Chapter 628

1989 EDITION

Refrigerated Locker Plants

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628.010 [Repealed by 1953 c.114 §2]

628.020 [Repealed by 1953 c.114 §2]

628.030 [Repealed by 1953 c.114 §2]

628.040 [Repealed by 1953 c 114 §2]

628.050 [Repealed by 1953 c.114 §2]

628.060 [Repealed by 1953 c.114 §2]

628.070 [Repealed by 1953 c.114 §2]

628.080 [Repealed by 1953 c.114 §2]

628.210 Definitions for ORS 628.210 to 628.380. As used in ORS 628.210 to 628.380, unless the context requires otherwise:

(1) "Clean," "healthful" and "sanitary" mean free of flies and other insects, rodents, dusts, dirt, decomposed material, mold, odors or any condition which would in any way contaminate the food products stored.

(2) "Department" means the State Department of Agriculture.

(3) "Person" includes any individual, partnership, corporation, association, cooperative association, county, municipality or other entity engaging in the business of operating or owning a refrigerated locker plant or offering the services thereof, as described in subsections (4) and (5) of this section.

(4) "Refrigerated locker" or "locker" means a separate, individual compartment in a refrigerated locker plant, wherein food may be placed and kept in frozen food storage.

(5) "Refrigerated locker plant" or "locker plant" means any place, premises or establishment in which separate and individual compartments for the frozen food storage and preservation of food for human consumption are offered to the public upon a rental or other basis providing compensation to the person offering such services.

628.220 License required for locker plant business. No person shall engage within this state in the business of owning or operating any refrigerated locker plant or offering the services of such plant without having obtained from the department a license for each such place of business. The licensee shall at all times maintain the license conspicuously displayed in the licensed plant.

628.230 Application for and issuance of license. Application for the license required by ORS 628.220 shall be made to the department in writing containing such information and in such form as may be prescribed by the department. The license is not transferable and does not authorize the conduct of any refrigerated locker business at any address other than that stated in the application. Licenses shall be issued for the fiscal year commencing on July 1 and ending on June 30 next following.

628.240 License fees; disposition. (1) The license fee for a refrigerated locker plant is $25.

(2) If the license is issued after January 1 but before June 30 of the same year, the license fee shall be one-half of the fee provided in subsection (1) of this section.

(3) All fees received by the department pursuant to ORS 628.210 to 628.380 shall be deposited in the Department of Agriculture Service Fund and are continuously appropriated to the department for the purpose of administering and enforcing those sections. [Amended by 1955 c 174 §1; 1979 c.183 §3, 1979 c 499 §26a]

628.250 Refusal, revocation or suspension of licenses. The department, acting through the Director of Agriculture or the division chief of the department in charge of the inspection of refrigerated locker plants, may refuse, revoke or suspend any license issued pursuant to ORS 628.220 to 628.240 upon finding, after a hearing had in conformance with ORS 183.310 to 183.550, that:

(1) The licensee has violated any provision of ORS 628.210 to 628.380 or any other law of Oregon relating to the operation of refrigerated locker plants or frozen food storage plants or the handling or sale of any food for human consumption or has violated any rule or regulation promulgated by the department.

(2) The building, room, basement or cellar occupied by the refrigerated locker plant is not properly lighted, drained, plumbed, ventilated and maintained in a clean, healthful and sanitary condition.

(3) The floors, walls or ceilings of the refrigerated locker plant or the furniture, receptacles, implements or machinery used in the locker plant are not maintained in a clean, healthful and sanitary condition. [Amended by 1961 c 425 §15]

628.260 Furnishing copies of law to applicants for licenses; posting copy. Two copies of ORS 628.210 to 628.380 and 628.990 (2) shall be furnished each applicant for a license. One copy shall be posted in a conspicuous place in the plant operated by the licensee.

628.270 Prohibition against employees with communicable disease in plant; health certificate. (1) The Health Division may, by rule, define certain communicable diseases which may be spread to the public through the handling of food in refrigerated locker plants.

(2) No person who has a communicable or infectious disease described in subsection (1) of this section shall be permitted to work in or about any refrigerated locker plant or

to handle any food in connection with the operation of such plant.

(3) In the discretion of the department, an employee of a locker plant may be required to furnish a certificate of health from a physician duly accredited by the Health Division for the purpose of issuing such certificates. If such certificate is required under municipal ordinance upon examination deemed adequate by the Health Division, a certificate issued in compliance with such ordinance is sufficient under this section.

(4) Any health certificate required by this section shall be revoked by the Health Division at any time that the holder thereof is found, upon physical examination of such holder, to have any communicable or infectious disease. Refusal of any person employed in such locker plant to submit to proper and reasonable physical examination, upon written demand by the Health Division or the department, is cause for revocation of the employee's health certificate and also is sufficient reason for revocation of the locker plant's license unless the employee immediately is removed from any work or operation in or about such locker plant involving the handling of food. [Amended by 1973 c.829 §56, 1989 c 224 §122]

628.280 Inspection of plants; maintenance in sanitary condition. The department shall cause a thorough inspection of every plant or establishment licensed under ORS 628.220 to 628.240 to be made periodically, to determine whether or not the premises and equipment used in connection therewith are constructed, maintained and operated in accordance with the requirements of ORS 628.210 to 628.380 and with the rules and regulations of the department thereunder promulgated. Such locker plants shall be maintained in a clean, healthful and sanitary condition at all times.

628.290 Sanitary and safety requirements. (1) Each refrigerated locker plant wherein food is handled, wrapped or processed shall have available, and maintain in a clean, healthful and sanitary condition, a washroom with hot and cold running water.

