facilities shall be so constructed and arranged that food, drink, utensils or equipment will not be exposed to insects or to dust or other contamination.
(Ord. No. 484; Code 1964, § 33-75; Ord. No. 1439, 11-15-06)

Sec. 15-139. Food to be clean, wholesome and unadulterated.

Only food and drink which is clean, wholesome and free from adulteration shall be sold or served from mobile food service facilities.
(Ord. No. 484; Code 1964, § 33-72; Ord. No. 1439, 11-15-06)

Sec. 15-140. Temperature control for potentially hazardous food.

All potentially hazardous food to be sold or served from a mobile food service facility shall be maintained at one hundred forty five (145) degrees Fahrenheit or above or forty five (45) degrees Fahrenheit or below, while on the mobile food service facility.

Sec. 15-13841. Operation in public parks.

Approved food service facilities may be operated in all public parks within the city, subject to the approval of the director of parks, *recreation and leisure services*. Nothing herein shall be construed to limit the authority vested in the director of parks, *recreation and leisure services* by chapter 26 of this Code.

Cross references: Operation of mobile food service facilities in specific parks, § 26-31.

Sec. 15-13942. Base of operations for pushcarts *mobile food service facilities*.

All pushcart used as mobile food service facilities shall have as their base of operations a restaurant or other food establishment approved by the director of public health *authority*. Such base of operations shall have an adequate *refrigeration facilities, storage, utensil washing facilities, an approved water* supply of water of approved sanitary quality for the cleaning of utensils and equipment *and replenishment of potable water for the mobile food service facility, sewage disposal facilities and space to service the facility*. Adequate and satisfactory toilet and hand-washing facilities shall be readily accessible to operators of pushcarts *mobile food service facilities* at such base of operations.

Sec. 15-143. Protective gloves required for pushcart operator.

No food dispensed from a pushcart shall be directly handled by the operator. When serving food, the operator of a pushcart shall wear disposable protective gloves approved by the director of public health.
(Ord. No. 484; Code 1964, § 33-69; Ord. No. 1439, 11-15-06)

Sec. 15-144. Approved tongs required for serving hot dogs.

Approved tongs shall be required for the placing of hot dogs on hot dog buns served from a mobile food service facility.
(Ord. No. 484; Code 1964, § 33-70; Ord. No. 1439, 11-15-06)

Sec. 15-145. Condiments to be prepackaged.

Any condiments used by a mobile food service facility, including, but not limited to, mustard, onions, ketchup, relish, mayonnaise, chili, sauerkraut and cheese, shall be prepackaged.
(Ord. No. 484; Code 1964, § 33-71; Ord. No. 1439, 11-15-06)

Sec. 15-146. Maintenance of facilities generally.

Mobile food service facilities shall be maintained in a clean and sanitary condition.
(Ord. No. 484; Code 1964, § 33-73; Ord. No. 1439, 11-15-06)

Sec. 15-147. Cleaning of equipment.

Any equipment upon a mobile food service facility used to store or keep food or drink while such facility is in operation shall be thoroughly washed with hot water and a detergent and effectively subjected to an approved bactericidal process after each day of operation.

767 (Ord. No. 484; Code 1964, § 33-74; Ord. No. 1439, 11-15-06)

768

769 **Sec. 15-148. Containers for garbage and refuse.**

770 ~~Garbage and refuse resulting from the operation of any mobile food service facility shall be kept in~~
771 ~~tightly covered, watertight containers until disposed of.~~

772 (Ord. No. 484; Code 1964, § 33-76; Ord. No. 1439, 11-15-06)

773

774 **Sec. 15-149. Health of employees.**

775 ~~No person suffering from any disease transmissible by contact or through food or drink, or who is a~~
776 ~~carrier of the germs of such a disease, shall be employed in any capacity in association with a mobile~~
777 ~~food service facility.~~

778 (Ord. No. 484; Code 1964, § 33-77; Ord. No. 1439, 11-15-06)

779

780 **Sec. 15-150. Cleanliness of food handlers.**

781 ~~No person engaged in the handling or serving of food and drink for a mobile food service facility shall~~
782 ~~return to his work, after using the toilet or after smoking, without first thoroughly washing his hands. All~~
783 ~~persons so engaged shall wear clean, washable outer garments used for no other purpose and shall~~
784 ~~keep their hands clean, with fingernails short and clean.~~

785 (Ord. No. 484; Code 1964, § 33-78; Ord. No. 1439, 11-15-06)

786

787 **Sec. 15-151. Operators not to smoke.**

788 ~~No person shall smoke while operating a mobile food service facility.~~

789 (Ord. No. 484; Code 1964, § 33-79; Ord. No. 1439, 11-15-06)

790 ~~Secs. 15-152-15-165. Reserved.~~

791 **ARTICLE V. VEHICLES USED FOR SALE OF ICE CREAM***

792

793

794 ~~*Cross references: Motor vehicles and traffic, Ch. 21; regulations governing sales conducted on or~~
795 ~~adjacent to public right of way, § 34-7.~~

