

Chapter 624

Licensing and Regulation of Restaurants

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CROSS REFERENCES

Notice required where:

Horse meat sold, 620.040
Ice cream substitutes sold, 621.325
Imitation milk used, 621.420
Specified imitation food products served, 616.300

Restrictions on serving colored butter substitute, 621.445

624.080

Venereal disease, persons having restricted as to employment, 434.180

624.100

Rules and regulations, making and filing, Ch. 183

624.120

When specific biennial appropriation required despite continuing appropriation, 291.238, 291.240

624.010 Definitions. (1) "Health officer" means the State Health Officer, except that in counties having a population of 10,000 or more it means the county health officer, and in cities having an active health officer it means the city health officer.

(2) "Itinerant restaurant" means any restaurant operating temporarily in connection with any fair, carnival, circus, public exhibition or similar gathering.

(3) "Restaurant" means any establishment where food or drink is prepared for consumption by the public, but does not include railroad dining cars.

624.020 License required to operate restaurant. (1) No person shall operate a restaurant without first procuring a license to do so from the health officer. The license shall be posted in a conspicuous place on the premises of the licensee.

(2) Application for the license shall be in writing in the form prescribed by the licensing official and shall contain the name and address of the applicant and any other information which the licensing official may require. All licenses issued under this section terminate and are renewable on December 31 of each year.

(3) Every applicant for a license or renewal thereof shall pay to the health officer a license fee, the amount to be determined as follows:

(a) For all establishments having 25 or less serving spaces, \$3.

(b) For each additional single serving space, 5 cents.

(4) The licensing official may suspend, refuse or revoke any license issued under this section if it appears upon hearing before the health officer that the licensee or applicant has violated any of the provisions of this chapter or any rule or regulation promulgated under this chapter.

624.030 Grading of restaurants. All restaurants operating under this chapter, except itinerant restaurants, shall be graded as A, B or C in accordance with the standards of sanitation set forth in the rules and regulations of the State Board of Health. Itinerant restaurants shall be operated in a sanitary manner as directed by the rules and regulations of the State Board of Health; but the provisions of this chapter relating to grading restaurants as A, B and C do not apply to itinerant restaurants.

624.040 Display of notice of grade. Every restaurant shall display at all times in a place designated by the health officers, a notice approved by the health officer stating the grade of the establishment.

624.050 Operation to conform with grades or itinerant restaurant rules; failure to qualify as grade B; reinstatement of license. No restaurant shall be operated within Oregon unless in conformance to grade A or grade B, or in the case of an itinerant restaurant, the rules and regulations of the State Board of Health relating thereto. However, when any restaurant fails to qualify as grade B, the health officer may, in lieu of revocation or suspension of license, lower the grade of the establishment and permit its operating during a temporary period not exceeding 30 days. The health officer may reinstate a license which has been revoked, suspended or denied and may reinstate a grade which has been lowered when it appears from the inspection of the health officer that the licensee is complying with the respective grade requirements.

624.060 Inspection; report of health officer. (1) At least once every six months the health officer shall inspect every restaurant located within his jurisdiction. The person operating the restaurant shall, upon the request of the health officer, permit access to all parts of the establishment.

(2) One copy of the inspection report shall be posted by the health officer upon an inside wall of the restaurant, and the inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

(3) If the health officer discovers the violation of any provision of this chapter or any rule or regulation concerning the grade in which the restaurant is classified, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied. Any violation of the same provision of this chapter or the same rule or regulation on such second inspection shall call for immediate lowering of the grade of the restaurant or suspension of license.

624.070 Examination of food and drink samples; unwholesome or adulterated food and drink. Samples of food, drink and other substances may be taken and examined by the health officer as often as may be necessary for the detection of unwholesomeness or

adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

624.080 Diseased persons working in restaurants; suspicion of possible transmission of infection. (1) No person who is affected with a communicable disease or is a carrier of such disease shall work in any restaurant. No restaurant shall employ any such person or any person suspected of being affected with any communicable disease or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he shall notify the health officer immediately. A placard containing this section shall be posted in all toilet rooms.

(2) When suspicion arises as to the possibility of transmission of infection from any restaurant employee, the health officer may require any or all of the following measures:

(a) The immediate exclusion of the employee from all restaurants; and

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

624.090 Municipalities having regulatory ordinances; annual inspection. Nothing contained in this chapter applies to an incorporated city or town having and enforcing an ordinance regulating eating and drinking establishments under standards no lower than those required by this chapter. At least once annually the State Health Officer shall make such inspection within such cities or towns as is necessary to determine that state standards are being complied with.

624.100 Rules and regulations. The State Board of Health shall make all rules and regulations necessary for the enforcement of this chapter.

624.110 Rating survey; preparing and disseminating information; cooperation with local health departments in educational programs. The State Board of Health shall make such rating surveys as are necessary to obtain uniform enforcement of this chapter throughout the state, and shall prepare and disseminate information and shall cooperate with and assist local health departments in educational programs for the purpose of encouraging compliance with this chapter on the part of owners, managers and employes of eating and drinking establishments.

624.120 Disposition of fees and fines; Restaurant License Account; payment of expenses. All inspection fees and fines collected under this chapter shall be paid to the health department having jurisdiction and shall be used in the administration and enforcement of this chapter; except that all moneys received by the State Health Officer under this chapter shall be paid into the General Fund in the State Treasury and shall be by the State Treasurer placed to the credit of the State Board of Health to an account to be known as the Restaurant License Account and such amount as may be necessary, and no more, hereby is appropriated out of the Restaurant License Account for the payment of all expenses incurred by the State Health Officer or the State Board of Health in administering and enforcing the provisions of this chapter. The State Board of Health shall approve all claims payable out of the Restaurant License Account.

624.990 Penalties. Violation of any provision of this chapter or rules and regulations of the State Board of Health promulgated under this chapter is punishable, upon conviction, by a fine of not less than \$10 and not more than \$100, or by imprisonment for not more than 60 days, or both.