

CODIFIED ORDINANCES OF CLARKSBURG
PART ELEVEN - HEALTH AND SANITATION CODE

Art. 1107. Food Regulations.

Art. 1123. Trailers.

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ARTICLE 1107
Food Regulations

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CROSS REFERENCES

Authority to regulate - see W. Va. Code 8-12-5(12)
Pure food and drugs - see W. Va. Code Art. 16-7

1107.01 FOOD HANDLING; PERMIT.

No waiter, cook, clerk or other person who has a notifiable disease or is a carrier of disease germs shall be allowed to work in a restaurant, hotel, kitchen, public drinking room, grocery store, ice cream parlor, soda water vending place, bakery, bakeshop, candy factory, butcher shop, dairy or other place in which food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale or sold. No person shall engage in any manner whatsoever in the handling of drinks, food or food products unless he first secures a written permit therefor from the Health Director; no owner, manager or any person in charge of any food establishment shall engage, hire, require or permit any person to be employed therein or in connection therewith, who does not furnish the above-mentioned written permit, which written permit must be unexpired. Whenever required by the Health Director any person engaged in any manner in the handling of drinks, food or food products shall submit to such physical examination as the Health Director deems necessary and reasonable in order to determine if any of such diseases are present.

Written permits must be renewed at least every six months or more frequently if deemed necessary by the Health Director. Any person, who, in applying for a permit to handle drinks or food or food products, makes a false statement in the application, shall be denied a permit for six months from date of detection of the false statement.

No person who is engaged in the preparation, handling or serving of food shall commit any insanitary act of any kind.

(1969 Code §10-1)

1107.02 SANITATION OF FACILITIES, UTENSILS; METHODS.

(a) Cleanliness of Equipment. All utensils and appliances, machines, refrigerators, racks, moulds, trucks, tables, blocks, counters, soda fountains, scales, towels, napkins, table covers and all other equipment or articles in use in the preparation, storage, serving or distributing of food products shall be maintained in a clean and sanitary manner.

(b) Dishwashing Facilities. All food establishments where food products are prepared, served or sold which have any dishes, utensils or machinery to be washed shall provide at least the following:

- (1) An adequate, accessible supply of hot and cold water of a quality suitable for drinking purposes.
- (2) A two-compartment sink or tank and drainboard constructed of smooth nonabsorbent material or a mechanical dishwasher of proven efficiency. Wood effectively covered with metal shall be construed as nonabsorbent.
- (3) Facilities for the storage of clean dishes, glassware, utensils and equipment that will protect them against dirt, dust, flies and other contaminating influences.

(c) Washing Methods. All dishes, glassware, silver and other implements after each single service shall:

- (1) Be thoroughly washed in a soap or cleansing powder solution, and
- (2) Immersed for a period of one minute in clear water which has a minimum temperature of one hundred eighty degrees Fahrenheit, or immersed for a period of two minutes in a chlorine solution containing at least one hundred parts per million free chlorine.

This shall not exclude any other method approved by the Health Director.
(1969 Code §10-2)

1107.03 FOOD IN BASEMENTS.

Food and drinks intended for sale shall not be handled, stored, offered for sale, prepared for sale or sold in any cellar or basement unless approved by the Health Director, nor in any stable or in any room or place which is dark, damp, poorly ventilated or insanitary.
(1969 Code §10-3)

1107.04 CONDITION OF PREMISES GENERALLY.

No food, foodstuff or drinks shall be handled, stored, prepared for sale, offered for sale, served or dispensed in any place that is unclean, filthy, insanitary or where flies, rats, cockroaches or any vermin are present, nor in any barbershop or hairdressing establishment or in any room connecting with any barbershop or hairdressing establishment. No person shall be allowed to sleep in any room where food is handled, stored or prepared for sale, offered for sale, served or dispensed. In the event that any place, room or building where food or foodstuff is handled, stored, prepared for sale, offered for sale, served or dispensed becomes dirty, filthy, infested with vermin or rodents or insanitary in any manner, the owner, manager, lessee or occupant shall be given reasonable notice to remedy the condition within a stated reasonable time and if the owner, manager, lessee, or occupant fails to remedy the condition within the time given, the Health Director shall have the right to close his place of business or storeroom, and shall keep the place closed until such time as the place has been put in a clean and sanitary condition.
(1969 Code §10-4)

1107.05 DISPLAYING OF FOODS; WRAPPING.

No person shall display for sale outside of any building or within any building, store or other place any beverage, food or food product, except in closed containers, so that they are protected from vermin, dust and dirt and other injurious contaminations. This shall not apply to fruits and vegetables which must be necessarily peeled, pared or cooked before used for human consumption. Displays must be elevated so that the bottom of the containers are not less than twenty-four inches above the surface of the sidewalks, steps or floors of the stores. Displays in watertight containers not less than twenty-four inches in height need not be elevated. Meat or any other article which may be used for human food without cooking, peeling, paring or shelling, or any food product not enveloped or protected from contamination by the touch shall not be handled by the public, and food vendors shall make provision by screening, covering or glass cases, against such handling. The screening or covering or glass cases shall be approved by the Health Director. The wrapping of food or foodstuff in anything but clean, fresh wrapping paper is prohibited.