796

797

798

799 **Sec. 15-166. Definitions.**

800 ~~For the purposes of this article, the following words and phrases shall have the meanings respectively~~
801 ~~ascribed to them by this section:~~

802 ~~*Ice cream and other ice products vendor.* The term "ice cream and other ice products vendor" shall~~
803 ~~mean any person who goes upon, or causes any person to go upon, the streets and ways of the city to~~
804 ~~sell ice cream or other ice cream-type products.~~

805 ~~*Vehicle.* The word "vehicle" shall mean any device in, upon or by which any person or property is or~~
806 ~~may be transported or drawn upon a street or public way.~~

807 (Code 1964, § 25.1-262; Ord. No. 676, 12-10-80; Ord. No. 1439, 11-15-06)

808

809 **Sec. 15-167. Compliance with article generally.**

810 ~~No vehicle shall be operated for or used for dispensing or selling ice cream or ice products therefrom,~~
811 ~~except in compliance with the provisions of this article.~~

812 (Code 1964, § 25.1-264; Ord. No. 676, 12-10-80; Ord. No. 1439, 11-15-06)

813

814 **Sec. 15-168. Violations of article.**

815 ~~(a) Any person operating an ice cream and ice products vendor's vehicle contrary to the provisions of~~
816 ~~this article shall be guilty of a Class 4 misdemeanor, except that any person who shall cause or permit~~
817 ~~such a vehicle to be operated without the equipment required by this article shall be guilty of a Class 3~~
818 ~~misdemeanor.~~

819 ~~(b) Each day a vehicle is operated within this city contrary to the provisions of this article, shall be~~
820 ~~deemed a separate violation hereof.~~

821 (Code 1964, § 25.1-263; Ord. No. 676, 12-10-80; Ord. No. 1439, 11-15-06)

822 ~~Cross references: Penalty for Class 3 and 4 misdemeanors, § 1-11.~~

823

824 ~~Sec. 15-169. Required signs and clearance lamps.~~

825 ~~In addition to the requirements of Chapter 21 of this Code and title 46.1 of the Code of Virginia, each~~
826 ~~vehicle, when used by ice cream and other ice products vendors in dispensing or selling such products~~
827 ~~shall have, on and in operation, the following equipment:~~

828 ~~(1) A sign indicating "Frequent Stops" on the front and back of the vehicle, which sign shall be~~
829 ~~readable at a distance of one hundred (100) feet therefrom.~~

830 ~~(2) A sign indicating "Caution Children" on the front and back of the vehicle, which shall be readable at~~
831 ~~a distance of one hundred (100) feet therefrom.~~

832 ~~(3) Three (3) amber clearance lamps, twelve (12) inches apart, and a bar across the top of the front of~~
833 ~~the vehicle, designed in such a manner as to show amber light to the front only, such lights to be visible~~
834 ~~at a distance of five hundred (500) feet therefrom.~~

835 ~~(4) Three (3) red clearance lamps, twelve (12) inches apart, and a bar across the top of the rear of the~~
836 ~~vehicle, designed in such a manner as to show red light to the rear only, such lights to be visible at a~~
837 ~~distance of five hundred (500) feet therefrom.~~

838 ~~(Code 1964, § 25.1-269; Ord. No. 676, 12-10-80; Ord. No. 1439, 11-15-06)~~

839

840 ~~Sec. 15-170. Operation between 10:00 p.m., and 8:00 a.m., prohibited.~~

841 ~~No vehicle of an ice cream and other ice products vendor shall be operated in the city between 10:00~~
842 ~~p.m. and 8:00 a.m.~~

843 ~~(Code 1964, § 25.1-265; Ord. No. 676, 12-10-80; Ord. No. 1439, 11-15-06)~~

844

845 ~~Sec. 15-171. Manner of stopping to dispense or sell products.~~

846 ~~When the vehicle of an ice cream and other ice products vendor is stopped to dispense or sell~~
847 ~~products, the vehicle shall be pulled to the curb of the street or shoulder of the road and, except when~~
848 ~~the operation of the motor is necessary for producing the product, the driver of the vehicle shall cut off~~
849 ~~the motor. No such vehicle shall be stopped for such purpose within one hundred (100) feet of any~~
850 ~~intersection.~~

851 ~~(Code 1964, § 25.1-268; Ord. No. 676, 12-10-80; Ord. No. 1439, 11-15-06)~~

852

853 ~~Sec. 15-172. Stopping on certain streets prohibited.~~

854 ~~No vehicle of an ice cream and other ice products vendor shall be stopped to dispense or sell products~~
855 ~~therefrom on any street having a speed limit above twenty-five (25) miles per hour.~~

856 ~~(Code 1964, § 25.1-266; Ord. No. 676, 12-10-80; Ord. No. 1439, 11-15-06)~~

857

858 ~~Sec. 15-173. Parking on street prohibited when operator not available to dispense products.~~

859 ~~No vehicle of an ice cream and other ice products vendor shall be parked on any street when the~~
860 ~~operator of such vehicle is not available to dispense products therefrom.~~

861 ~~(Ord. No. 676, 12-10-80; Code 1964, § 25.1-267; Ord. No. 1439, 11-15-06)~~