

*REGULATIONS GOVERNING THE SANITATION OF THE
HANDLING, PREPARING AND SALE OF FISH AND
OTHER SEAFOOD PRODUCTS IN
FORSYTH COUNTY, NORTH CAROLINA*

FORSYTH COUNTY BOARD OF HEALTH

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*FORSYTH COUNTY BOARD OF HEALTH
REGULATIONS GOVERNING THE PREPARATION, STORAGE,
REFRIGERATION, FREEZING AND HANDLING OF FISH
AND OTHER SEAFOOD PRODUCTS TO BE SOLD IN
FORSYTH COUNTY, NORTH CAROLINA*

Be It Ordained by The Forsyth County Board of Health that the following regulations for the protections of the public health are hereby adopted pursuant to authority granted by state law and shall apply to fish and other seafood products to be sold throughout Forsyth County.

Section I. Definitions

- A. The term “health authority” shall mean the Forsyth County Board of Health, the Forsyth County Health Director or his authorized representative and/or an authorized agent of the North Carolina Department of Human Resources.
- B. The term “person” shall mean and include any individual, firm, business, corporation, association, partnership, institution, club, establishment, or company that is involved in the sale of fish and seafood products to the public.
- C. The term “employee” shall mean any person who is employed in the handling and/or processing of seafood products or in cleaning of utensils and equipment.
- D. The term “seafood market” shall mean and include any place or establishment in which seafood products (fish, shellfish and crustacea) are stored, handled and/or offered for sale at wholesale and/or retail.
- E. The term “temporary seafood market” shall mean and include any place and/or vehicle from which seafood products are offered for sale for a period of two (2) days or less and which sell only prepackaged frozen seafood products and/or refrigerated shucked shellfish from approved sources and/or shell stock stored at 55°F (12.8°C) or below.
- F. The term “fish” shall mean and include any edible, commercially distributed fresh or salt water member of the animal kingdom classed as fish (pisces).

- G. The term “shellfish” shall mean any edible commercially distributed member of the animal kingdom classed under mollusks (mollusca) including oysters, clams and mussels.
- H. The term “crustacea” shall mean any edible, commercially distributed shrimp, crab, lobster or other member of the animal kingdom included under the classification of crustaceans (crustacea).
- I. The term “refrigerated” shall mean the refrigeration of seafood products at 40 degrees Fahrenheit (4.4 degrees Centigrade) or below.
- J. The term “frozen” shall mean the refrigeration of seafood products at a temperature of zero (0) degrees fahrenheit (minus 17.8 degrees Centigrade) or below.
- K. The term “adulterated” shall mean the condition of a seafood product:
1. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
 2. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulations, or in excess of such tolerance if one has been established;
 3. If it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption; or
 4. If it has been processed, prepared, packed or held under unsanitary conditions; whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.
- L. The term “permit” shall mean authorization granted by the health authority to any person to sell, or offer for sale seafood products in Forsyth County, North Carolina.
- M. The term “hot water” shall mean a continuous hot water supply at a minimum of 130°F.

- N. The term “bacteriacidal treatment” shall mean an approved process which provides enough accumulated heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Section II. Permits

It shall be unlawful for any person to sell or offer for sale any seafood products in Forsyth County, North Carolina without possessing a valid permit issued to him by the health authority. Only a person who complies with the requirements of these regulations shall be entitled to receive and retain such a permit. The permit shall be displayed in a conspicuous place where it may be readily observed by the public. Permits are not transferable from one person to another. For the purpose of this section, permits shall be classified as Type “I”, Type “II”, or Type “III”.

- A. Type “I” permits shall mean the permit issued to any person for a seafood market that meets all requirements of these regulations.
- B. Type “II” permits shall mean the permit issued to any person for a permanent type seafood market that sells or offers for sale seafood products but does not prepare or process the products in any manner. Seafood markets with Type “II” permits shall meet all parts of the regulations applicable to that market.
- C. Type “III” permits shall mean the permit issued to any person for two (2) days or less for a temporary seafood market at a location approved by the health authority.
- D. Exclusions:
1. Any or all food service establishments that are under routine inspection by an agent of the Division of Health Services or the Department of Human Resources and hold a valid Permit shall be exempt from permit requirements of these regulations.

