

UNION TOWNSHIP
LAWRENCE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE TOWNSHIP OF UNION, LAWRENCE COUNTY, PENNSYLVANIA,
SAFEGUARDING THE HEALTH OF CONSUMERS AT EATING AND DRINKING PLACES AND
ADOPTING 7 PA CODE CHAPTER 46, MODEL FOOD CODE.

BE IT ORDAINED BY THE TOWNSHIP OF UNION, Lawrence County, as follows:

- SECTION 1: Purpose
- SECTION 2: Definitions
- SECTION 3: Annual license fee
- SECTION 4: Interceptors
- SECTION 5: Revocation for fee delinquency
- SECTION 6: Revocation for food code violations
- SECTION 7: Operating without a license
- SECTION 8: Adoption of the 7 PA Code Chapter 46
- SECTION 9: Mobile Food Vendors
- SECTION 10: Food Delivery Service
- SECTION 11: Complaints
- SECTION 12: Effective Date
- SECTION 13: Penalty

SECTION 1: PURPOSE.

The purpose of this ordinance is to safeguard the public health and ensure that consumers are provided food that is safe, unadulterated, and honestly presented.

SECTION 2: DEFINITIONS.

(a) "New Retail Food Establishment" means a Retail Food Establishment that is requesting an Annual Food License to begin operations for a location they do not have licensed in their name for more than 14 days. This Retail Food License is issued for a period of 12 months.

(b) "Renewal" means the re-issuance of an Annual Food License for Retail Food Establishment operated for more than fourteen days per year that is not a Mobile Food Vendor. This Retail Food License is issued for a period of 12 months.

(c) "Food Delivery Service License" means a license issued to any person or business that delivers food to a consumer by any means. One license will cover all employees of a single

business and can be photocopied as needed. Non-Profit, School, Youth, and Charitable organizations are exempt. This Retail Food License is issued for a period of 12 months.

(d) "Nuisance Inspection" means an inspection for any Licensed Retail Food Establishment requiring more than two (2) inspections in a twelve (12) month period due to repeat violations or verified complaints.

(e) "Follow-up Inspection" means an inspection to review whether changes have been made to correct violations resulted in noncompliant status determined by a prior inspection.

(f) "License" means Retail Food License as defined by 7 PA Code Chapter 46 and Act 106 of 2010 Subchapter A, Retail Food Safety Act.

(g) "Other Inspection Fee" means an inspection that is required under PA Act 106 of 2010 for a Retail Food Facility or for a Retail Food Facility that is exempt from Licensing (but not inspection) under Subchapter A, Retail Food Safety Act, or an inspection that is not required but is requested by the owner or operator of a current or future Retail Food Facility for any reason. The Other Inspection Fee is due at the time of the inspection. A Certificate of Inspection will be issued after a compliant inspection is completed and all fees collected.

(h) "Mobile Food Vendor" means any food vendor that is operating in a trailer, tent or vehicle, or any other structure that is not located inside a permanent commercial structure that is serviced by municipal water and sewer services.

(i) "Mobile Food License" means a License issued for a Mobile Food Vendor in a specific category.

(1) "Ice Cream Truck" means a single vehicle that sells Retail Food Items that are frozen desserts that is mobile and travels the Township for sales. This Mobil Food License is issued for a period of 12 months.

(2) "Temporary Retail Food License" means a food vendor that is operating in a single trailer, tent or vehicle or any other structure that sells Retail Food Items for a period of 14 days or less at any one single event or Celebration. This Retail Food License is issued for a period not more than 14 days.

(3) "Farmers Market Vendor" means a food vendor that is operating in a trailer, tent or vehicle or any other structure that sells raw agricultural commodity at the Farmers Market. This Retail Food License is issued for the season of the Farmers Market.

(4) "Food Truck" means a food vendor that is operating in a single trailer or truck that sells Retail Food Items for a period of more than 14 days. A maximum of 200 square feet of any type of structure is allowed for each license.

(j) "Transient Sales License" means a license issued to any person, firm or corporation, as principal or agent, or both, which engages in, does or transacts any temporary or transient business in this Township, either in one locality or in traveling from place to place in the Township, offering for sale or selling goods, wares, merchandise, food or beverages, and including those who, for the purpose of carrying on such business, hire, lease, use or occupy any permanent or mobile building, structure, motor vehicle including trucks, or real estate for the exhibition by means of samples, catalogues, photographs and price lists or sale of such goods, wares or merchandise.

SECTION 3. ANNUAL LICENSE FEE.

