

**REGULATIONS GOVERNING  
THE CONSTRUCTION, OPERATION AND SANITATION  
OF  
SEAFOOD MARKETS AND SEAFOOD SALES VEHICLES  
IN CRAVEN COUNTY, NORTH CAROLINA**



**CRAVEN COUNTY HEALTH DEPARTMENT  
DIVISION OF ENVIRONMENTAL HEALTH**

**Effective January 1, 2012**

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## **SECTION 1 - GENERAL PROVISIONS**

- (a) Authorization: The Craven County Board of Health is authorized under the provisions of Section 130A-39 of the General Statutes of North Carolina to adopt appropriate Rules and Regulations for the protection of public health.
- (b) Consistent with the responsibility to protect and advance public health, it is declared the policy of the Craven County Board of Health to require such reasonable standards and requirements regarding the operation of seafood markets and seafood vehicles as may be necessary to protect the public health. To this end, the Board of Health in adopting these Rules, after a public hearing and due consideration, has determined that they:
  - (1) Are related to the promotion and protection of the public health;
  - (2) Are reasonable in light of the health risks addressed;
  - (3) Are not violative of any law or constitutional provision;
  - (4) Are not discriminatory, and
  - (5) Do not make distinctions based upon policy concerns traditionally reserved for legislative bodies.
- (c) Scope: No person shall construct or operate a seafood market or seafood sales vehicle in Craven County, including within the limits of any incorporated municipality, contrary to the provisions of these Rules, and without a valid and current permit issued by the Health Department. However, these Rules shall not apply to any “establishment” as that term is defined by G.S. Section 130A-247.
- (d) Conflict with other laws and regulations: The provisions of any Federal, State, or Municipal Law or regulations establishing standards affording greater protection to the public welfare, safety, and health shall prevail within the jurisdiction of such agency or municipality over standards established by these Rules.

## **SECTION 2 - DEFINITIONS**

**ADULTERATED** - shall mean the condition of a seafood product:

- (a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health;
- (b) 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;
- (c) If it contains in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption;
- (d) If it has been processed, prepared, packed or held under unsanitary conditions, whereby it may have been rendered injurious to health.

APPROVED SOURCES – shall mean food which complies with the requirements of the North Carolina Department of Agriculture and Consumer Services, United States Department of Agriculture, United States Food & Drug Administration and the requirements of this section.

BOARD or BOARD OF HEALTH – shall mean the Craven County Board of Health.

CRUSTACEA - shall mean any edible, commercially distributed shrimp, crab, lobster or other member of the animal kingdom included under the classification of crustaceans (Crustacea).

EMPLOYEE - shall mean any person who is employed by, or otherwise assists, the owner and/or operator of a Seafood Market or Vehicle regulated hereunder, in the handling and/or processing of seafood products or in cleaning of utensils and equipment regulated by these Rules.

FISH - shall mean any edible, commercially distributed fresh or salt water member of the animal kingdom classed as fish (Pisces). This term also includes invertebrates such as squid and octopi.

HEALTH DEPARTMENT - shall mean the Craven County Board of Health, the Craven County Health Director or his/her authorized representative (Environmental Health Specialist) and authorized agents of the North Carolina Department of Health and Human Services, Division of Public Health, Environmental Health Section, as the case may be.

HEALTH DIRECTOR or DIRECTOR – shall mean the Craven County Health Director, or his designee as the case may be

IMMINENT HAZARD - means a situation which is likely to cause an immediate threat to human life, and immediate threat of serious physical injury, an immediate threat of serious physical adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.

IN-SHELL SHELLFISH – means any non-living processed molluscan shellfish, with one or both shells attached.

PERMIT - shall mean written authorization granted by the Health Department to any person to sell, or offer for sale, seafood products in Craven County, North Carolina.

PERSON - means an individual, firm, association, organization, partnership, business trust, corporation, company, or any other legal entity.

