

Chapter 8 - Health and Sanitation

ARTICLE I. - IN GENERAL

Secs. 8-1—8-25. - Reserved.

ARTICLE II. - FOOD SERVICE ESTABLISHMENTS

DIVISION 1. – GENERALLY

Sec. 8-26. - Conformance to rules, code.

The definitions; the inspection of food service establishments; the issuance, suspension and revocation of permits to operate food service establishments; the prohibiting of the sale of unsound or mislabeled food or drink and the enforcement of this article shall be regulated in accordance with the state department of health, division of food and drugs, Rules on Food Service Sanitation, Rules 301.73.11.001 through 301.73.11.011, three (3) certified copies of which shall be on file in the office of the city secretary; provided that the word municipality in such rules shall be understood to refer to the City of Pine Forest and the words regulatory authority shall be understood to refer to the Orange County Health Department.

Sec. 8-27. - Penalty.

Any person who violates this article is guilty of a misdemeanor punishable as provided in section 1-5 of this Code.

Secs. 8-28—8-40. - Reserved.

DIVISION 2. – PERMITS

Sec. 8-41. - Required.

No person shall operate a food service establishment without a valid permit issued to him by the regulatory authority. Only a person who complies with the requirements of the rules adopted in section 8-26 shall be entitled to receive or retain such a permit. Permits are not transferable.

Sec. 8-42. - Issuance on application, inspection, compliance.

- (a) Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the regulatory authority. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment and the signature of each applicant.
- (b) Prior to approval of an application for a permit the regulatory authorities shall inspect the proposed food service establishment to determine compliance with the requirements of these rules.

- (c) The regulatory authorities shall issue a permit to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of these rules.

Sec. 8-43. - Fees.

The city council may prescribe permit fees for all food and food establishment permits from time to time.

Sec. 8-44. - Display.

A valid permit shall be posted in every food service establishment.

Sec. 8-45. - Suspension, notice.

- (a) The regulatory authority may without warning, notice or hearing suspend any permit to operate a food service establishment if the holder of the permit does not comply with the requirements of these rules or if the operation of the establishment does not comply with the requirement of the rules or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by paragraph (b) of this section. When a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within twenty (20) days after receipt for a request for a hearing.
- (b) Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of the permit within ten (10) days. If no written request for a hearing is filed within ten (10) days, the suspension is sustained. The regulatory authority may end the suspension any time if reasons for suspension no longer exist.
- (c) The notice provided for in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.

Sec. 8-46. - Hearings.

The hearings provided for in these rules shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

Sec. 8-47. - Revocation.

The regulatory authority may, after providing opportunity for a hearing, revoke the permit for serious or repeated violations of any of the requirements of these rules or for interference with the regulatory authority in the performance of its duties. Prior to revocation, the regulatory authority shall notify the holder of the permit or the person in charge, in writing of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of ten

(10) days following service of such notice unless written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

Sec. 8-48. - Reapplication.

Whenever a revocation of a permit certificate becomes final, the holder of the revoked permit, may make written application for a new permit.

Secs. 8-49—8-60. - Reserved.

DIVISION 3. – INSPECTIONS

Sec. 8-61. - Frequency access.

Each food service establishment shall be inspected at least once every year. Additional inspections will be made as often as is necessary for the enforcement of these rules. Agents of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time, for the purpose of making inspections. The agent shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used, or to persons employed.

Sec. 8-62. - Report.

Whenever an inspection is made the findings shall be reported on an inspection report form. This form shall summarize the requirements of these rules and shall set forth the weighted point value for each requirement. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred (100). A copy of the inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it.

Sec. 8-63. - Suspected disease transmission.

When the regulatory authority has reasonable cause to suspect the possibility of disease transmission from any food service establishment employee, it may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:

- (1) The immediate exclusion of the employee from all food service establishments;
- (2) The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists;
- (3) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
- (4) Adequate medical and laboratory examination of the employee, of other employees and his and their body discharges.

Sec. 8-64. - Correction of violations.

- (a) The inspection report form shall specify a reasonable time during which violations must be corrected and they shall be corrected within the period specified, in accordance with the following provisions:
- (1) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations and not resume such operations until authorized by the regulatory authority.
 - (2) All violations of a four- or five-point weighted item shall be corrected as soon as possible, but in any event within ten (10) days following inspection. Within fifteen (15) days after inspection, the holder of the permit shall submit a written report to the regulatory authority stating that the four- or five-point violations have been corrected. The follow-up inspections shall be conducted to confirm correction.
 - (3) All one- or two-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.
 - (4) When the rating score of the establishment is sixty (60) or less, the establishment shall initiate corrective action on all identified violations within forty-eight (48) hours. One (1) or more re-inspections shall be conducted at reasonable intervals to insure correction.
 - (5) In the case of temporary food service establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the regulatory authority.
- (b) The inspection report shall state the failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for appeal from the inspection findings and time limitations will be provided if a written request for hearing is filed with the regulatory authority within ten (10) days following cessation of operations. If the request for hearing is received, a hearing shall be held within twenty (20) days of receipt of such request.
- (c) Whenever a food service establishment is required under the provisions of this rule to cease operations, it shall not resume operations until such time as a reinspection determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

Secs. 8-65—8-75. - Reserved.

DIVISION 4. - EXAMINATION AND CONDEMNATION OF FOOD

Sec. 8-76. - Hold order.

Food may be examined or sampled by the regulatory authority as often as necessary for the enforcement of these rules. The regulatory authority may, upon written notice to the owner or person in charge specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of subsection (a) of Rule 301.73.11.003, or any other provision of these rules. The regulatory authority shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or moved from

the establishment. The regulatory authority shall permit storage of food under conditions specified in the hold order unless storage is not possible without risk to public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for a hearing may be filed within ten (10) days, but if no hearing is requested, the food shall be destroyed. The hearing shall be held if so requested, and on the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of these rules.

Secs. 8-77—8-90. - Reserved.

DIVISION 5. - REVIEW OF PLANS

Sec. 8-91. - Submission of plans.

Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion is begun. The regulatory authority shall approve the plans and specifications if they meet the requirements of these rules. No food service establishment shall be constructed, extensively remodeled or converted except in accordance with plans and specifications approved by the regulatory authority.

Sec. 8-92. - Preoperational inspection.

Whenever plans and specifications are required to be submitted to the regulatory authority, the regulatory authority shall inspect the food service establishment prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements of these rules.

Secs. 8-93—8-110. - Reserved.