(1969 Code §10-5)

1107.06 COLD STORAGE PRODUCTS.

All cold storage meats, eggs, poultry, fish, ice cream and other cold storage animal products shall be plainly labeled or branded to show the facts of cold storage to the consuming public. The term "cold storage" means the storing and preservation of food products by cold. Such labeling and brandings is not necessary where the ice or refrigeration is incident to the preservation of the fresh unstored product from the producer to the customer and without unnecessary delay.

No retailer shall handle cold storage products, or other products required to be preserved with ice, without efficient icing arrangements or refrigeration therefor. No such products shall be exposed to warm temperature, and all such products shall be handled as otherwise specified in this article and the laws of the State.

No product shall be served or sold in the City which has been once removed from cold storage and exposed to the retail markets for sale and sent back to cold storage, including turkeys, chickens and similar products which are taken out, for example, for the Thanksgiving and other markets, and exposed in the retail market, and which, not being sold, are returned to storage for the Christmas or other markets. Cold storage foods shall be delivered direct from cold storage, through proper facilities and sanitary conditions in the retail market, to the consuming public, and the sale of any such product which has been subject to any conditions which would render it contaminated, unwholesome or unfit for food, shall be prohibited.

The signs and labeling, as specified herein, shall obtain with respect to products coming into the City, between the producer or packer and the wholesale trade, and between the wholesale trade and the general public. Restaurants and hotels supplying the stored products shall display signs on the menu, or otherwise to that effect. No product shall be sold as "fresh", "strictly fresh" or "from the country", or by similar description which is a stored product or which is not as represented; nor, shall any product be sold as a cold storage product when such is not the case, or which has been so exposed or kept as to deteriorate in quality after leaving cold storage, but shall have the additional facts stated on the signs and labeling in the manner as may be directed by the Board of Health.

(1969 Code §10-6)

1107.07 DECAYED OR CONTAMINATED FOOD.

No food or drink shall be sold or offered for sale which is decayed or is contaminated with offensive or poisonous substances, or is moldy to an abnormal degree, or in an abnormal state of fermentation. The Health Director, or his official agent, is hereby authorized to condemn and destroy any article which is unfit for food or drink according to the provisions of this section. (1969 Code §10-7)

1107.08 SALE OF MEAT OR FISH FROM VEHICLES.

No person shall sell meat or fish at retail from any wagon or other vehicle. (1969 Code §10-8)

1107.09 SLAUGHTERING ANIMALS.

No person shall slaughter animals within the City nor within one mile of the City limits except in places and under conditions prescribed or approved by the Health Director. No meat from an animal that has been slaughtered or cut up in a slaughterhouse or other place that is unclean or filthy, and no meat that has been transported under unclean or filthy conditions shall be sold or offered for sale. (1969 Code §10-9)

1107.10 CHICKEN PROCESSING PLANTS.

All chicken processing plants established or to be established within the City or within one mile of the City limits shall be required to obtain the approval of Council as to the location of the plant and shall further operate the plant in conformity with conditions prescribed or approved by Council. (1969 Code §10-10)

1107.11 IMPURE ICE.

No person shall sell, offer or expose for sale any impure ice or any ice which contains filth or any foreign substance. (1969 Code §10-11)

1107.12 MANUFACTURING ICE.

No ice shall be sold or exposed for sale except that manufactured from water approved by the Health Director. The Health Director may stop the manufacturing or sale of ice made from an impure or dangerous water supply. (1969 Code §10-12)

1107.99 PENALTY.

Whoever violates any provision of this article shall be fined not more than five hundred dollars (\$500.00).

ARTICLE 1123
Trailers

1123.01	Definitions.	1123.07	Sanitation.
1123.02	Trailers on private property.	1123.08	Lights in public rooms.
1123.03	Permits.	1123.09	Building, lighting and plumbing.
1123.04	Fees.	1123.10	Limit of stay; street parking overnight.
1123.05	Responsibility of owner; registration.	1123.99	Penalty.
1123.06	Layout.		