(a) New Retail Food Establishment

New Retail Food establishments \$200.00

(b) Renewal

Renewal \$150.00

(c) Temporary Licenses:

Temporary Retail Food License	\$50.00
Temporary Retail Food License Current licensed establishment	\$35.00
Temporary Retail Food License for 501C3 not for profit group	\$0.00
Ice Cream Truck/ Food Truck New License	\$200.00
Ice Cream Truck/ Food Truck Renewal	\$150.00
Farmer Market License	\$0.00

(d) Food Delivery Service Licence

Food Delivery Service License current licensed establishment	\$0.00
Food Delivery Service License per business	\$0.00

(e) Nuisance Inspection Fee

\$50.00

(f) Follow-up Inspection Fee

For the first follow-up inspection during the previous 12 months	\$150.00
For a second or subsequent follow-up inspection during the previous 12 months	\$300.00

(g) Other Inspection Fee

\$100.00

(h) A nuisance inspection fee or follow-up inspection fee is due at the time of each nuisance inspection or follow-up inspection payable to the Township.

(i) An application fee is to be paid at time of application and shall be payable to the Township. No application will be processed or a License issued until all fees owed to the Township are paid. If a License is suspended, denied or revoked, no part of the fees paid are to be refunded.

(j) Applications and fee for a License renewal are due one (1) month prior to the expiration date of the current License.

(k) It is the responsibility of the applicant to obtain and submit all required applications and forms in a timely manner for all Licenses requested.

(l) A Commonwealth of Pennsylvania recognized valid photo ID and a PA Sales and Use Tax License is required for all applications submitted for Licenses. A copy will remain on file with the application. Current contact information must be submitted and remain on file and must include phone, address, and alternative numbers for 24 hour emergency use. Updates to this information must be submitted no later than three (3) days after the change takes place.

(m) In the event the respective license fee charged pursuant to Subsections (a) through (g) recited above, is not paid on or before the fifth (5th) day of the succeeding month the fee is due, the licensee shall be charged a late fee in the amount of thirty-five (\$35.00) dollars for each month the respective license fee remains outstanding thereafter.

SECTION 4: INTERCEPTORS.

(a) Interceptors for oil, grease and other substances harmful or hazardous to the building drainage system, the public sewer or sewage treatment plant or processor shall be provided by the licensee. A licensee may be excused for the period of the license, from the interceptor requirement when in the opinion of the Township Engineer and confirmed by the Code Official, there are no substances harmful to the Township sewers being discharged by the licensee.

(b) Approval of interceptors shall be obtained from the Code Enforcement Officer or other Township Authorized agent as required by the provisions of the International Property Maintenance Code.

(c) Each interceptor, if required, shall be so installed as to provide ready accessibility to the cover and means for servicing and maintaining the interceptor in working and operating conditions. The use of ladders or the removal of bulky equipment in order to service interceptors shall constitute a violation.

(d) Proof of regular service must be presented if requested during an inspection for the previous two years.

SECTION 5: REVOCATION FOR FEE DELINQUENCY.

(a) Should any establishment become delinquent in its license fee as required by Section 3, such license shall be revoked after due notice of fourteen (14) calendar days. The establishment shall cease operations when the license is revoked.

(b) Should any establishment become delinquent in fines, fees, or other monies owed to the Township, such license shall be revoked after due notice of fourteen (14) calendar days. The establishment shall cease operations when the license is revoked.

SECTION 6: REVOCATION FOR FOOD CODE VIOLATIONS

(a) All Food Establishments shall conform to all standards in accordance with 7 Code PA Chapter 46.

(b) Any establishment found not conforming to the standards set forth by Section 6 (a) may be cited as per Section 13. In addition, they may have their License revoked or suspended immediately. Revocation or suspension will be determined by the Health Officer based on the risk for an imminent health hazard to the public. The establishment shall cease operations immediately when the license is revoked or suspended. A license may be suspended for any length of time appropriate up to 72 hours as determined by the Health Officer.

(c) Shall the License be revoked, a new License may be applied for by the Licensee after a period of one (1) year with all fees paid prior to re-issuance and must include a plan review as outlined in the Food Code.

(d) Shall the License be suspended for a period of time, a complete re-inspection must be completed and written permission to continue operations obtained from the Health Officer. Any fees owed to the Township must be paid in full prior to resuming operations.

(e) A sign shall be posted on the entry door(s) of any establishment whose license is suspended or revoked stating "Closure by the Board of Health". This sign shall remain posted during the time of the closure and if removed shall be considered a violation and a separate violation for each day it remains removed. The sign will be dated, signed by the Health Officer, have the contact information of the Health Officer and will state, "It must remain in place until removed by the Health Officer and it is a violation finable up to \$1,000.00 per day if it is removed".

