

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 Additions
- 1113.03 Inspection Charges
- 1113.04 Temporary Food Establishment Administrative Fee
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CROSS REFERENCES

Local Health Administration Law (Act 315 of 1951)

Pennsylvania Department of Agriculture – Retail Food Facility Safety Act –
3 Pa.C.S. §§ 5701-5741

Pennsylvania Department of Agriculture – Food Code; Food Employee Certification Act –
Title 7, Chapter 46

Current Edition of FDA Model Food Code

Pennsylvania Department of Agriculture – Food Employee Certification Act –
3 Pa.C.S. §§ 6501-6510

- 1113.01 ADOPTION OF PENNSYLVANIA DEPARTMENT OF AGRICULTURE “FOODCODE; FOOD EMPLOYEE CERTIFICATION”, 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 current version of Title 7, Chapter 46, known as “Food Code; Food Employee Certification, three certified copies of which shall be on file in the office of the City Clerk.

(Ord. 2014-47-Passed 12/16/14.)

1113.02 ADDITIONS.

The following articles, representing revisions or additions to Chapter 46 – Food Code: Food Employee Certification shall be applicable for the purpose of the Ordinance.

- (a) The City of Bethlehem Health Department may require establishments previously exempted under the Food Employee Certification Act 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 City of Bethlehem Environmental Director. The agency must meet all requirements under the Act prior to operating a food establishment within the City of Bethlehem.
- (b) The City of Bethlehem Health Department shall not issue a Health License to any business or organization that is delinquent in taxes, assessments, or any other municipal fee or charge that is due to the City or any agency created by the City.

(Ord. 2014-47-Passed 12/16/14)

1113.03 INSPECTION CHARGES.

- (a) Prior to licensure, all Food Establishments must have received, at a minimum, one (1) health inspection in the previous twelve (12) months.
- (b) 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.
 - (1) For plan review services as a result of a change of ownership where no alterations other than cosmetic changes to the existing facility are taking place - One Hundred Twenty-Five Dollars (\$125.00)
 - (2) For plan review services as a result of new construction, conversion, remodeling or alterations other than cosmetic changes - Two Hundred Fifty Dollars (\$250.00)

- (c) 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 - \$25.00
 - (3) Mobile Food Units - \$200.00 per unit.
 - (4) Vending Machines - \$4.00 per unit
 - (5) Vending Machine/Temporary Event Commissary - \$200.00
 - (6) 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
- (d) Food Establishments shall be charged a re-inspection fee for each re-inspection that is required to verify the facility is in compliance with “Food Code; Food Employee Certification”. The re-inspection fee will be \$100.00 for each re-inspection necessary to bring the food establishment into compliance.

(Ord. 4350. Passed 12/6/05; Ord. 2010-28. Passed 12/21/10; Ord. 2014-47-Passed 12/16/14.)

1113.04 TEMPORARY FOOD ESTABLISHMENT ADMINISTRATIVE FEE.

- (a) Temporary Food Establishment shall be consistent with that defined in the FDA Model Food Code and shall mean a food establishment that operates for a period of no more than 14 consecutive dates in conjunction with a single event or celebration. Those facilities not meeting this definition shall be deemed a permanent facility for the purposes of this Article.

- (b) There shall be an administrative fee for all vendors participating in a temporary event where said vendor is offering Time/Temperature Control for Safety (TCS) Food for public consumption.
- (c) The Administrative Fee for the offering of TCS food at events lasting all or part of:
 - a. One day or less: \$25.00
 - b. Two or Three days: \$40.00
 - c. Four or More days: \$75.00
 - d. Vendors operating in more than three events or celebrations in a particular calendar year: \$175.00

(Ord. 2014-47-Passed 12/16/14)

1113.05 LICENSE FEES.

All of the food service establishments as listed in Section 1113.03(c) and 1113.04(c) shall pay, in addition to the Inspection Charges, an Annual License Fee of \$1.00.

(Ord. 4350. Passed 12/6/05; Ord. 2014-47-Passed 12/16/14.)

1113.06 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 1113.03 (b)-(c). 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; Ord. 2014-47-Passed 12/16/14.)

1113.07 REPEALER.

This Article shall be in full force and effect 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.

(Ord. 2014-47-Passed 12/16/14)

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; Ord. 2014-47-Passed 12/16/14.)