

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2322

Being a By-law to license, regulate and control all places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold.

WHEREAS The Municipal Act R.S.O. 1960 Chapter 249 Section 399(1) Paragraph 6 authorizes the Council to pass a By-law for licensing, regulating and controlling all places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold;

AND WHEREAS the Council deems it advisable to enact the within By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. For the purposes of this By-law and Schedule "A" thereto:
 - (a) "City" shall mean the Corporation of the City of North Bay.
 - (b) "Council" shall mean the Council of The Forporation of the City of North Bay.
 - (c) "Food Stuffs" shall mean food stuffs intended for human consumption.
 - (d) "Inspector" shall mean a sanitary inspector of The North Bay Area Health Unit.
 - (e) "License Inspector" shall mean the License Inspector for the time being of the Corporation of the City of North Bay.
 - (f) "Medical Officer of Health" shall mean the Medical Officer of Health for the time being of The North Bay Area Health Unit.
 - (g) "Person" shall include fir, partnership, company or corporation.
2. The provisions of this By-law shall be applicable to and have full force and effect within the territorial limits of the City.
3.
 - (a) No person shall make for sale, offer for sale, store or sell food stuffs in any place in the City without first obtaining a license so to do under the provisions of this By-law.
 - (b) The granting of any such license shall be subject to strict compliance with the regulations and conditions set forth in Schedule "A" to this By-law and which said Schedule shall be deemed to be incorporated in and form a part of this By-law.
 - (c) No license shall be granted for any place where food stuffs are made for sale until the Medical Officer of Health gives a Certificate that all applicable provisions and regulations under The Public Health Act and under this By-law, including Schedule "A" thereto, have been complied with.
4.
 - (a) The application for a license shall be in writing on forms to be provided by the City and it shall be fully completed and signed by the applicant.
 - (b) The annual license fee is hereby fixed and set at the sum of \$1.00.
 - (c) Licenses under this By-law shall be issued by the License Inspector subject to the approval of Council.

(d) The license shall be for the current year of issue and shall expire on the 31st day of December of such year.

(e) The applicant for a license shall pay the prescribed license fee prior to the issue thereof.

(f) Any license as aforesaid may be revoked by Council

(g) A license shall not be transferable.

(h) A license issued under this By-law shall be kept conspicuously posted up by the licensee in the place so licensed.

5. (a) The Inspector shall make regular inspections of all places licensed under the By-law and he shall enforce the provisions of this By-law.

(b) The Medical Officer of Health and the Inspector are hereby authorized and empowered to enter any place licensed under this By-law at all reasonable times for the purpose of making all necessary inspections, the taking of tests and the taking of any other steps and measures that may be necessary to ascertain and determine whether or not the applicable provisions of this By-law have or are being duly complied with.

(c) No person shall obstruct, hinder, delay or prevent the Medical Officer of Health or the Inspector from exercising any of the powers conferred by this By-law or the performance of any duties imposed upon them by this By-law or the enforcement of any of the provisions of this By-law.

(d) Every licensee under this By-law shall promptly comply with all orders, notices or directions issued by the Medical Officer of Health or the Inspector to ensure due compliance with the provisions of this By-law.

6. Any person convicted of a breach of any of the provisions of this By-law or Schedule "A" thereto shall forfeit and pay, at the discretion of the convicting Magistrate, a fine or penalty not exceeding the sum of \$300.00 for each offence, exclusive of costs, to be recoverable under The Summary Convictions Act.

7. (a) This By-law, including Schedule "A", thereto, shall not apply to an eating-establishment as defined by the Regulations made under The Public Health Act R.S.O. 1960 Chapter 321, as amended.

(b) Any provisions of this By-law or Schedule "A" thereto which are inconsistent with the provisions of The Public Health Act aforesaid, including Schedule "B" thereto, shall be deemed to be revoked.

(c) Pursuant to Section 8 of The Public Health Act aforesaid a Regulation made by the Minister of Health with the approval of the Lieutenant Governor in Council shall supersede any provision of this By-law or Schedule "A" thereto dealing with the same subject-matter and any such provision of this By-law or Schedule "A" thereto shall be deemed to be revoked insofar as it is inconsistent with any such Regulation.

8. This By-law shall take effect upon the final passing thereof and shall remain in full force and effect from year to year until amended or repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 8TH DAY OF AUGUST, 1966.

READ A SECOND TIME IN OPEN COUNCIL THIS 11TH DAY OF OCTOBER, 1966.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 11TH DAY OF OCTOBER, 1966.

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MAYOR

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CITY CLERK

This is Schedule "A" to By-law No. 2322 of The Corporation of the City
of North Bay

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The regulationn and conditions set forth in Section 1 hereof shall apply to all places where food stuffs are made for sale, offered for sale, stored or sold.

The regulations and conditions set forth in Section 2 hereof shall apply to all places where food stuffs are made for sale.