CROSS REFERENCES

Authority to regulate - see W. Va. Code 8-12-5(30)

Mobile Home Safety Act - see W. Va. Code Art. 21-9

1123.01 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Auto trailer" means any building or structure used for living or sleeping purposes and equipped with wheels or other means to facilitate movement from place to place, and automobiles, when used for living or sleeping purposes.
 - (b) "Auto trailer camp" means any lot or parcel of land used or intended to be used for the accommodation of two or more auto trailers.
 - (c) "Camp sewer" means a sewer constructed in any auto trailer camp for the service of auto trailers and connected to the City sewer or in case there is no City sewer in any street on which the auto trailer camp abuts, to a septic tank or cesspool.
 - (d) "Trailer unit" means a plot of land in an auto trailer camp used or intended to be used for the accommodation of not more than one auto trailer and not more than one automobile which is not an auto trailer.
- (1969 Code §25-1)

1123.02 TRAILERS ON PRIVATE PROPERTY.

No person shall place, keep or maintain any auto trailer on any land within the City without the express permission of the owner of the land, and no person shall allow or permit any auto trailer to be placed, kept or maintained on any land owned or controlled by him except in an auto trailer camp for which a permit has been issued by the Health Director. The occupant of any single-family dwelling may allow not more than one auto trailer of a nonpaying guest to be placed, kept or maintained thereon for a period not exceeding three months in any period of twelve months by securing a permit as provided in Section 1123.03 and otherwise complying with the provisions of this chapter relating thereto.

(1969 Code §25-2)

1123.03 PERMITS.

(a) Subject to the provisions of this article, auto trailer camps may be established and maintained in the City as provided in the Zoning Ordinance.

(b) Permits issued for auto trailer camps by the Health Director shall expire one year from the date of issue unless renewed as provided in this subsection. If the auto trailer camp is to be maintained for a period longer than one year, a renewal of the permit therefor shall be obtained from the Health Director. The renewal shall be for a period not exceeding one year and shall be applied for not less than fifteen days prior to the date of expiration of the permit.

(c) Any person desiring a permit to place or maintain a single auto trailer, as provided for in Section 1123.02, shall file with the Health Director an application therefor within forty-eight hours after the auto trailer is placed upon the ground of the single-family dwelling, on a form to be furnished by the Health Director. The application shall describe the property where the auto trailer is to be located, either by street and number or by legal description, shall give the date when it is desired to place the auto trailer on the property, the date of expiration of the permit, a statement by the applicant that any toilet in the auto trailer will be sealed so that it cannot be used during the period of its stay on the property, and that all waste water from sinks and lavatories in the auto trailer will be disposed of in the sewer or in a cesspool if there is no sewer, but not upon the ground in any event. Permits issued under this subsection shall expire three months after date of issue and no other permit shall be issued for the same lot or parcel of land during the nine months following the expiration date.

The Health Director is hereby authorized in the exercise of a reasonable discretion to revoke any permit issued pursuant to this subsection if, after due investigation, he determines that the holder thereof has violated any of the provisions of this article, or that the auto trailer is being maintained in an unsanitary or unsafe manner or is a nuisance. Written notice of such revocation shall be given either by personal delivery thereof to the person to be notified, or by depositing the notice in the United States registered mail in a sealed envelope, postage prepaid, addressed to the person at the address which appears on the records of the Health Director pertaining thereto.

(d) Any person desiring a permit for an auto trailer camp shall file an application therefor with the Health Director on a form to be furnished by him. The application shall give the location by street number and legal description of the property on which the auto trailer camp is to be established and maintained, the dimensions of the property, the number of units in the camp and such other information as the Health Director may reasonably require. A plot plan in duplicate of the property shall be filed by the applicant with his application drawn to a scale of not less than one-eighth of an inch per foot, showing the location and dimensions of all the units, roads, buildings, sewer connections, water connections, electric outlets, baths, toilets and other essential requirements of this article.

(e) Where no work is done under a permit within ninety days of its issuance, it shall become null and void.

(f) Permits issued under the terms of this article convey no right to erect any building other than auto trailers or to do any plumbing work or to do any electrical work. Regular building, plumbing, electrical or other permits as required by the provisions of these Codified Ordinances or other ordinances of the City shall be secured for all such work.

(g) Permits other than those issued pursuant to subsection (c) may be revoked by the Health Director for violation of the provisions of this article, or if the auto trailer camp is maintained in any unsanitary or unsafe manner or in a manner such as to create a nuisance.

