

CODIFIED ORDINANCES OF BETHLEHEM

PART ELEVEN - PUBLIC HEALTH CODE

TITLE ONE - Food

Article 1113. Food Code Regulation.

ARTICLE 1113

FOOD CODE REGULATION

- 1113.01 Adoption of Pennsylvania Department of Agriculture “PA Food Code”, Title 7, Chapter 46
- 1113.02 Adoption of Pennsylvania Department of Agriculture, “Food Employee Certification Act, Title 7, Chapter 76
- 1113.03 Additions
- 1113.04 Repealer
- 1113.05 Inspection Charges
- 1113.06 License Fees
- 1113.07 Late Fees
- 1113.99 Penalty.

CROSS REFERENCES

Act 369 of 1951

Local Health Administration Law (Act 315 of 1951)

DER Rules and Regulations - Chapter 151

Pennsylvania Department of Agriculture – Food Code – Title 7, Chapter 46

Pennsylvania Department of Agriculture – Food Employee Certification Act – Title 7, Chapter 76

- 1113.01 ADOPTION OF PENNSYLVANIA DEPARTMENT OF AGRICULTURE “PA FOOD CODE”, TITLE 7, CHAPTER 46

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 2003 Edition of the Pennsylvania Department of Agriculture “PA FOOD CODE,” three certified copies of which shall be on file in the office of the City Clerk.

1113.02 ADOPTION OF PENNSYLVANIA DEPARTMENT OF AGRICULTURE,
 “FOOD EMPLOYEE CERTIFICATION ACT”, TITLE 7, CHAPTER 76

The definitions, requirements of employee certification, and the enforcement of this Article shall be regulated in accordance with the Pennsylvania Department of Agriculture “Food Certification Act”. All food service establishments within the City of Bethlehem must meet all requirements of the Food Employee Certification Act, with the exception of the exemptions listed in the Act.

1113.03 ADDITIONS.

The following articles, representing revisions or additions to the Food Certification Act shall be applicable for the purpose of the Ordinance.

The City of Bethlehem Health Department may require establishments previously exempted under the Chapter 76 to meet all requirements under the Act. This may be required of any agency under constant violation of PA FOOD CODE and is left to the discretion of the Environmental Director. The agency must meet all requirements under the Act prior to operating a food establishment within the City of Bethlehem.

1113.04 REPEALER.

This Article shall be in full force and affect after its adoption and publication as provided by law and, at that time, all ordinances and parts of ordinances in conflict with this Article are hereby repealed.

1113.05 INSPECTION CHARGES.

- (a) There shall be a fee imposed for all Food Establishments that are New or that have a Change of Owner of the establishment. This fee is to satisfy all plan review and interim inspections necessary under the Pennsylvania Food Code and this Article. This fee is set at \$100.00 and must be paid at the time of application.
- (b) There shall be an inspection fee for food service establishments as follows:
 - (1) Permanent Health License – Establishment with Food Consumed by Patrons on Premises.
 - Establishment with 75 seats or less - \$225.00
 - Establishment with more than 75 seats - \$325.00
 - (2) Permanent Health License – Establishment with No Food Consumed by Patrons on Premises:
 - Establishment with 5,000 square feet or less - \$225.00
 - Establishment with 5,000 square feet or more - \$325.00

Milk Sales Only - \$26.00

- (3) Mobile Food Units - \$200.00 per unit.
- (4) Vending Machines - \$4.00 per unit
- (5) Vending Machine Commissary - \$200.00
- (6) Temporary Food Stands:

Fees for food sales at events lasting all or part of:

One day or less	- \$ 10.00
Two or Three days	- \$ 25.00
Four or more days	- \$ 50.00

Vendor operating more than three events or celebrations
in a particular calendar year - \$100.00

- (7) Care Facilities (Daycares/ Nursing Homes) and Educational Institutions (Schools):

Establishment Approved by State of Pennsylvania for 75 or less students - \$200.00
Establishment Approved by State of Pennsylvania for more than 75 students - \$300.00

(Ord. 4350. Passed 12/6/05; Ord. 2010-28. Passed 12/21/10.)

1113.06 LICENSE FEES.

All of the food service establishments as listed in Section 1113.05(b) shall pay, in addition to the Inspection Charges, an Annual License Fee of \$1.00.

(Ord. 4350. Passed 12/6/05.)

1113.07 LATE FEES.

- (a) A late fee of Twenty-Five (\$25.00) Dollars per month shall be charged for an overdue license, as determined by the Bureau of Health. A maximum of Fifty (\$50.00) Dollars may be charged to the establishment. After the maximum amount is charged the establishment is considered to be in violation of Article 1113 and is no longer permitted to operate within the City of Bethlehem. In order to reopen the establishment must undergo the application/plan review process for reopening and pay all associated fees as listed in 1113.05 (a). This late fee does not replace any and all penalties that may be issued for being in violation of Article 1113 of the Codified Ordinances of the City of Bethlehem.

- (b) A late fee of Ten (\$10.00) Dollars shall be charged to temporary food stand vendor who makes application for a Health License less than five (5) business days prior to the proposed event. For those vendors who are required to obtain the Year Long Temporary Food Stand License (operating in more than 3 events/calendar year), the proper written notification of operation must be submitted within five (5) business days prior to the proposed event. The Director of Health reserves the right to refuse, or revoke a Health License application made after the five business day requirement.

(Ord. 4350. Passed 12/6/05.)

1113.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

- (a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;
- (b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;
- (c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.”

(Ord. 3131. Passed 7/21/87; Ord. 3242. Passed 2/7/89; Ord. 4300. Passed 12/21/04.)