SECTION 1

CONSTRUCTION OF PLACES OR PREMISES

1. Each place shall be so constructed that it is free from every condition which may:
 - (a) Be dangerous to health;
 - (b) Injuriously affect the sanitary operation thereof;
 - (c) Injuriously affect the wholesomeness of the food stuffs.
2. All openings to the outside of each place shall be property screened or fitted with other devices to repel or prevent the entrance of flies, insects, rodents and vermin.
3. Each place shall be well lighted and ventilated.
4. The floors and floor coverings of each place shall be tight, smooth and non-absorbent in rooms where:
 - (a) Food stuffs are made for sale, offered for sale, stored or sold;
 - (b) Utensils are washed;
 - (c) Washing and toilet fixtures are located.
5. The walls and ceilings of each place shall be such that they may be readily cleaned and the painting, decoration or treatment maintained in good condition.

EQUIPMENT

6. All articles or equipment which are used in making for sale, offering for sale, storing or selling food stuffs shall be of sound and tight construction and kept in good repair.
7. Each place shall be provided with:
 - (a) Adequate refrigerated space or refrigeration equipment for the safe storage of perishable food stuffs and shall have removable racks and trays;
 - (b) Sufficient metal containers with metal covers for storing garbage and wastes in a sanitary manner;
 - (c) Proper and adequate equipment for the proper cleansing and sterilizing of utensils. No utensil in such condition as to prevent adequate cleansing and sterilizing shall be used;
 - (d) A supply of potable water adequate for efficient operation, the quality of which is satisfactory to the Medical Officer of Health. Non-potable water shall not be used.

MAINTENANCE

8. All furniture, equipment and appliances shall be so constructed and arranged as to permit thorough cleaning and the maintenance of the place in a clean and sanitary condition.
9. Every room shall be kept free from materials and equipment not regularly used in the room.
10. Every room shall be swept in such manner as to prevent contamination of food stuffs.
11. All necessary steps and measures shall be taken to protect the food stuffs against filth, flies, dust, dirt, insects, vermin rodents and contamination from foreign substance.
12. Food stuffs shall be stored in such manner that odours and flavours are not transferred from one type of food stuff to another.
13. Food stuffs which are readily susceptible to spoilage and the action of toxin-producing organisms shall be kept under refrigeration.
14. Refrigerated space or equipment shall be maintained at a temperature no higher than 50 degrees Fahrenheit.
15. Refrigerated space or refrigeration equipment shall be kept clean and in a sanitary condition and all interior surfaces, racks and doors shall be thoroughly cleansed at least once a week.
16. (a) Garbage containers shall be kept in such a place and manner as to preclude odours on the place or premises.
- (b) All garbage and wastes shall be removed from the place or premises at least twice weekly and oftener if necessary to maintain the place or premises in a sanitary condition.
- (c) All contaminated and unwholesome food stuffs shall be promptly removed and placed in the garbage receptacles.
- (d) Containers of garbage or wastes, when filled, shall be removed from any room in which food stuffs are made for sale, offered for sale, stored or sold and, unless daily collection-service is provided, shall be placed in a separate room, compartment or bin so constructed and maintained as to exclude insects, rodents and vermin.

SANITARY FACILITIES

17. Each place shall be provided with a wash-room and toilet-room.
18. The wash-rooms shall be equipped with:
- (a) A basin;
 - (b) An adequate supply of potable water;
 - (c) A constant supply of soap in a suitable container or dispenser;
 - (d) Clean towels for the use of each person using the washing facilities;
 - (e) A suitable receptacle for used towels and waste material.
19. The toilet-room shall be equipped with a water closet in good working order and a supply of toilet paper.
20. Each wash-room and toilet-room shall be:
- (a) Provided with proper and adequate light and ventilation;
 - (b) Provided with facilities for removal of odours;
 - (c) Kept clean, sanitary and in good repair.

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SECTION 2

1. No toilet-room shall open directly into any room used for the making for sale of food stuffs and the toilet-rooms shall be fitted with full-length, self-closing doors.
2. No sleeping quarters shall open directly into any room where food stuffs intended for human consumption are made for sale.
3. (a) Any room where food stuffs are made for sale shall be provided with adequate means for the escape of smoke, gases and odours to the outside.

(b) Walls, ceilings and equipment shall be protected from grease or food particles by:
 - (i) Placing cooking equipment in a suitable location;
 - (ii) Using a shield, canopy or other device of non-absorbent material.
4. No person shall:
 - (a) Use any room for sleeping purposes where food stuffs are made for sale;
 - (b) Place any wearing apparel in any room in which food stuffs are made for sale, unless in a separate cupboard or locker;
 - (c) Permit any live animal, live bird or live fowl in any room in which food stuffs are made for sale.

PERSONNEL

5. (a) Every operator or employee of a place where food stuffs are made for sale shall:
 - (i) Be clean;
 - (ii) Wear clean outer garments;
 - (iii) Be free from and not a carrier of any disease which may be spread through the food stuffs;
 - (iv) Satisfy the Medical Officer of Health as to his or her freedom from the diseases mentioned in clause (iii) immediately preceding;
 - (v) Submit to such medical examination or test as the Medical Officer of Health aforesaid may require.
- (b) No person shall work in a place where food stuffs are made for sale who has any abrasion or any other skin condition which may contaminate the food stuffs.

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