

THE CORPORATION OF THE DISTRICT OF BURNABY

VF 1260

BY-LAW NO. 3479

A BY-LAW to regulate Eating and Drinking Establishments.

The Council of The Corporation of the District of Burnaby, in open meeting assembled, enacts as follows:

Definitions 1. In this By-law, unless the context otherwise require the following expressions shall have the meanings hereafter assigned to them, that is to say:

- (a) The words "Medical Health Officer" shall mean the Medical Health Officer of the District of Burnaby and any officer appointed by him or by the Council for the purpose of enforcing the provisions of this by-law.
- (b) The word "restaurant" shall mean any restaurant, coffee shop, cafe, caterer's premises, beer parlour, club, cocktail lounge, and all other eating and drinking establishments where food and drink is cooked, prepared or served, as well as kitchens or other places in which food or drink is prepared for sale or consumption elsewhere.
- (c) The words "eating house" shall mean any restaurant equipped with facilities for cooking, preparing, and serving full course meals and shall have a floor area of at least 400 square feet.
- (d) The words "tea room or coffee shop" shall mean any restaurant equipped with facilities for serving only cold sandwiches, salads, pastries, and confections, and shall have a floor area of at least 300 square feet.
- (e) "Itinerant Restaurant" or vending vehicle shall mean any eating or drinking place operated temporarily in connection with any fair, carnival, circus, public exhibition or similar gathering.
- (f) The word "Proprietor" shall mean and include the person in whose name the business of a restaurant is being conducted and the person keeping or managing the same, and

shall also include the person named in any license issued under the License By-law of the Municipality with respect to a restaurant.

(g) The word "approved" shall mean approved in writing by the Medical Health Officer.

(h) The word "plan" shall mean floor plan of restaurant.

2. No restaurant shall be operated in any street or public place or in any temporary stand, tent or vehicle.

Right to Enter

3. The Medical Health Officer may enter any place used as a restaurant for the purpose of examining the whole or any part of the premises and the conditions thereof at any time without notice to the proprietor and the proprietor shall allow him full and free access thereto for such purpose.

Right to take Samples.

4. It shall be the duty of the Medical Health Officer as often as he shall deem it necessary, to inspect and take samples of all or any food stuffs found in any restaurant; to take swabs from dishes and utensils for bacteriological examination; to take samples from wash water to be examined for chemical and bacterial content; and it shall be unlawful for the proprietor thereof or his agents to refuse to permit such inspection or the taking of such samples.

Itinerant Restaurants

5. Every itinerant restaurant or vending vehicle, unless it meets the requirements set forth in these Regulations;

(a) Shall serve only food or drink prepared in an approved place and manner;

(b) Shall serve only beverages in original sealed containers provided that where sealed containers are not practicable, hot or cold drink (except milk) can be dispensed from covered containers equipped with faucet or pouring device approved by the Medical Health Officer.

(c) Shall serve food or drink only in single service utensils.

Rodents and Vermin.

6. All restaurants shall be constructed so as to exclude rodents, cockroaches and other vermin. Upon the proprietor

of any restaurant becoming aware of the presence in such restaurant of any rodents, cockroaches, or other vermin, he shall take steps immediately to exterminate the same and keep such restaurant free thereafter.

Construction
of walls and
ceilings.

7. The walls and ceilings of restaurant kitchens shall be constructed so that it is easily cleaned, of smooth finish and painted, and they shall be washed down as often as the Medical Health Officer may reasonably direct and re-painted at least once yearly or more frequently if directed by the Medical Health Officer. The use of paper and kalsomine in the kitchen is prohibited.

Construction
of Fixtures.

8. All counters, fixtures and other appurtenances in any restaurant shall be constructed and installed in such a manner as to prevent dirt and liquids from accumulating underneath or behind same. All counters, fixtures, shelves and other appurtenances shall be kept clean and in good repair.

(a) Vehicles used by a restaurant for transporting foods shall be constructed in such a manner as to prevent contamination of foods by dust, dirt, flies or other noxious things and such vehicles shall at all times be kept clean, well painted and in good repair.

Balcony
Size

9. No balcony contained within any dining room of any restaurant shall be of an area of more than one-fourth of the area of the dining room floor unless such provision is made in respect thereof to the satisfaction of the Building Department and the Medical Health Officer.