2. Any permanent commercial staple food establishment i.e., grocery store that sells or offers for sale frozen prepackaged seafood products, that are from approved sources, shall be exempt from permit requirements of these regulations.

E. Grading and Placarding

All seafood markets shall be inspected and awarded a grade at least quarterly and the grade shall be determined with the use of the Environmental Health Division's seafood market inspection form. The grade shall be based on a system or scoring wherein all seafood markets receiving a score of at least 90% shall be awarded Grade "A"; all seafood markets receiving a score of at least 80% and less than 90% shall be awarded Grade "B"; and all seafood markets receiving a score of at least 70% and less than 80% shall be awarded Grade "C". No seafood market receiving a score of less than 70% or Grade "C" shall operate. Receipt of a sanitation rating of less than 70% shall make revocation of permit mandatory and no permit to operate shall be reissued until the establishment has been reinspected by the local health authority and found to comply with these rules and regulations. When a seafood market is inspected, the health authority shall issue a grade card, and it shall be the duty of the management to post the new grade card in a conspicuous place where it may be readily observed by the public. This card is to be kept posted at all times.

F. Violations

Violations of any of these rules and regulations shall be sufficient cause for revoking the permit.

Section III. Approval of Plans

Copies of plans for new seafood markets, as well as proposed renovations to existing markets, shall be submitted to the Forsyth County Health Department for approval before construction is begun.

Section IV. Standards of Construction and Operation

Item 1. Floors

All floors shall be of smooth materials and so constructed as to be easily cleanable and shall be kept in good repair. Floors in rooms used for handling, preparing, storage and sale of fish and other seafood products, rooms in which utensils or equipment are washed, walk-in refrigerators, dressing or locker rooms, and toilet rooms shall be nonabsorbent materials such as concrete, terrazzo, tile, durable grades of linoleum or plastic or equal. All floors shall be free of cleaning obstacles and shall be kept clean. The floor area space shall be sufficient to accommodate all necessary operations. In all areas in which water is routinely discharged to the floor, or in which floors are subjected to flooding-type cleaning, floors shall be of concrete, terrazzo, tile or equal, and shall slope to drain and be provided with floor drains. At least a hose bib with hot and cold water shall be provided and so located that a hose may be connected for washing and flushing floors.

Item 2. Walls and Ceilings

The walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings in rooms used for handling, preparing, storage and sale of fish and other seafood products, rooms in which utensils and equipment are washed, walk-in refrigerators, dressing or locker rooms, and toilet rooms shall be easily cleanable and light colored, and shall have washable surfaces to the highest level reached by splash or spray.

Item 3. Lighting and Ventilation

All rooms for handling, preparing, storage and sale of fish and other seafood products, all rooms in which utensils and equipment are washed, dressing or locker rooms, toilet rooms and storage rooms shall be well lighted and ventilated by either natural or artificial means. Gravity ventilation ducts in toilet rooms shall be at least 72 square inches in cross section as required by the North Carolina State Building Code.

Item 4. Toilet and Handwashing Facilities

Every seafood market shall be provided with adequate and convenient toilet facilities readily accessible at all business hours and conforming with North Carolina Building Code. The floor area shall be at least 18 square feet for the minimum sized toilet room containing one commode and one lavatory, or one commode and one urinal, and shall contain 10 square feet in addition for each additional plumbing fixture. Toilet rooms shall not be used for storage. Doors shall be self-closing. Fixtures shall be kept clean and in good repair. Durable, legible signs shall be posted or stenciled conspicuously in each employee's toilet room requesting employees to wash their hands before returning to work and after each visit to toilet. Adequate and convenient lavatory facilities, or other approved handwashing facilities conforming with the North Carolina Building Code, including hot and cold running water with a mixing faucet, soap and sanitary towels or approved hand-drying devices, shall be provided for employees and shall be kept clean. Sinks used for washing of utensils and equipment or preparing of fish shall not be accepted as substitute for required handwashing facilities for employees.