REFRIGERATE - shall mean a temperature of forty-five degrees (45°F) or less.

PROCESSING - means the heading, gutting, skinning, scaling, scrubbing, washing, and any other actions which remove or alter any parts of seafood products in order to prepare seafood products for sale to the public.

SANITIZE - means the process of reducing the number of microorganisms on a hard surface to safe levels. Surfaces must be *first* cleaned and rinsed *before* being sanitized.

SEAFOOD - Any aquatic life used for human consumption.

SEAFOOD MARKET - shall mean any building or establishment where any seafood products are stored, handled and/or offered for sale at retail and/or wholesale. This definition does not include seafood sales from a vehicle.

SHELLFISH - shall mean all species of oysters, clams, or mussels, whether shucked or in the shell; raw, including post harvest processed; frozen or unfrozen; whole or in part; and scallops in any form except when the final product is the adductor muscle only.

SHELLSTOCK - means live molluscan shellfish in the shell.

SEAFOOD SALES VEHICLE – shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or other road. For the purposes of this section, this includes a temporary or permanent table, stand or other structure excepting those structures which require a permit be issued by the local building inspections office.

### **SECTION 3 - PERMITS**

- (a) No person shall operate a seafood market or sell from a vehicle within Craven County, North Carolina who does not possess and properly display on the premises or on the vehicle a valid permit, where the same can be readily seen.
- (b) No permit to operate shall be issued to a person until an evaluation by an Environmental Health Specialist shows that the seafood market or seafood sales vehicle complies with these Rules.
- (c) A permit issued to one person is not transferable to another person.
- (d) A permit is issued by and inspections are made by Environmental Health Specialists who are authorized representatives of the Craven County Health Department.
- (e) A permit shall be immediately revoked for failure of the seafood market to maintain a minimum grade of “C” or where, at a seafood market or seafood sales vehicle, an imminent health hazard exists. A permit may otherwise be suspended or revoked in accordance with applicable law. A new permit to operate shall be issued only after the seafood market or seafood sales vehicle has been reevaluated by the Environmental Health Specialist and found to comply with these Rules. This reevaluation will be conducted within a reasonable length of time after the request is made by the operator.
- (f) Exemptions: Any seafood market which holds a food service permit issued by the Department of Environment and Natural Resources, Division of Environmental Health shall be exempt from the requirements of this section.
- (g) Permits for seafood sales vehicles shall be renewed annually. Permits for seafood markets shall be valid until a change in ownership occurs.

#### **SECTION 4 - PUBLIC DISPLAY OF GRADE CARD AND CONSUMER ADVISORY**

- (a) Upon initial inspection of a seafood market or if a renovation or other change in the establishment makes the grade inconspicuous, the Environmental Health Specialist shall designate the location for posting of the grade card. The grade card shall be located in a conspicuous place where it may be readily observed by the public upon entering the seafood market.
- (b) Whenever an inspection of a seafood market is conducted, the Environmental Health Specialist shall remove the existing grade card, issue a new grade card, and post the new grade card in the same location where the grade card was previously posted as long as that location remains conspicuous. The responsible person or operator of the seafood market shall be responsible for keeping the grade card posted at the designated location at all times. The grade card may be posted in another location if agreed upon by the responsible person and the Environmental Health Specialist.
- (c) All businesses, and persons which offer raw shellfish for sale, including persons selling from vehicles or roadside stands, shall post the following consumer advisory in a conspicuous place where it may be readily observed by the public: “Consumer Advisory: Eating raw or undercooked oysters, clams, or mussels may cause severe illness. People with the following conditions are at especially high risk: liver disease, alcoholism, diabetes, cancer, stomach or blood disorder, or weakened immune system. Ask your doctor if you are unsure of your risk. If you eat shellfish and become sick see a doctor immediately.”