Ventilation

10. Every restaurant shall be sufficiently well ventilated to prevent the accumulation of disagreeable odors and condensation. The Medical Health Officer, if he deems it necessary may require:

(a) Windows fitted to open shall be equivalent to at least 5% of the floor area.

(b) The installation of mechanical apparatus to provide:

(1) Eight complete changes of air per hour in rooms in which food or drink is prepared or utensils washed.

(11) Four complete changes of air per hour in all other rooms.

(c) Canopies of metal or other approved material to be installed over stoves and directly connected to the outside air.

Nuisances to be created.

11. All canopies, hoods and pipes over stoves, ovens or other appurtenances in any restaurant shall be adequate to remove all smoke and odors in such a manner as not to cause a nuisance.

Openings screened.

12. All openings into the outer air shall be effectively screened. All doors shall be self-closing unless effective means are provided to prevent the entrance of flies, or other insects.

Lighting

13. All rooms in which food or drink is prepared or in which utensils are washed, and all toilet rooms and washrooms, shall be provided with artificial light providing evenly distributed illumination, equivalent to at least 10 foot-candles at a distance of 30 inches from the floor and working surfaces, and such artificial light sources shall be in use except when equivalent natural light is present. A minimum intensity of 5 foot-candles at a distance of 30 inches from the floor shall be provided in dining rooms, storage rooms and refrigerators.

Dishwashing.

14. In every restaurant sinks with three compartments for dishwashing shall be provided of durable material constructed with drain board and splashback of durable material. Each compartment shall be not less than 14" in length on any one side and not less than 8" in depth. They shall be supplied with adequate hot and cold water and installed to the satisfaction of the Plumbing Inspector. They shall be maintained and kept in good repair at all times. Provided, that where mechanical dishwashing machines are installed, the temperature of the rinse water shall be not less than one hundred seventy degrees (170°) Fahrenheit. Additional sinks for pot washing and/or vegetable

preparation shall be installed at the discretion of the Medical Health Officer.

sanitary facilities.

15. (a) Every restaurant shall be provided with adequate water-closet facilities, conveniently located in the restaurant and constructed in accordance with Municipal Plumbing regulations, for use of employees. One water closet shall be adequate when not more than five employees (male and female), as a maximum, are on duty at any one time. When there are more than five persons (male and female) on duty at one time, separate accommodation for each sex shall be provided. The number of fixtures to be approved by the Medical Health Officer.

(b) Adequate and convenient hand washing facilities, apart from kitchen sinks, shall be provided for employees; including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited, and no employee shall return from a water closet without washing his hands. Notices, directing employees to cleanse their hands thoroughly before resuming work shall be conspicuously posted in each room in which there is a water-closet. It shall be the duty of the proprietor to see that such notices are posted.

(c) Where water-closet and lavatory facilities are provided for the use of patrons, a separate approach and marking shall be provided for each sex.

(d) There shall be provided within the licensed premises of every restaurant separate dressing rooms or lockers for male and female employees respectively. Dressing rooms shall be provided with separate approaches and marking for each sex.

cleanliness of employees.

(e) Every employee shall wear clean garments and shall keep his hands clean at all times while engaged in handling food, drink, utensils or equipment.

handling of garbage.

16. In or about every restaurant, garbage shall be placed in watertight metal receptacles which shall be fitted with

tight-fitting metal covers. Receptacles shall be kept on the property and shall be kept in such a manner as to prevent spilling, rodent and insect infestation or any other insanitary condition. Rubbish shall not be allowed to accumulate on any part of the property in which a restaurant is situated.

Washing,
sanitizing &
handling of
dishes and
utensils.

17. (a) Utensils and trays for use in any restaurant shall be properly constructed and of sanitary material so that they may be thoroughly cleansed and sterilized.

(b) The use of trade cans, badly worn utensils, pails or such like materials, rusted or corroded equipment, or cracked or chipped dishes or utensils, is prohibited.

(c) All utensils in a restaurant must be thoroughly washed after each use with an effective cleansing agent, in water whose temperature is not less than 120 degrees F., rinsed in clean water and subjected to one of the following processes:

(1) Exposure for at least five minutes to live steam in a closed compartment.

(11) Immersion for at least two minutes in hot water, the temperature of which is not less than 170° F. at the time of contact with the utensil.