Item 5. Storage and Storage Spaces

Storage spaces shall be kept clean and free from unnecessary storage. All items shall be stored above the floor on shelves, moveable dollies or pallets, or equal or in cabinets. Shelves in storage rooms should be constructed approximately one inch from the wall to eliminate narrow cracks for roaches, and the bottom shelf should be at least 15 inches above the floor or otherwise arranged so as to permit through cleaning. Shelves shall not be covered with paper, cardboard, oilcloth or otherwise absorbent material. All single-service containers, wrapping papers, etc., shall be stored so as to prevent contamination by splash, dust and vermin. All shipping boxes, crates or other containers must be rinsed or flushed cut immediately after emptying. The storage of all such containers is prohibited unless they have been thoroughly washed and rinsed and stored at least 15 inches above the floor in a neat and orderly manner.

Item 6. Water Supply

The water supply shall be adequate and of a safe, sanitary quality. Running water under pressure shall be easily accessible to all rooms in which fish and/or seafood products are handled, rooms in which utensils or equipment are washed, dressing and locker rooms; toilet rooms, and garbage can wash areas. When a private water supply is used, it shall be located, constructed, and maintained and operated in accordance with the requirements of the North Carolina Division of Health Services bulletin entitled "Rules Governing the Protection of Private Water Supplies" and a sample of the water shall be collected and submitted to the Laboratory Division of the North Carolina Division of Health Services at least once a year. No cross-connections with unapproved water supplies shall exist. (A copy of the above mentioned bulletin is on file at the Forsyth County Health Department.)

Item 7. Liquid Wastes

All sewage and other liquid wastes shall be disposed of in a public sewer system, or in the absence of a public sewer, the local health authority is to approve any system which he finds will not endanger the public health. All sewage and other liquid wastes shall be so disposed of as not to create a nuisance. All liquid wastes from seafood transportation vehicles shall be disposed of in an approved manner.

Item 8. Solid Wastes and By-Products

All solid wastes containing food scraps or other decomposable material (including garbage, unedible portions of viscera, blood, scales, bones and other by-products) shall, prior to disposal, be kept in leak-proof, non-absorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use; provided, that such containers need not be covered when stored in a special vermin-proofed room or enclosure. All rubbish storage rooms, enclosures, areas, and containers shall be adequate for the storage of all solid wastes accumulating on the premises. Garbage can wash or other adequate cleaning facilities shall be provided. Each container, room or area, shall be thoroughly cleaned after the emptying or removal of the wastes.

Item 9. Vermin Control and Premises

Effective measures shall be taken to keep flies, rodents and other vermin out of the establishment and to prevent their breeding or presence on the premises. Unless flies and other flying insects are absent from the immediate vicinity of the establishment, all openings to such outer air shall be effectively protected against the entrance of such insects by self-closing doors, closed windows, screening, controlled air currents or other effective means. The premises under the control of the management shall be kept neat and clean and free of litter. There shall be no fly or mosquito breeding places, rodent harborages or undrained areas on the premises. Only those pesticides which have been properly labeled and approved for the purposes shall be used. Such pesticides shall be used in accordance with the manufacturer's directions and shall be so handled and stored as to prevent the contamination of containers, equipment and edible products.

Item 10. Miscellaneous

Soiled work clothing and any clothes used in preparing or for cleaning shall be kept in containers provided for this purpose. Suitable storage spaces shall be provided for mops, brushes, brooms, hose, cleaning compounds and other items in routine use. A mop sink should be provided. Under no circumstances shall a mop sink be used for handwashing or for the preparing of fish and cleaning of utensils. It shall be used only for emptying mop buckets, washing or rinsing mops, and disposal of other waste water. The sink used for preparing seafood and cleaning utensils and equipment shall be used for this purpose only. None of the operations of the establishment shall be conducted in any room used for domestic purposes.

Item 11. Employees

All employees shall wear clean outer clothing, such as caps, coats, aprons, etc., while on duty, shall be clean as to their person and shall handle fish and other seafood products, utensils and equipment in a sanitary manner. No employees shall use tobacco in any form while in the preparation and handling of fish and other seafood products. The hands of all employees handling edible products, utensils and equipment shall be kept clean and shall be washed before beginning to work and after each visit to the toilet. Every opportunity to benefit from food handler courses, current literature and modern practices should be used by the management and employees.