#### **SECTION 5 - INSPECTIONS AND REINSPECTIONS**

- (a) Upon entry into a seafood market, the Environmental Health Specialist shall identify his or herself and the purpose for visiting that seafood market. The Environmental Health Specialist shall inquire as to the identity of the responsible person and invite the responsible person to accompany them during the inspection. If no employee is identified as the responsible person, the Environmental Health Specialist shall invite an employee to accompany them on the inspection. Following the inspection, the Environmental Health Specialist shall offer to review the results of the inspection with the responsible person.
- (b) The grading of seafood markets shall be documented on an inspection form furnished by Craven County Health Department.

The form shall provide for but not be limited to the following information:

1. The name and mailing address of the facility
2. Name of person to whom a permit is issued
3. The numerical score assigned
4. Standards of construction and operation as listed in this section
5. The signature of the Environmental Health Specialist
6. Date the inspection was conducted

- (c) When filling out the inspection form, points may be deducted only once for a single occurrence or condition existing within or outside of the food service establishment. Deductions shall be based on actual violations of the requirements of this section which are observed during the inspection.
- (d) Upon the request by a representative of the seafood market a reinspection shall be conducted. In the case of an establishment which has been closed for failure to comply with this section, an evaluation for the purpose of issuing a permit shall be made at the earliest convenience of the Environmental Health Specialist.
- (e) In the case of seafood market which requests an inspection for the purpose of raising the alphabetical grade, the Environmental Health Specialist shall make an unannounced inspection after the lapse of a reasonable period of time from the date of the request not to exceed 15 calendar days.

## **SECTION 6 - GRADING**

- (a) All seafood markets shall be inspected and awarded a grade at least once every six months and the grade shall be determined using the Craven County Health Department's seafood market inspection form. The grade shall be based on a system of scoring wherein all seafood markets receiving a score of at least 90% shall be awarded Grade "A"; all seafood markets and receiving a score of at least 80% and less than 90% shall be awarded Grade "B"; 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% and Grade "C" shall operate. Receipt of a sanitation rating of less than 70% shall make revocation of a permit mandatory and no permit to operate shall be reissued until the establishment has been found to comply with this section.
- (b) When a seafood market is inspected, the Health Department shall issue a grade card, and post the new grade card in a conspicuous place where it may be readily observed by the public upon entering the seafood market. This card must remain posted at all times and can only be removed by the Health Department.

## **SECTION 7 - STANDARDS AND APPROVAL OF PLANS**

- (a) Plans and specification for proposed new construction or remodeling of a seafood market shall be submitted for review and approval to the Craven County Health Department prior to construction. Construction shall comply with approved plans and specifications.
- (b) Upon change of ownership, a seafood market shall be brought in compliance with this section.

## **SECTION 8 - SOURCES OF SEAFOOD**

All shellfish and crustacea meat shall be obtained from sources in compliance with 15A NCAC 18A .0300 through .0900. If the source of clams, oysters, or mussels is outside of North Carolina, the shipper's name shall appear on the "Interstate Certified Shellfish Shippers List" as published monthly by the Shellfish Sanitation Branch, Food and Drug Administration. If the source of the cooked crustacea meat is within the United States, the processor's name, address, and certificate

number with state abbreviation shall appear on the container. If the source of the cooked crustacea meat is outside the United States, containers must meet federal labeling requirements, Food and Drug Administration, HHS Food Labeling requirements, 21 CFR Chapter 1, Part 101-Food Labeling.

