

AN ORDINANCE PERTAINING TO FOOD SERVICE MANAGER'S CERTIFICATION

Division 1. In General.

The purpose of this ordinance is to require certification of supervisory personnel of food service establishments, so that the 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 and so that supervisory personnel shall have knowledge to train employees under their supervision regarding the same. This ordinance is also designed to meet the requirements of the 1997 Food and Drug Administration (FDA) Food Code.

Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"**Food**" shall mean any raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.

"**Food Service Establishment**" shall mean any place where food is prepared or provided and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any place, regardless of whether or not there is a charge for the food. The term also includes mobile food units, pushcarts, and day care centers. The term does not include private homes where food is prepared or served without compensation for individual family consumption, the location of food vending machines, or supply vehicles; churches, fraternal and social organizations and volunteer fire departments and rescue squads which hold dinners and bazaars of not more than one time per week and not in excess of two days duration at which food prepared in homes of members or in the kitchen of the church or organization and is offered for sale to the public; or churches which serve meals for their members as a regular part of their religious observance.

"**Food Service Manager**" shall mean the certificate holder.

"**Foodborne Illness**" shall mean an incident in which two or more persons experience a similar illness, usually gastrointestinal in nature, after ingestion of a common food, and epidemiological analysis implicates the food as the source of illness.

"**Health Authority**" shall mean the Director of the Eastern Shore Health District or designated representative.

"**Prepackaged**" shall mean contained in bottle, can, carton, secure wrapping or other types of containers and includes both hermetically and non-hermetically sealed packaging.

"**Risk Assessment**" shall mean an evaluation of the potential for a foodborne illness to occur in a food service establishment based on the hazard analysis of the food.

"**Temporary Food Service Establishment**" shall mean a food service establishment that operates at a fixed location for a period of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Division 2. Certification.

Food Service Manager:

Responsibility

- (a) After January 1, 1999, no person shall operate a food service establishment under an Eastern Shore Health District Permit unless its food handling operation is staffed at least forty (40) hours per week by a person holding a valid food service manager's certification. In the case of an establishment that does not operate a minimum of 40 hours per week, the establishment must be staffed by a person holding a valid food service manager's certification during a majority of the establishment's operating hours.
- (b) Upon initial implementation of this ordinance, an existing food service operation will have up to twelve months to fulfill the requirements of the ordinance. A change in the operation of an existing establishment or a new establishment will have up to six (6) months to meet the requirements of this ordinance.
- (c) In order to obtain a food service manager's certification, a person shall apply to the Eastern Shore Health District and show proof of having successfully completed a course in food protection, which shall be approved by the health authority.
- (d) Such certificates shall be issued in the name of an individual only and shall be valid for a period of five (5) years after the date of issuance.
- (e) A food manager's certification shall be renewed for five (5) years upon (1) the successful completion of a refresher course in food protection which shall be approved by the health authority or (2) the failure and passing of a food protection certification program test which shall be approved by 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 service 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 service establishment is suspected with reasonable cause by the health authority as a source of a foodborne illness caused by improper food handling by the establishment.

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

Proof of Certification.

Each certified food service operator shall display his/her certificate in a prominent location in the establishment or as directed by the health authority.

Certificate not Transferable.

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

Exemptions.

- (a) Food service establishments that serve, sell or distribute only prepackaged foods and beverages are exempt from the provisions on this Article.
- (b) Temporary food service establishments that operate at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration shall be exempted by the health authority.
- (c) Grocery stores and similar establishments under the jurisdiction of the Virginia Department of Agriculture-Bureau of Food Inspection are exempted from the provisions of this Article.
- (d) The health authority may also grant additional exemptions to this Article on the basis of a risk assessment of a food service establishment.

Division 3. Enforcement and Penalties.

Enforcement.

- (a) The provisions of this Article shall be enforced by the Eastern Shore Health District.