

Chapter 72

FOOD SAFETY

§ 72-1. Adoption of Food Code.

That a certain document, three copies of which are on file in the Office of the Secretary of the Township of Muhlenberg, being marked and designated as the Food Code published by the Bureau of Food Safety and Laboratory Services, Division of Food Safety, December 13, 2003, and also known as Chapter 46, "Food Code," of the Department of Agriculture Charter, is hereby adopted as the Food Code of the Township of Muhlenberg, Berks County, Pennsylvania, providing for inspections of any sale of food, certification of inspectors, licensing fees and penalties for noncompliance; and each and all of the regulations, provisions, penalties, conditions and terms of said Food Code on file in the Office of the Township of Muhlenberg are hereby referred to, adopted, incorporated herein by reference, and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in this chapter.

§ 72-2. Administration.

- A. All references to "Department" in the food Code shall be understood to refer to the Department of Community Services. All references to "Licensor" shall be understood to refer to the Department of Community Services.
- B. Inspections. Inspections of food-selling establishments shall be conducted annually, with follow-up inspections as appropriate based on inspection results, at the discretion of the Health Officer, his duly appointed inspectors, the Code Enforcement Officer and any other duly authorized agents of the Township. Mobile vendors shall have their vehicles inspected before a health license is granted. **[Amended 4-20-2009 by Ord. No.469]**
- C. Inspectors assigned by the Health Officer shall be provided with training courses paid for by the Township and shall in due course achieve certification such as offered by the Commonwealth of Pennsylvania or other certifying agencies.
- D. Equipment. All inspectors shall be provided with all the equipment and tools necessary to properly inspect food-selling establishments and mobile food vendors as established by this Food Code and the Health Officer of the Township.
- E. Fees. A schedule of fees to be paid before a health license is issued to any food selling establishment or mobile vendor operating in the Township shall be established by resolution of the Township of Muhlenberg.

- F. Failure to pay health license fee by due date. A penalty of double the original license fee shall be collected from any business owner who fails to pay the original amount by the due date printed on the bill.
- G. Failure to correct violation(s). Any business owner who fails to correct a violation(s) by the time given on the sanitation report shall be obliged to pay an administrative fee of \$10 per noncorrected violation. Any business owner who fails to correct a violation upon a second time period granted shall pay an administrative fee of \$25 for each violation that remains uncorrected. Any violation that remains uncorrected after the third period granted shall pay an administrative fee of \$50 per violation. If after the third inspection a violation still remains, the Health Officer shall cause the establishment to discontinue the business of selling food to the public. Failure to be present at any scheduled inspection will be required to pay an administrative fee of \$50.

§ 72-3. Food employee certification.

Every food facility or food establishment shall comply with the requirements of the Pennsylvania Food Employee Certification Act. The written certification shall be posted at all times at a location within the food facility or food establishment visible to the general public.

§ 72-4. Enforcement; violations and penalties.

- A. Enforcement. The Food Code shall be enforced by the Health Officer, his duly appointed inspectors, the Code Enforcement Officer and any other duly authorized agents of the Township.
- B. Violations of the Food Code/penalties. Any person, firm or corporation who shall violate any provisions of the Food Code as herein adopted, or this chapter, shall be, upon conviction thereof, sentenced to a fine of not less than \$300 for the first violation, \$500 for the second violation and not more than \$1,000 for each violation thereafter, plus costs. In default of payment of said fine and costs, the defendant shall be sentenced to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

§ 72-5. Revocation of health license.

- A. Violation notice. Whenever the Health Officer, his duly appointed inspectors, the Code Enforcement Officer or any other duly authorized agents of the Township determine that the holder of any health license has violated any of the provisions of this Food Code, such persons may serve written notice upon such licensee to appear before the Township Board of Health to show cause why such license shall not be revoked. Such notice shall contain a brief statement of the violation, and the time and place of hearing, which shall be held within 20 days after the receipt of notice.

- B. Hearing. The licensee may appear in person or with counsel and present evidence regarding the violation and show cause why the license shall not be revoked. The Township Board of Health shall receive such information, evidence and testimony as may concern the circumstances of the violation, and the formal rules of evidence shall not apply.
- C. Revocation and suspension of license. If the Health Officer shall determine that any of the provisions of the Food Code, as amended, have been or are being violated, he may temporarily suspend or revoke such license and cause all business operations to immediately cease, cause the establishment to discontinue the business of selling food to the public, and direct that the building be immediately vacated and closed.
- D. Reinstatement of license. Reinstatement of suspended or revoked license shall not be effected unless the act, default or omission which was grounds for suspension or revocation shall have been remedied prior to the time of reinstatement.