## **SECTION 9 - REFRIGERATION, STORAGE & DISPLAY OF SEAFOOD**

- (a) All seafood products used for displaying and sales purposes shall be stored in nonabsorbent cases or boxes of sufficient size and depth to permit thorough icing at all times and maintained at 45°F or below. 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.
- (b) Shellstock shall be stored using mechanical refrigeration and at a temperature of 45°F or less in accordance with 15A NCAC 18A .0427. The reuse of single-service shipping containers and the storage of shucked shellfish in other containers are not allowed.
- (c) After each container of shellstock has been emptied, the management shall remove the tag and retain it for a period of at least 90 days.
- (d) Clean, food-grade ice can be used in shellfish display cases but shall not be used as the only means of refrigeration.
- (e) 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 12 inches from the floor or with movable pallets or dollies and shall be kept clean.
- (f) Refrigeration shall not be required for salted or brined processed fish. Cases, containers, barrels or buckets which are provided with suitable covers to exclude flies, dust, splash and other contamination must be used during the storage and display of salted and brined fish. These containers must be kept clean and in good repair at all times.
- (g) Metal containers subject to rust or corrosion from contact with a salt or any other corrosive preservative shall not be used in any way for the storage, display or handling of salted or brined processed fish.
- (h) All shucked shellfish and all cooked crustacea meat shall be stored in the original container. Each original container shall be identified with the name and address of the packer or repacker, and the certification number, and the abbreviated name of the state or territory. Shucked shellfish unit containers shall be dated in accordance with 15A NCAC 18A .0600.
- (i) All shellstock shall be stored in the containers in which packed at the source. Each original container shall be identified with a uniform tag or label bearing the name and address of the shipper, the certificate number issued by the state or territory regulatory authority, the abbreviated name of the state, the name of the waters from which the shellfish were taken, the date of harvest, the kind and quantity of the shellstock in the container, and the name and address of the consignee.
- (j) Shellstock shall be stored using mechanical refrigeration at a temperature of 45° F or less in accordance with 15A NCAC 18A .0427. The reuse of single-service shipping containers and the storage of shucked shellfish in other containers are not allowed.
- (k) After each container of shellstock has been emptied, the management shall remove the tag and retain it for a period of at least 90 days.
- (l) All cooked crustacea meat shall be held at 40° F or less.

## **SECTION 10 - REQUIREMENTS FOR EMPLOYEES**

- (a) 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 preparing or handling fish or other seafood products. The hands of all employees handling seafood, utensils or equipment shall be kept clean and shall be washed in a handwashing lavatory before beginning work, after each visit to the toilet and as often as necessary to avoid possible contamination of seafood.
- (b) No person who has a communicable or infectious disease which can be transmitted by seafood, or who is a carrier of organisms which cause such a disease, shall work in a seafood market in a seafood-handling or processing capacity.
- (c) Employees are allowed to have beverages in areas where food is prepared so long as those beverages are covered and consumed in a sanitary manner.
- (d) Beverage containers shall not be stored on or above a food contact surface and must be handled in a way so as to avoid cross-contamination.

## **SECTION 11 - UTENSILS AND EQUIPMENT**

- (a) All utensils, tables, sinks, shelves, equipment, fixtures and other items used in connection with the processing of seafood shall be kept clean and in good repair.
- (b) All surfaces in which seafood comes in contact shall consist of smooth, not readily corrodible, non-toxic materials in which there are no open cracks or joints which could collect seafood or other particles and be kept clean and in good repair.
- (c) All utensils and equipment used in the storage, handling, processing and display of fish or other seafood products shall be thoroughly washed, rinsed with hot water and subjected to an approved bactericidal treatment.
- (d) At least a two-compartment sink of sufficient size and depth to completely submerge and clean all utensils and pans shall be provided and must have back splash protection and drainboards which are an integral part of and continuous with the sink. All such utensils and pans shall then be stored so as to drain, air dry and be protected from splash, dust and other contamination. Adequate hot water with a minimum temperature of 130°F shall be available during all periods of operation.

## **SECTION 12 - METHODS OF BACTERICIDAL TREATMENT**

- (a) After cleaning and rinsing, all utensils shall be subjected to one of the following bactericidal processes:
  - (1) Immersion for at least one minute in clean hot water at a temperature of at least 170°F in the second compartment, once it has been cleaned.
  - (2) Immersion for at least two minutes in a chemical bactericide of a strength approved

by the Division of Public Health:

- (a) for chlorine products, a solution containing at least 50 ppm of available chlorine at a temperature of at least 75°F;
- (b) for iodophor products, a solution containing 12.5 ppm of available iodine and having a pH not higher than 5.0 and having a temperature of at least 75°F;
- (c) for quaternary ammonium products, a solution containing at least 200 ppm of QAC and having a temperature of at least 75°F provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.