(111) Immersion for at least two minutes in a chlorine solution which shall be made up at a strength of not less than 100 parts per million and shall not be used after the strength has been reduced below 50 parts per million.

(1V) Immersion for at least 30 seconds in a chlorine solution which shall be made up to a strength of not less than 400 parts per million and shall not be used after its strength has been reduced below 300 parts per million.

(V) Treatment by any other bactericidal process approved by the Medical Health Officer.

Provided, that in drinking places where only beer

is served cold water washing of glassware shall be considered satisfactory if followed by a bactericidal process, approved by the Medical Health Officer. And provided that by the use of one of the above described methods, the final test for cleanliness shall be freedom from bacteria and other foreign matter.

(e) All dishes, utensils and glassware after washing and sanitizing, must be handled and stored in such a manner as to avoid recontamination before being used again.

(f) Efficiency of sanitizing and handling methods may be checked by bacteriological tests which may be made by the Medical Health Officer at any time.

(g) The use of any article, polish or substance containing any cyanide preparation, oxalic acid, mercuric compound, or other poison, for the cleansing or polishing of copper, nickel, silver, silver-plate ware or other appliances, utensils or dishes, is prohibited. Rodenticides and insecticides shall be coloured and clearly marked and stored away from foods. All non-food materials or preparations shall be stored away from foods.

Kitchen
Size

18. The kitchen of all restaurants shall be in size co-relative with the seating capacity of the dining area. The floor area shall be not less than four square feet of space for each seat within the dining room, provided further that no kitchen shall have a floor area less than one hundred fifty square feet. The ceiling of the kitchen shall be high enough to provide adequate ventilation and working space. The floor of the kitchen shall be of some approved impervious material. Minimum height of ceiling shall be not less than 8 feet.

19. Where a restaurant is carried on in connection with any other business the floor area of the part comprising such restaurant shall be not less than four hundred (400) square feet.

Refrigeration.

20. There shall be provided in connection with every restaurant adequate refrigeration and storage for the proper keeping of all foodstuffs at a temperature not higher than forty-five (45) degrees Fahrenheit. Meats, fish, vegetables, milk and milk products shall be kept in a clean and wholesome condition. No foodstuffs which are decayed, spoiled, or in any way dangerous for human consumption shall be kept in any restaurant. All foodstuffs handled in connection with a restaurant shall comply with all acts, by-laws, or regulations, whether municipal, provincial or federal, relating to foodstuffs.

Entrance.

21. The public shall enter only through the proper entrances and not use service entrances.

Pertinent articles only.

22. Only those articles pertinent to the operation of a restaurant will be allowed therein.

Serving of Milk.

23. When served in any restaurant, milk used as a beverage shall be served as follows:

(a) In the original bottle or carton which shall be opened in the presence of the customer for whom it is intended, or

(b) From the original sealed container as received from the dairy and dispensed by a device approved by the Medical Health Officer for that purpose, but only if the milk so dispensed is homogenized.

Cleanliness of equipment.

24. Equipment such as shelving, cupboards or self-service counters in any restaurant shall be constructed, and arranged in an approved manner to the end that the foods exposed thereon shall not be subject to contamination through handling or otherwise.

Returned food.

25. Food served to any person in a restaurant and not consumed by him shall not thereafter be served in any form as human food but shall be discarded.

Keeping of animals.

26. No live poultry or animals shall be permitted in the premises of a restaurant.

Common
Towels.

27. The use of a common towel; common drinking glasses or cups, and sawdust on floors is prohibited in every restaurant.

Condition
of Floors.

28. In every restaurant, floors shall be scrubbed, mopped, swept or where carpets are used, vacuum cleaned, and this shall be done frequently enough to keep the floors reasonably clean at all times. Dry sweeping of floors is prohibited.

Tobacco.

29. In every restaurant, curtains, drapes and cupboards shall be kept dust free and clean at all times.

30. The use of tobacco in any form while handling or preparing food is prohibited.

Table
Linen.

31. In every restaurant, table linen shall be changed when soiled and shall be thoroughly washed and sanitized before being used again.

Cleaning
of Tables.

32. In every restaurant where no table linen is used, the top of each table or counter shall be kept clean by washing with hot water and detergent or an approved antiseptic solution.