(f) Should the Licensee request a hearing for a License that has been suspended or revoked, a hearing will be held by the Township Supervisors within 10 business days after receiving written notification requesting the hearing. The Licensee will be notified in writing of the date, time and place. The Township Supervisors will review all facts and statements and render a written decision within 2 business days. A hearing must be requested within 30 days after the revocation or suspension. A record of the proceeding shall be made either by stenographic means or electronic recording. The method of the means of recording is at the discretion of the Supervisors. A Licensee may appeal an unfavorable decision of the Township

Supervisors by filing an appropriate action challenging the Supervisor's findings with a court of appropriate jurisdiction.

SECTION 7: OPERATING WITHOUT A LICENSE

(a) Any Retail Food Establishment found operating without a License shall allow an inspection without delay. Refusal of inspection shall be considered a separate violation and subject to Penalty under Section 13.

(b) Any Retail Food Establishment found operating without a License shall cease all operations immediately upon order of the Health Officer. To not immediately cease operations shall be considered a separate violation and subject to Penalty under Section 13. The establishment shall be posted as in Section 6.

(c) To operate a Retail Food Establishment without a License violates this ordinance and 7 Code PA Chapter 46 and is subject to Penalty under Section 13.

SECTION 8: ADOPTION OF THE 7 PA CODE CHAPTER 46

The provisions, terms, procedures, appendices, and standards in 7 PA Code Chapter 46 with the exception of section 46.1141 License Requirements are adopted to the extent they do not conflict with the requirements of this ordinance.

SECTION 9: MOBILE FOOD VENDORS

(a) All Mobile Food Vendors must be identified by displaying the Name, Township, and State of the Business or Licensee in at least 3 inch letters in a conspicuous place.

(b) All Mobile Food Vendor Licenses are issued to a single trailer, tent or vehicle or any other structure at a single location and are not transferrable to any other trailer, tent or vehicle or any other structure or any other location.

SECTION 10: FOOD DELIVERY SERVICE

(a) All Food Delivery Services must operate in a manner to prevent food borne illness. Special consideration to possible contamination of the food products, the proper time and temperature controls for the food products, and that the food products are delivered unadulterated.

(b) One Food Delivery Service License is required for each Retail Food Establishment that is delivering food products in the Township and can be photocopied, or a picture of the License stored in a phone or other device for presentation to the Health Officer upon request.

(c) Food Delivery Service vehicles must be identified with the company name or logo on them while making deliveries in the Township.

(d) A Vehicle delivering food to a consumer in the Township is subject to inspection to identify any risks that could lead to food borne illness. Refusal of an inspection would suspend or revoke the license of the establishment at the discretion of the Health Officer.

(e) The time the food order was completed and the time the order left a Licensed Retail Food Facility is required to be documented and produced upon request of the Health Officer.

(f) At the discretion of the Health Officer, violations of this ordinance may be cited against the person delivering the food, the Retail Food Establishment, or both parties based on the nature and severity of the violation.

SECTION 11: COMPLAINTS

(a) All complaints involving any health related issue will be filed at the discretion of the Health Officer either over the phone or by filling out a Health Complaint Form in its entirety.

(b) All complainants will remain anonymous to all others except to the Health Officer and the Township Supervisors. All complainants must disclose their identity to the Health Officer.

(c) At the discretion of the Health Officer a complaint may be considered in any format if the complaint warrants such action.

(d) Any person that provides false or misleading information to the Health Officer or the Township Supervisors relative to any Health Issue may be found in violation of this Ordinance and subject to penalty under Section 13.

SECTION 12: EFFECTIVE DATE

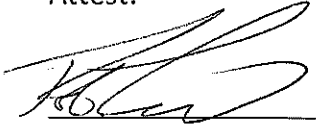
This Ordinance shall become effective upon enactment.

SECTION 13: PENALTY

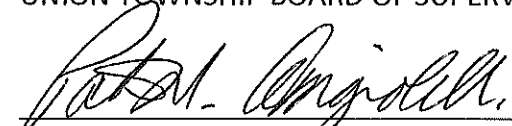
Any proprietor who violates or fails to comply with any provision of this article shall be punished pursuant to fines and imprisonment applicable to a Summary Offense.

This Ordinance is ENACTED and ORDAINED this 20th day of JUNE, 2019.


Attest:



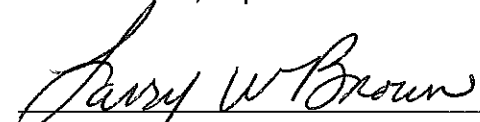
UNION TOWNSHIP BOARD OF SUPERVISORS



Patrick Angiolelli, Chairman



Robert Eckert, Supervisor



Larry Brown, Supervisor