(3) Other equivalent products and procedures approved in 21 CFR 178.1010 "Sanitizing solutions" from the "Food Service Sanitation Manual" published by the US Food and Drug Administration

- (b) A suitable testing method or equipment shall be available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.

### **SECTION 13 - PROCESSING OF SEAFOOD**

- (a) All seafood markets shall be provided with approved facilities for the processing of seafood products, which shall consist of at least a one-compartment sink with drain boards of sufficient size to accommodate the operations or other equipment approved by the Division of Environmental Health, Craven County Health Department. Any seafood processing sink waste line shall be connected to a sandtrap drain. No sink shall be allowed to discharge on the floor at any time. A crumb-cup strainer shall be installed in each sink. The scaling and cleaning drainboards shall be sloped to drain into the sinks.
- (b) All cutting boards shall be of sound construction with no open cracks or joints which could collect food or other particles. All sinks and drain boards shall be pipe supported.
- (c) An adequate flexible hand sprayer shall be provided with hot and cold water for use when seafood products are being processed.

### **SECTION 14 - WATER SUPPLY**

- (a) Water supply shall be from an approved source.
- (b) When a well is used as the water supply, it shall be constructed, maintained and operated in accordance with the requirements of 15A NCAC 18A .1700 and 15A NCAC 2C.
- (c) In seafood markets with non-community water supplies, water samples for bacteriological analysis shall be collected by the department and submitted to the laboratory section of the department or another laboratory certified by the department for analysis, and at least annually thereafter for bacteriological analysis.
- (d) Cross-connections with sewage lines, unapproved water supplies or other potential sources of contamination are prohibited. Hot and cold running water under pressure shall be provided to seafood preparation, utensil, equipment and hand washing areas, and any other areas in which water is required for cleaning. Running water under pressure shall be provided in sufficient quantity to carry out all seafood preparation, utensil washing, hand washing, cleaning, and other water-using operations.

## **SECTION 15 - DISPOSAL OF WASTE**

- (a) All waste water shall be disposed of in accordance with 15A NCAC 18A .1900 or 15A NCAC 02H .0200.
- (b) All solid wastes containing food scraps or other decomposable material (including garbage, inedible portions of viscera, blood, scales, bones and other by-products) shall, prior to disposal, be kept in leak-proof, nonabsorbent 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 shall be collected and stored in standard, water-tight garbage cans or other approved containers with tight fitting lids.
- (c) Indoor or outdoor facilities shall be provided for the washing and storage of all garbage cans and mops. Cleaning facilities shall include combination faucet, hot and cold water, threaded nozzle with backflow prevention device, and curbed impervious pad that measures at least three feet by three feet with six inch curbing, and is sloped to a center drain. Each container, room or area shall be thoroughly cleaned after the emptying or removal of the wastes.
- (d) Where containerized systems are used for garbage storage, facilities shall be provided for the cleaning of such systems. Alternately, a contract for off-site cleaning shall constitute compliance with this provision and evidence of such contract shall be made available to the Environmental Health Specialist upon request.

## **SECTION 16 - LAVATORY FACILITIES**

- (a) Lavatory facilities including hot and cold running water and a combination supply faucet or tempered water and single-use towels or an approved hand-drying device and soap, shall be provided for employees.
- (b) For employees, at least one lavatory shall be provided in the seafood preparation and utensil washing area, in addition to any lavatories which may be provided in toilet rooms. Sinks used for washing of utensils and equipment or preparing of fish shall not be accepted as substitute for required handwashing lavatories for employees.
- (c) The lavatories shall be kept clean and in good repair.