(h) No such permit shall be revoked until a hearing upon notice by the Health Director is first had. Written notice of the time and place of the hearing shall be given at least five days before the hearing. The notice may be given either by personal delivery thereof to the person to be notified, or by deposit in the United States registered mail in a sealed envelope, postage prepaid, addressed to the person to be notified at the address which appears on the record pertaining to the matter to which the notice is directed. The notice shall state in clear and concise language the reasons for revocation of the permit and the time when and the place where the hearing is to be held. The Health Director may continue the hearing from time to time upon good cause being shown therefor.
(1969 Code §25-3)

1123.04 FEES.

(a) Each application for a permit to establish an auto trailer camp shall be accompanied by a fee in the amount of five dollars and fifty cents (\$5.50) for each trailer and unit therein. Each application for the annual renewal of the permit shall be accompanied by a fee of five dollars (\$5.00) for each trailer unit therein.

(b) Each application for a permit for a single auto trailer, as provided for in Section 1123.02, shall be accompanied by a fee of one dollar (\$1.00).

(c) The Health Director shall cause an accurate account to be kept of all fees collected under the terms of this article which account shall show the date of collection, by whom paid, the address for which the payment is made and the amount of each such fee. He shall cause all fees collected hereunder to be, from time to time, transferred to the Director of Finance.
(1969 Code §25-4)

1123.05 RESPONSIBILITY OF OWNER; REGISTRATION.

(a) The owner or operator of every trailer camp, before allowing any auto trailers therein, shall file with the Chief of Police and the Health Director the name of the person who will be in continuous responsible charge of the camp, and who is authorized to act for him. The person in charge shall be sworn in as a special police officer. Any change in the person in charge shall be immediately reported to the abovementioned officers.

(b) In every auto trailer camp there shall be an office building in which is located the office of the person in charge of the camp. The camp register shall at all times be kept in the office.

(c) The owner, operator or person in charge of any auto trailer camp shall:
(1) Keep at all times a register of all persons staying in his camp, which register shall at all times be open to the officers of the City and which shall record the names and home addresses of all persons staying in the auto trailer camp, the date of their arrival, date of their departure, the number of and state in which the driver's license of the person was issued, the license number of all auto trailers and automobiles in the camp, the name of the state or county in which

- they are registered, the trailer unit on which each is located and the place at which the last overnight stop was made.
- (2) Maintain the camp in a clean, orderly and sanitary condition at all times.
 - (3) Allow no more than one auto trailer and one automobile on any one trailer unit at any one time.
 - (4) Require that all the auto trailers and automobiles be located on their respective trailer units as required by the terms of this article.
 - (5) Require all toilets in every auto trailer in the camp to be connected to the camp sewer or, in case any such toilet is so constructed that it cannot be so connected, require it to be sealed so that it cannot be used during the total time it remains in the camp.
 - (6) Require every sink and every lavatory in any auto trailer in the camp to be connected to the camp sewer during its entire stay in the camp.
 - (7) See that all required lights are kept lighted as provided in Section 1123.08.
 - (8) See that all garbage is deposited in the garbage cans required by Section 1123.07 and to see that all such garbage cans are collected, cleaned and redistributed as required by such section.
 - (9) Permit no domestic animal in the camp unless the animal is kept on a leash or is confined in an adequate enclosure.
 - (10) Report promptly to the proper authorities any violations of law which may come to his attention.
 - (11) See that no person overstays his legal limit of residence in the camp.
 - (12) Post in a waterproof holder in a conspicuous place in each trailer unit a copy of this section. (1969 Code §25-5)

1123.06 LAYOUT.

(a) Every auto trailer camp shall have access to a public street either by abutting directly on the street or by means of a private road not less than ten feet wide. Along one side of the private road for its full length, shall be a walkway not less than three feet wide and raised six inches above the roadway. The roadway from the street line into, and every road required by the terms of this article within, any auto trailer camp shall be paved or constructed in a manner suitable to the City Engineer.

(b) Roadways not less than ten feet wide shall be provided in every auto trailer camp so located that each and every trailer unit shall have direct access thereto.

(c) The entire area of every auto trailer camp, exclusive of roadways, well-maintained lawns and planted areas, shall be thoroughly graveled or paved.

(d) Every auto trailer camp shall be surrounded on all sides, except those sides directly abutting on a public street, with a fence not less than six feet high constructed and maintained so as effectively to prevent the passage of persons. There shall be no opening or gate in the fence except with the written approval of the owner of the immediately adjoining land, which approval shall be filed with the Health Director

(e) Each trailer unit in every auto trailer camp shall contain not less than six hundred square feet of ground and shall not be less than twenty-five feet in minimum width measured at right angles to the side lines thereof. The boundary lines of every trailer unit shall be

plainly and permanently marked or otherwise indicated.