Living
Quarters.

33. There shall be no living quarters or bedrooms connected with or in close proximity to any restaurant unless separated by a wall or partition extending from wall to wall and from floor to fixed ceiling with no communicating entrance.

Other
Conditions.

34. Where no provision is made in this by-law for any state or condition of things found to exist in any restaurant, the Medical Health Officer may direct the proprietor as to the best means to adopt, to conform to and comply as far as possible with the proper sanitation and hygienic conditions in the care of handling of foodstuffs in such restaurant. Where a condition arises which, in the opinion of the Medical Health Officer, is a menace to public health, the Medical Health Officer may order the proprietor to close such restaurant to the public until such condition has been abated and until the Medical Health Officer shall grant permission to re-open such premises, and any person who continues to

operate a restaurant after such closing order by the Medical Health Officer or before the Medical Health Officer has given such permission to re-open such premises, shall be guilty of an infraction of this by-law and liable to the penalties hereinafter imposed.

Spitting. 35. Spitting in any restaurant shall be prohibited.

36. No license shall be issued or transferred by the License Inspector until Restaurant Premises have been approved by the Medical Health Officer. And all applications to operate a restaurant or transfer of license of same shall be accompanied by a floor plan.

37. All alterations or changes in any restaurant shall be subject to the approval of the Medical Health Officer.

Medical Examination. 38. Where the Medical Health Officer suspects, or has reason to suspect, that any person preparing or serving food in any restaurant is or may be suffering from any contagious or infectious disease or that he may be a carrier, the Medical Health Officer may require such person and any employee who may have been in close contact with such person to submit to a medical examination. Such examination shall be under conditions acceptable to the Medical Health Officer.

Reporting Disease. 39. The proprietor of any restaurant shall be responsible for reporting to the Health Department any case of infectious or contagious disease among the employees of such restaurant.

T. B. X-ray. 40. All staff members before being employed in a restaurant shall have an x-ray examination for the diagnosis of tuberculosis and all staff members shall have an annual x-ray and shall produce upon request satisfactory proof of compliance.

41. No restaurant shall be kept or maintained by any person unless the same shall comply in all respects with the provisions and requirements of this by-law and any proprietor who shall fail or whose restaurant shall fail to comply with any of the provisions of this by-law shall be guilty of

an infraction of this by-law and liable to the penalties thereof.

Penalties.

42. Any person, firm or corporation guilty of any infraction of this By-law (and for the purposes hereof every infraction shall be deemed to be a continuing, new and separate offence for each day during which the same shall continue) shall upon conviction of such infraction or infractions before the Police Magistrate or any Justice of the Peace or any Magistrate or Magistrates having jurisdiction within the District of or for the District of Burnaby on the oath or affirmation of any credible witness forfeit and pay at the discretion of the said Police Magistrate, Justice of the Peace or other Magistrate or Magistrates convicting, a fine or penalty not exceeding the sum of One hundred dollars for each day or part of a day upon which any such infraction shall be committed and a further fine or penalty not exceeding One hundred dollars for each day or part of a day upon which any such infraction shall be continued together with the costs for each such offence; in default of payment thereof forthwith it shall be lawful for such Magistrate or Magistrates so convicting as aforesaid to issue a warrant under his or their hand and seal to levy the said fine or penalty and costs or costs only by distress and sale of the offender's goods and chattels; and in case of sufficient distress not being found to satisfy the said fine or penalty and costs, it shall and may be lawful for such Magistrate or Magistrates so convicting as aforesaid, to commit the offender to the common gaol or any lock-up house within the District of Burnaby for any period not exceeding two calendar months (with or without hard labour) unless the said fine or penalty and costs be sooner paid.

43. This By-law shall come into force and effect on the day of Registration thereof.

44. All premises coming within the scope of this By-law existing at the time of registration shall within one year from the date of such registration be brought into full conformity with all the provisions of this By-law.

45. This by-law may be cited as "BURNABY RESTAURANT BY-LAW 1954".

DONE AND PASSED IN open Council this Twenty-first (21st) day of June, A.D. 1954.

RECONSIDERED and FINALLY PASSED this Twenty-eighth (28th) day of June, A.D. 1954.



Chas. MacSoley
Reeve

Charles B. Brown

Clerk.