## **SECTION 17 - TOILET FACILITIES**

- (a) Toilet rooms shall not be used for storage. Doors shall be self-closing. Fixtures shall be kept clean and in good repair.
- (b) Durable, legible signs shall be posted or stenciled conspicuously in each employee's toilet room directing employees to wash their hands before returning to work, after each visit to toilet and as often as necessary to avoid possible contamination of the seafood.

## **SECTION 18 - FLOORS**

- (a) The floors of all rooms in which seafood is stored, prepared, handled or in which utensil are washed shall be of such construction as to be easily cleaned, and shall be kept clean and in

good repair. Floors in areas where seafood is prepared or stored may be constructed of sealed concrete, terrazzo, quarry or vinyl tile or any similar product.

- (b) The joints between walls and floors shall be rounded or be otherwise constructed to provide a tight seal between the floor and wall.
- (c) In all rooms in which water is discharged to the floor, or in which floors are subjected to flood-type cleaning, floors shall be sloped to drain and be provided with floor drains.
- (d) Floors in walk-in refrigerators, dressing or locker rooms, and toilet rooms shall be nonabsorbent materials such as sealed concrete, terrazzo, quarry or vinyl tile or any similar product.
- (e) 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.
- (f) At least one hose bib with hot and cold water shall be provided and located so that a hose may be connected for washing and flushing of floors.

## **SECTION 19 - WALLS AND CEILINGS**

- (a) The walls and ceilings of all rooms shall be kept clean and in good repair.
- (b) 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 shall have washable surfaces to the highest level reached by splash or spray.

## **SECTION 20 - LIGHTING AND VENTILATION**

- (a) All rooms used for handling, preparing, storage and sale of fish and other seafood products, and in which utensils and equipment are washed shall be provided with at least 50 foot-candles of light. Dressing or locker rooms, toilet rooms and storage rooms shall be well lighted and ventilated by either natural or mechanical means.
- (b) Light bulbs, fixtures, skylights, or any glass installed above exposed seafood shall be of the safety type or otherwise shielded or protected to prevent contamination in case of breakage.

## **SECTION 21 - STORAGE AREAS**

- (a) Storage spaces shall be kept clean and free from unnecessary storage. All items shall be stored above the floor on shelves, moveable dollies, pallets, or in cabinets.
- (b) Shelves in storage rooms shall be constructed at least one inch from the wall to eliminate narrow cracks for roaches, and the bottom shelf shall be at least 12 inches above the floor or otherwise arranged so as to permit thorough cleaning. Shelves shall not be covered with paper, cardboard, oilcloth or other absorbent material. All single-service containers, wrapping papers, etc. shall be stored so as to prevent contamination by splash, dust and vermin.
- (c) All shipping boxes, crates or other containers shall be rinsed or flushed out immediately after emptying. The storage of all such containers is prohibited, unless these have been thoroughly washed, rinsed and stored at least 12 inches above the floor.

## **SECTION 22 - PREMISES: MISCELLANEOUS**

- (a) 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. All openings to outside the building shall be effectively protected against the entrance of such pests by using self-closing doors, closed windows, screening, controlled air currents or other effective means and shall be kept in good repair.
- (b) 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 on the premises.
- (c) Only those pesticides which have been properly labeled and approved for use in the facility shall be used. Such pesticides shall be used in accordance with the manufacturer's directions and shall be handled and stored to prevent the contamination of containers, equipment and seafood.
- (d) 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, hoses, cleaning compounds and other similar items.
- (e) None of the operations of the seafood market shall be conducted in any room used for domestic purposes.