Item 12. Construction and Cleaning of Utensils and Equipment

All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be kept clean and in good repair. The food contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion resistant and nonabsorbent. Hard maple or equivalent shall be used for scaling and cleaning boards. All utensils and equipment used in the handling, scaling, and cleaning of fish and other seafood products shall be thoroughly cleaned at least once each day or more often, if necessary, and rinsed with hot water. All such utensils and equipment shall then be stored so as to drain, dry and be protected from splash and dust and other contamination. Adequate hot water heating facilities shall be provided and sufficient hot water shall be available during all phases of operation.

Item 13. Facilities for Scaling, Drawing, and Washing of Fish

All fish markets shall be provided with adequate facilities for the scaling, drawing, and washing of fish, which shall consist of at least one sink with drain boards of sufficient size and depth to accommodate the operations. The sink or sinks shall be at least 18" x 21" x 14" in size and shall be constructed of 14 gauge or heavier stainless steel or other material approved by the health director. Equipment which meets

the National Sanitation Foundation Standards or equal shall be accepted as meeting the requirements of this section.

The sink waste shall be connected to a sand-trap drain. No sink shall be allowed to discharge on the floor at any time. A crumb-cut strainer should be installed in each sink. The scaling and cleaning drain boards shall be constructed of 14 gauges or heavier stainless steel or other material approved by the health director and shall be sloped to drain into the sinks. All cutting boards shall be of tight construction with no open cracks or joints that will collect food particles and slime. All sinks and drain boards shall be pipe supported. Metal lined wood drain boards shall not be permitted. An adequate flexible hand sprayer shall be provided with hot and cold water for use when fish or other seafood products are being cleaned and/or dressed.

Item 14. Refrigeration

All fish and similar products for displaying and sales purposes shall be stored in metal lined cases or boxes of sufficient size and depth to permit thorough icing at all times. These cases or boxes shall be well insulated to conserve ice and insure better refrigeration. The outside and inside of all fish cases and boxes shall be kept clean at all times. The drainage from all fish cases or boxes must be indirectly connected to a floor drain. The drain or drip from any such fish cases and boxes shall be elevated above the floor to permit thorough cleaning and ventilation. Fish must be unadulterated and well iced or refrigerated at all times. All walk-in coolers or freezers shall be equipped with shelves at least 4 inches from the floor or with moveable pallets or dollies and shall be kept clean.

Refrigeration shall not be required for salted or brined processed fish. Cases, containers, barrels, buckets which are provided with suitable covers to prevent the entrance of flies, dust, splash, and other contamination must be used in the storage, display and sales purposes of salted and brined fish. The outside, inside and covers of these containers must be kept clean at all times. Metal containers subject to chemical change by the contact with salt (NaCl) or any of its chemical by-products shall not be used in any way for the storage, display, or handling of salted or brined processed fish.

Item 15. Shellfish and Crustacea

(a) All shellfish, cooked crustacea meat and uncooked crustacea meat shall be obtained from sources approved by the health director. If the source of clams, oysters, or mussels is outside the state, the shipper's name shall be on the list of Interstate Certified Shellfish Shippers which is available for inspection at the Forsyth County Health Department. If the source of cooked crustacea meat is outside the state, the establishment in which the crustacea meat was packed shall be certified by the regulatory authority of the state or territory of origin, attested by the presence of an official permit number of the container.

(b) All shucked shellfish and all cooked crustacea meat shall be refrigerated and shall be obtained and stored in the clean single-service shipping containers in which packed at the source. Each unit container shall be clearly identified with the name and address of the packer, repacker, or distributor; the certificate number of the packer or repacker; and the abbreviated name of the state. The reuse of single-service shipping containers and the storage of shucked shellfish in other containers are not permitted. All uncooked, crustacea meat shall be well iced or refrigerated and shall be stored in clean containers.

(c) All shellstock shall be obtained and stored in the containers in which packed at the source. Each unit container shall be clearly identified with a uniform tag or label bearing name and address of shipper, the certificate number issued by the state regulatory authority, the abbreviated name of the state, the date of harvesting, the date of shipment and/or reshipment, the name of the waters from which the shellfish were taken, the kind and quantity of the shellstock in the container and the name and address of the consignee. After each container has been emptied, the management shall remove the stub of the tag and retain it for a period of at least 60 days. All shellstock shall be stored at 55°F (12.8°C) or below in clean, well-drained bins or enclosures provided especially for that purpose, which are protected against contamination and are equipped with a thermometer.

