



Legislation Text

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Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 15, Food and Food Establishments, Article, II, Division 2, Section 15-67, Division, 3, Sections 15-86, 15-87, 15-88, and 15-89, Division 4, Section 15-98, and Article III, Section 15-107, to Conform to Changes to State Law

**PURPOSE/BACKGROUND:**

Effective July 1, 2018, the state food regulations will change in a way that would make the City Food Code inconsistent. Therefore, the attached amendment is proposed to make the City Food Code with respect to certain food handling permits consistent with the new state regulations. These are housekeeping amendments.

**Recommendation:**

Approve the Amendment

**BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 15 of the City Code of the City of Hampton, Virginia be amended to read as follows:

**CHAPTER 15. FOOD AND FOOD ESTABLISHMENTS.**

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**ARTICLE II. - FOOD ESTABLISHMENTS GENERALLY**

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**DIVISION 2. OPERATOR'S PERMIT**

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**Sec. 15-67. Prerequisite to issuance of license.**

No license to operate a food establishment shall be issued by any officer or agent of the city until an operator's permit issued pursuant to 12 VAC 5-421-3660 is presented by the applicant, a plan review has been completed, and an application and plan review fee as determined by the health authority is paid by the applicant.

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**DIVISION 3. FOOD HANDLER'S CARD**

Sec. 15-86. - Required.

- (a) It shall be unlawful for any employee who does not possess an unexpired or unrevoked food handler's card issued under this division to work in any food establishment in the city, unless such employee is required to have a food service manager certificate pursuant to section 15-98 or unless otherwise exempted by the health authority.
- (b) The operator of a mobile food service facility shall be required to obtain a food handler's card under this division, before operating any mobile food service facility within the city, unless the operator is required to have a food service manager certificate pursuant to section 15-98.
- (c) It shall be unlawful for any person operating a food establishment to employ any person to work therein, unless such person has a valid food handler's card issued under this division or a food service manager certificate pursuant to section 15-98, unless otherwise exempted by the health authority.
- (d) Anyone need a food handler's card shall make application to the health authority and pay the application fee of \$10.00.

**Sec. 15-87. To whom issued.**

Food handlers' cards required by this division shall be issued by the health authority only to employees who shall furnish such information and laboratory specimens, submit to such physical examination and tests as the health authority may require, and who have received such instructions in personal hygiene and food establishment sanitation as may be offered or required by the health authority.

**Sec. 15-88. - Term.**

Each food handler's card issued under this division shall remain in force for not more than two years or until revoked by the health authority for cause.

**Sec. 15-89. - Posting.**

A food handler's card issued under the provisions of this division shall be kept posted in the place of employment of the holder thereof, together with a complete list of all employees of the food establishment in question.

**DIVISION 4. FOOD SERVICE MANAGER CERTIFICATE**

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**Sec. 15-98. Food service manager; responsibilities; certification.**

- (a) No person shall operate a food establishment unless there is at least one full-time certified food service manager on staff.

(b) The food service manager shall be responsible for training employees and for establishing sanitary food handling procedures. Written documentation of a training program and training records of individual employees shall be available upon request by the health authority.

(c) Before a food service manager's certificate is issued, the applicant must pay a fee of 15 dollars and show proof of having successfully completed a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Certification Programs.

(d) Such certificate shall be issued in the name of the individual only and shall be valid for a period documented on the individual's current certification program certificate. A food service manager's certificate is not transferable from one person to another.

(e) A food service manager's certificate shall be renewed for a period documented on the individual's current certification program certificate, upon payment of a fee of 15 dollars to the health authority.

(f) The health authority may require certified supervisory personnel to successfully complete additional training as specified by the health authority when:

(1) The employing food establishment has repeated or persistent violations of critical health code requirements and effective corrective action has not been taken over a reasonable period of time as determined by the health authority; or

(2) The employing food establishment is suspected with reasonable cause by the health authority as the source of foodborne illness.

All costs associated with required training or testing shall be the responsibility of the food establishment or the individual food service manager.

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This ordinance amendment shall be effective July 1, 2018.