## **SECTION 23 - SALES FROM VEHICLES**

The offering for sale of seafood from vehicles in any area of Craven County shall be restricted as follows:

- (a) The portion of the vehicle used for storage, transportation and sales shall be enclosed and constructed of smooth materials and be so constructed as to be easily cleaned and maintained in good repair.
- (b) All seafood products displayed for sale shall be stored in labeled nonabsorbent cases or boxes of sufficient size and depth to permit and maintain thorough icing at all times. Seafood must be unadulterated, iced and well-drained at all times. Seafood shall not be permitted to float in drip water from melting ice.
- (c) Where vehicles offer shellfish for sale, shellstock shall be stored using mechanical refrigeration at 45° F and in accordance with 15A NCAC 18A .0427. The reuse of single-service shipping containers and the storage of shucked shellfish in other containers are not allowed.
- (d) To prevent the possibility of cross-contamination on vehicles, storage and sales will be limited to one product, unless the operator has immediate access to handwashing facilities as defined in Section 16. The sale of cooked seafood products from a vehicle at any time is prohibited.
- (e) Toilet facilities and handwashing facilities as defined in Section 16 and 17 of this section shall be located within 100 yards or closer to the area in which sales are conducted. Approval from a business to use these facilities shall be submitted with the application for a permit. An approved hand sanitizer and single-use towels shall be provided. A solution of warm water and soap shall be used prior to using hand sanitizer. All sanitizers and soap

solutions shall be labeled properly.

- (f) The vehicle operator shall maintain the records disclosing the source of the seafood for sale for a period of at least 90 days.
- (g) Vehicles shall be constructed to ensure proper cleaning, and unless mechanically refrigerated, vehicles shall be emptied and cleaned daily.
- (h) All solid waste removed from the vehicles shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids prior to disposal.
- (i) All employees shall wear clean outer clothing and handle fish and other seafood products in a sanitary manner. Wrapping materials and containers used for sale of such products shall be of a sanitary material.

## **SECTION 24 - APPEALS**

(a) To the Director. Any person aggrieved by any action of a Health Department representative, other than the Health Director, with regard to any provision of the interpretation or enforcement of these Rules may file a written appeal with the Health Director within thirty (30) days of the event giving rise to the appeal. The appeal must include: (i) the name and address of the aggrieved person; (ii) a description of the action challenged; and (iii) the reason why the action is alleged to be incorrect. The Health Director may require the appellant to submit such additional information as he deems necessary to make a decision concerning said interpretation and/or enforcement. The Director may affirm, modify or reverse the challenged action, by issuing a written decision, including a concise statement of the reasons for his decision.

(b) To the Board of Health. Any aggrieved person dissatisfied with a decision of the Health Director may appeal the Health Director's decision, by filing a written appeal with the Board of Health within thirty (30) days after the decision of the Health Director, following the same procedure outlined in Section 24(a). Upon the filing of such an appeal, the Health Director shall, within five (5) days of its receipt, transmit to the members of the Board of Health the written appeal and all other pertinent documentation. The Board shall schedule a hearing within fifteen (15) days after it receives the notice of appeal. The Board shall give the appellant no less than ten (10) days notice of the date, time, and place of the hearing. Any party may appear in person or by a licensed attorney, but may not be represented by any other third-party. The Board of Health shall issue a written decision, based on evidence at the hearing, and shall include a concise statement of the reasons for its decision. No person shall take any action prohibited by the Health Department until there is a final resolution of the appeal.

(C) To the District Court. Any person aggrieved by a decision of the Board of Health hereunder may file a written appeal with the Craven County District Court within thirty (30) days from the date of the Board of Health's decision.

## **SECTION 25 - PENALTY**

A violation of any of the provisions of these Rules is declared to be unlawful and shall be punishable as a general misdemeanor pursuant to the authority contained in North Carolina General Statute Section 130A-25. Each day any violation of any of these provisions shall continue shall constitute a separate offense. Further, in the enforcement of these Rules, the Board and/or the

Director may seek other legal and equitable remedies otherwise provided by law.

**SECTION 26 - EFFECTIVE DATE**

These Rules are hereby adopted and shall be in full force and effect as of the 1<sup>st</sup> day of January, 2012.

\_\_\_\_\_  
Chair, Craven County Board of Health

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Craven County Board of Health

\_\_\_\_\_  
Date