

YALE CITY CODE

Chapter 9

FOOD AND FOOD HANDLERS

Article 1. Food Service Sanitation Ordinance

Sec. 9-1. Purpose.

The purpose of this article is to require training and certification of supervisory personnel of food service establishments so that supervisory personnel shall have knowledge of safe techniques for storage, preparation, display and service of foods with the underlying purpose of preventing foodborne illness and protecting the public health within the City of Yale pursuant to the provisions of Title 63 Section 1-1101 et. seq.

Sec. 9-2. Definitions.

The following words, terms and phrases, when used in this article, shall have meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Critical violations or priority issues means violations noted in an inspection of a food establishment that is more likely to contribute to food contamination, illness, or environmental health hazard.

Food service establishment

- (1) The term "food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term "food service establishment" includes the following:
 - (a) Establishments which are covered by the permit, license or certificate requirement of the state.
 - (b) Any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food.
 - (c) Delicatessen type operations that prepare sandwiches intended for individual portion service.
- (2) The term "food service establishment" does not include private homes where food is prepared or served for individual family consumption, the location of food vending machines, and supply vehicles.

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Law includes all applicable federal, state and local statutes, ordinances, and regulations.

Packaged means bottled, canned, cartooned, or securely wrapped.

Person includes any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, governmental entity, or any other legal entity, or their legal representatives, agents or assigns.

Person in charge means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

Regulatory authority means the state and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

Repeated violation means violation of the same item on two consecutive inspections.

Supervisory personnel means the certificate holder, individuals having supervisory or management duties and any other person working in a food service establishment who may be in charge of its operations.

Temporary means a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single percent or celebration.

Sec. 9-3. Food Service operator's certification required.

(a) Except as provided in section 9-4, it shall be unlawful for any person owning, operating or managing any food service establishment within the city to fail to employ or fail to keep in his employment as least one certified food service operator who is a fulltime supervisory personnel employee of said establishment and who has a valid and current food service operator's certificate as approved by the state department of health, the director of the county health department or his authorized representative. A certified operator must be an on-site employee and must post his certificate at that location,

(b) Whenever the food service operator holding the certificate terminates employment, is terminated, or is transferred to another food establishment, the person owning, operating or managing the food establishment shall be allowed 30 days from the date of termination or transfer of the certificate holder to comply with this section. The person owning, operating or managing the food establishment shall have ten days to notify the regulatory authority in writing of termination or transfer of the supervisory personnel certificate holder.

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Sec. 9-4. Exemption of requirement.

A food service operator's certificate shall not be required of food service establishments which are exempt from the permit requirements. Exemption shall also include establishments providing only beverages and/or pre-packaged foods, temporary food service establishments, mobile food service establishments, and establishments that do not engage in preparation of food.

Sec. 9-5. Validity.

Unless revoked by the regulatory authority, a food service operator's certificate shall be valid for the period of time as specified by the certification authority.

Sec. 9-6 Revocation.

The state regulatory authority may, after providing opportunity for hearing, revoke a food service operator's certificate.

Sec. 9-7. Certificate not transferable.

A food service operator's certificate is not transferable from one to another person.

Sec. 9-8. Violations, Penalty.

Any person, persons, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not more than Five Hundred Dollars (\$500.00) and costs of such offense, and each day's continuation of a failure to comply herewith shall constitute a separate and distinct offense for each of said days.