(2) Each refrigerated room with a temperature below 30 degrees Fahrenheit, if used by the public or accessible to locker renters, shall be equipped with safety light or lights burning continuously during all times when the plant is open and so located as to assure easy exit from the refrigerated room. Switches for safety lights shall be so located or installed that the public cannot regulate their "on" and "off" positions.

(3) Each refrigerated room with a temperature below 12 degrees Fahrenheit, if used by the public or accessible to locker renters, shall be equipped with a distress signal, plainly marked as such for use by patrons. The distress signal alarm may be located at a place outside the locker plant. The refrigerated room shall be accessible to the public only at such times as an attendant is within hearing distance of the distress signal alarm. The distress signal when activated shall perform continuously until arrested by a second operation. The distress signal shall produce a distinctive sound capable of being heard and distinguished by an attendant from any other signal. The operator of the locker room or the employee of the operator shall test the distress signal on each day on which the public has access to the refrigerated room.

(4) Subsection (3) of this section does not apply if an operating extension telephone, plainly marked for use by patrons as a distress signal, is located inside the refrigerated room at a convenient height not to exceed four feet above floor level.

(5) All refrigerator doors shall be so constructed as to be opened from either the inside or outside of any room or compartment to which they give access, and shall be so maintained as to assure that such doors will open freely at all times.

(6) All machinery or other devices dangerous to the public shall be adequately covered and guarded to protect locker room tenants against injury. [Amended by 1955 c.174 §2]

628.300 Maintaining uniform temperatures; records. (1) The refrigeration system of a refrigerated locker plant shall be equipped with accurate controls for the maintenance of uniform temperatures as required in this section in the various refrigerated rooms of such plant and shall be of adequate capacity to provide under extreme conditions of outside temperatures and under peak load conditions in the normal operation of such plant, the following temperatures in the following rooms respectively:

(a) Chill room temperature shall be within four degrees Fahrenheit plus or minus of 36 degrees above zero Fahrenheit, with a tolerance of 10 degrees Fahrenheit for 24 hours after fresh food is put in such room for chilling.

(b) In all locker plants operating on July 5, 1947, the locker room temperature shall not exceed 12 degrees Fahrenheit plus. In all locker plants, the construction of which is begun after July 5, 1947, the locker room temperature shall not exceed five degrees Fahrenheit plus.

(2) The temperatures required by subsection (1) of this section shall not be construed as prohibiting variations therefrom due to defrosting, power failure or any emergency breakdown.

(3) An accurate direct reading thermometer shall be maintained in the chill room. An accurate self-registering or self-recording thermometer shall be maintained in each locker room or in each series of rooms through which the same air circulates. The discs or other temperature records made by such instruments shall be signed by the person in charge of the plant and shall be preserved at such plant for at least one year from the date of recording. Such temperature-recording equipment and the recordings thereby made, are subject to inspection and testing by the department to determine their accuracy.

628.310 Use of nontoxic marking. In applying marks directly to meat or other food products, the operator of a refrigerated locker room shall use only nontoxic ink or other harmless substance.

628.320 Inspection of food; storage outside lockers. The operator or person in charge of a refrigerated locker room shall have the right to inspect all food or any item before it is placed in any locker. Nothing shall be stored outside of the lockers in a locker room without being labeled and wrapped or otherwise properly covered.

628.330 Fresh meats, identification and chilling. All fresh carcass meats on coming into custody or possession of the operator or owner of a refrigerated locker plant shall be identified with suitable tag or stamp and shall be placed in the chill room, unless previously chilled, for at least 24 hours before removal to the cutting room.

628.340 Fish and wild game. All fish shall be so handled, placed and stored as to protect other stored foods and the plant equipment from fish flavors and fish odors. Fish and wild game shall be stored and handled only in conformity with fish and game laws of this state and regulations thereunder promulgated. Owners, operators or persons in charge of refrigerated locker plants shall not be held responsible or liable for violations of such laws and regulations by locker tenants.

628.350 Rules and regulations. The department may make and enforce reasonable rules and regulations to carry out the provisions of ORS 628.210 to 628.380.

628.360 Owners and operators of locker plants not warehousemen. Persons who own or operate refrigerated locker plants shall not be deemed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be deemed to be negotiable warehouse receipts.

628.370 Jurisdiction and prosecution of violations of ORS 628.210 to 628.380. Justices courts and district courts shall have concurrent jurisdiction with the circuit court of all prosecutions arising under ORS 628.210 to 628.380. The district attorney may institute prosecutions for violations of ORS 628.210 to 628.380 by information, or the prosecutions may be instituted by indictment or complaint verified before any magistrate.

628.380 Disposition of fines for violation of ORS 628.210 to 628.380. In all prosecutions under ORS 628.210 to 628.380 and 628.990, the fines collected shall be transmitted by the officer collecting them to the State Treasurer, who shall credit them to the Department of Agriculture Service Fund. Such fines shall be used for the purposes described in ORS 628.240. [Amended by 1979 c.499 §27]

Note: 628.380 is repealed July 1, 1991. See sections 37 and 39, chapter 905, Oregon Laws 1987, as amended by chapter 844, Oregon Laws 1989. Section 7, chapter 844, Oregon Laws 1989, also provides:

Sec. 7. Chapter 905, Oregon Laws 1987, is repealed July 1, 1991. [1989 c.844 §7]

628.990 Penalties. Violation of ORS 628.210 to 628.380 is punishable, upon conviction, by a fine of not less than $10 nor more than $1,000 or by imprisonment in the county jail for not more than one year, or both. [Amended by 1953 c 114 §2]

CHAPTERS 629 TO 631

[Reserved for expansion]