(f) There shall be not less than five feet between any part of any auto trailer and any boundary line of the trailer unit on which it is located.

(g) No automobiles or tow cars parked on any trailer unit shall extend beyond the boundaries of the unit.
(1969 Code §25-6)

1123.07 SANITATION.

(a) On each and every trailer unit there shall be a connection to a camp sewer arranged so that the sanitary fixtures in any auto trailer may be readily connected thereto. Immediately after being placed on a trailer unit, every auto trailer shall have all its sanitary fixtures connected to the sewer or sealed so that they cannot be used. Every such connection shall be by means of rigid pipe. Hose connections are not permissible.

(b) On each trailer unit shall be an ample supply of water for the use of the occupants thereof. There shall be two outlets on such service, both of which shall be adapted for hose connection.

(c) In every auto trailer camp there shall be provided not less than one public toilet for each sex for every ten trailer units or fraction thereof. In addition thereto there shall be one urinal for every ten trailer units. All toilet and urinal rooms shall have hard, smooth finished, cement floors and shall have walls plastered with Portland cement plaster with a polished steel trowel finish. All corners shall be rounded with a fillet of not less than one-half inch radius. Walls and floors may be finished in nonabsorbent tile in lieu of the cement finish specified above.

(d) In every auto trailer camp there shall be provided one bathtub or stall shower for each sex for every ten trailer units or fraction thereof. All such baths shall be provided at all times with an ample supply of hot and cold water. Bathrooms shall be constructed as specified for toilet rooms in subsection (c) hereof.

(e) In every auto trailer camp there shall be provided not less than one double compartment laundry tray and one lavatory for every ten trailer units and all such fixtures shall be at all times provided with an ample supply of hot and cold water. All the fixtures shall be installed in rooms constructed as specified for toilet rooms in subsection (c) hereof. All bathrooms shall be supplied with adequate heating equipment maintained in proper operating condition.

(f) In every auto trailer camp there shall be provided not less than one sink and one slop sink for every ten trailer units, and such fixtures shall be supplied with an adequate supply of hot and cold water.

(g) No trailer unit shall be more than two hundred feet from any of the sanitary fixtures required by this section to serve the trailer unit.

(h) Under and around every laundry tray, sink, lavatory and slop sink there shall be a concrete or tile floor and such floor shall extend three feet in all directions beyond the fixture.

(i) Every trailer unit shall be provided with a substantial covered garbage can as required by Article 957 for residences in the City. Such garbage can shall be kept on a concrete pavement not less than three feet square and four inches thick, with a smooth troweled top. In every auto trailer camp all the garbage cans shall be collected at one convenient place prior to garbage collection time on each day on which garbage is collected in that district. Immediately after the garbage has been collected, all the cans shall be carefully cleaned and returned to their respective trailer units.

(j) Every auto trailer camp shall be provided with a masonry incinerator, of a size suitable to handle the combustible wastes of the camp, and located as directed by the Chief of the Fire Department.

(k) In every auto trailer camp where automobiles or trailers are washed or are to be washed, there shall be installed a wash rack and no such washing shall be done except on the wash rack. All the wash racks shall be paved with a continuous concrete floor slab not less than fifteen feet by twenty-five feet by four inches thick and all parts thereof shall slope toward a drain so connected as to dispose of all waste water without nuisance or creation of an unsanitary condition.

(1969 Code §25-7)

1123.08 LIGHTS IN PUBLIC ROOMS.

Every public toilet and every public urinal room shall be lighted from one-half hour after sunset of each day until one-half hour before sunrise of the succeeding day. Such lighting shall be provided in an amount not less than one-half watt per square foot of floor area in any such room. Every public bath, laundry tray, sink and slop sink shall be supplied with lights which may be turned on by the person using the room.

(1969 Code §25-8)

1123.09 BUILDING, LIGHTING AND PLUMBING.

All building, lighting and plumbing in every auto trailer camp, not herein otherwise provided for, shall be installed and maintained subject to the approval of the City Engineer and the Chief of the Fire Department.

(1969 Code §25-9)

1123.10 LIMIT OF STAY; STREET PARKING OVERNIGHT.

No person shall live for more than three months in any period of six months in any auto trailer camp, or nor shall any person in charge of an auto trailer camp allow any person to do so or allow any auto trailer to remain in the auto trailer camp for more than three months in any period of six months.

No auto trailer shall be permitted to park on any street in the City overnight.

(1969 Code §25-10)

1123.99 PENALTY.

Whoever violates any provision of this article shall be fined not more than five hundred dollars (\$500.00).