(d) The person shall keep on file for a period of 60 days the bills of sale for all shellfish and cooked crustacea meat (crab, lobster, crayfish, and shrimp) purchased.

Section V. Peddling Prohibited

No person shall sell or offer for sale any fish, shellfish, or crustacea within Forsyth County on a house-to-house or door-to-door basis.

Section VI. Right of Entry

Pursuant to authority granted by the General Statutes of North Carolina, Chapter 130, Section 201, the health authority shall have the right to enter at all reasonable times and inspect any seafood establishment, retail outlet or other facilities not in conformity with the regulations, for the purpose of investigating a potential source of illegal seafood operations. The local health authority shall be empowered to collect samples as deemed necessary to insure product quality and/or the public health. Nothing in these regulations shall authorize entry into a private non-commercial dwelling without consent of the occupants thereof or a proper warrant for such entry having been issued by a court of competent jurisdiction

Section VII. Right to Appeal

Should any controversy arise regarding the denial or revocation of a permit required by these regulations or should any action by the health authority pertaining to the enforcement of these regulations seem unwarranted, the person aggrieved may appeal to the health authority of Forsyth County for a hearing. No such hearing shall be held unless a written petition is filed in the office of the health authority on or before the 10th day following the day on which the action or lack of action took place which caused the petitioner to be aggrieved. The written petition requesting the hearing must set out the grievance or grievances of the petitioner. Within two (2) working days of receipt of said petition, a hearing shall be held before three (3) members of the Environmental Health Division of the Forsyth County Health Department.

If said grievances are not resolved at this hearing and the aggrieved party so requests, it shall be the duty of the health director to communicate the request for a hearing to the Chairman of the Board of Health within seven (7) days following receipt of such request by the Chairman. After such hearing the Board of Health May affirm or reverse the decision of the Division of Environmental Health. The decision of the Board of Health may be appealed to the appropriate division of the General Court of Justice.

Section VIII. Saving Clause

If any sentences, clauses, paragraphs, subsections or sections of these regulations shall be adjudged unconstitutional, invalid and of no effect, such decision shall not affect the remaining portions of these regulations.

Section IX. Prior Ordinances, Rules and Regulations Repealed

All rules and regulations heretofore adopted by the Forsyth County Board of Health governing fish and other seafood products to be sold in Forsyth County which are in conflict with these regulations are hereby repealed.

Section X. Penalty Section

A. Criminal

If any person shall violate these regulations, he shall be guilty of a misdemeanor and fined not to exceed fifty dollars (\$50.00), or imprisoned not exceeding thirty (30) days, or both, as provided in Article 22, Section 203, Chapter 130 of the General Statutes of North Carolina.

Each day of violation or part thereof shall constitute a separate offense.

B. Revocation and Condemnation

Upon determination by the health authority that an unsanitary practice exists in a seafood market subject to the provisions of these regulations, or that a seafood market does not

otherwise comply with these regulations, the health authority may revoke the permit of the seafood market.

In addition, the health authority may issue an order condemning all adulterated seafood items at the seafood market, and may prominently place a notice of the condemnation on the aforesaid food items. Such condemnation or notice of revocation of permit shall also be served as soon as possible by personal delivery to the owner or apparent manager of the seafood market. Upon receipt of a condemnation order, the owner and/or manager of said seafood establishment shall immediately abide by the contents of the order. Upon receipt of a notice of revocation, the owner and/or manager shall immediately cease operation of the seafood market. Failure to comply with the terms of a condemnation order and/or failure to cease operation upon receipt of a notice of revocation shall constitute a misdemeanor.

a. Civil

Upon determination by the health authority that any seafood products are being offered for sale in Forsyth County in violation of these regulations, or in disregard of a condemnation order or notice of revocation issued by the health authority, in addition to other remedies, the health authority may institute any appropriate action or proceeding to restrain, correct or abate such violations.

Section XI. Effective Date

These “Regulations Governing the Preparation, Storage, Refrigeration, Freezing and Handling of Fish and Other Seafood Products to be sold in Forsyth County, North Carolina” adopted by the Forsyth County Board of Health on September 7, 1983, shall be in full force and effect after September 30, 1983.

