

ORDINANCE NO. 9-44.

By Mr. Stephan

Authorizing and confirming the regulation of the Board of Health providing for issuing permits to places selling, offering for sale, manufacturing, storing, dispensing or otherwise handling foods or other substances for human consumption, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. That the regulation by and of the Board of Health providing for issuing permits to places selling, offering for sale, manufacturing, storing, dispensing or otherwise handling foods or other substances for human consumption, and the issuing of permits therefor, is hereby authorized, approved, and confirmed and said Board of Health is hereby authorized to issue such permits and to collect inspection fees therefor, all in substantially the form and manner, and in the amounts following to-wit:

"REGULATION OF BOARD OF HEALTH, CITY OF BEXLEY, OHIO.

A rule and regulation of the Board of Health providing for issuing permits to places selling, offering for sale, manufacturing, storing, dispensing, or otherwise handling foods or other substances for human consumption.

BE IT RESOLVED BY THE BOARD OF HEALTH, OF THE STATE OF OHIO, AND CITY OF BEXLEY:

Section 1. No store, restaurant, hotel, bakery or other place where food or other substance for human consumption is manufactured, stored, held in possession with intent to sell, offer for sale or sold, or otherwise handled, shall be operated or permitted or suffered to be operated, within the City of Bexley, unless the owner, lessee, agent, operator or person operating, or having control thereof, shall have first made application for and obtained from the Health Commissioner a permit, as hereinafter provided, which permit shall expire not

later than the calendar year of issue, irrespective of date of its issuance, and shall not be transferable to any other place of business. Whenever the interest of such permittee in the business, for the operation of which the permit is issued, shall cease, such permit shall immediately become void, provided, however, that upon the death of a permittee such permit shall be valid for thirty days from the date of such death, but in no case shall such thirty day period extend such permit beyond the end of the calendar year for which the same was issued.

Food or other substances for human consumption referred to in this regulation shall include all animal, vegetable and mineral substances, or combinations thereof, which may become integral portions of the human organism.

Section 2. Each application for a permit shall be on a form provided by the Board of Health, which form shall state the name and address of the applicant, the nature and extent of his interest in the business for which the permit is desired, and if the applicant is not the owner of the business then such application shall also contain the name and address of the owner; said application shall also state the location of the place of business and such other information as may be required by the Board of Health; and such application shall be accompanied by an inspection fee of \$2.00 for each place of business for which a permit is desired, provided, however, if such application is filed after June 30th in any year it shall be accompanied by an inspection fee of \$1.00 for each place of business.

Section 3. Upon the filing of such application and payment of such fee the Health Commissioner shall cause an inspection to be made of the premises where, and the equipment with which such applicant carries on, or intends to carry on, the business in the place for which a permit is sought. When it is found that such premises, including all buildings, rooms or places, and the equipment used or to be used by the applicant in the prosecution of such business conforms to the laws of the State of Ohio, the

ordinances of the City of Bexley, and regulations of the Board of Health, and all official orders pursuant thereto, then the Health Commissioner shall cause a permit to be issued to such applicant, conditional upon the faithful observance of said laws, ordinances, regulations and orders by said applicant for the current year.

Said permit may be renewed if, upon application for such renewal on the form furnished by the Board of Health and accompanied by the annual inspection fee of \$2.00, it is found that the place of business and equipment conform to the satisfaction of the Health Commissioner.

In the event the Health Commissioner shall refuse to grant any permit, the applicant may, within ten days of such refusal, notify the Commissioner in writing of his intention to appeal and may take an appeal from such refusal to the Board of Health within thirty days after such written notice.

Section 4. Each permit issued hereunder shall be posted in plain view, on the wall near the entrance in the place of business of the permittee thereof, or if the permittee shall have no fixed place of business, then it shall be posted or affixed upon some part of the equipment where it can be readily seen.

Section 5. Any permit issued under authority hereof shall be subject to revocation at the direction of the Health Commissioner for failure of the permittee named therein, or any of his employees, agents or representatives, to carry on the business or activities described in such permit in compliance with the laws of Ohio, ordinances of the City of Bexley, Ohio, regulations of the Board of Health of Bexley, Ohio, and official orders pursuant thereto, and upon notice of such revocation, the operation of such business or activity shall be immediately discontinued. The permittee may at any time within five days notify the Health Commissioner in writing of his intention so to do, and may take an appeal from such revocation to the Board of Health within thirty days after

such written notice.

Section 6. Any owner, agent, lessee, operator, or other person who shall operate or permit the operation on his behalf of any store, restaurant, hotel, bakery, or other place, mentioned in Section 1 hereof, in violation of any provision of this regulation shall, upon conviction thereof, be fined not to exceed \$50.00, together with the costs of prosecution.

Section 7. The invalidity of any part or provision of this regulation shall not affect the validity of the whole or any part of the remainder thereof.

Section 8. This regulation shall be in full force and effect on and after February 21, 1944."

Section 2. The inspection fees hereinabove provided shall be paid into the treasury of the City of Bexley, to the credit of the general fund.

Section 3. This ordinance is an emergency measure necessary for the public peace, health and safety, said emergency being that said food establishments are now without adequate regulation and said ordinance shall go into immediate force and effect.

Adopted February 21, 1944.

S. W. Roderick
Attest S. W. Roderick
Clerk

F. H. Bonnet
President of Council

Approved February 21, 1944.

W. A. Schneider
Mayor

I, S. W. Roderick, Clerk of Council of the City of Bexley, Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council as follows: Main Street and College Avenue, Main Street and Parkview Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Clifton Avenue each for a period of fifteen days commencing on the 22nd day of February, 1944.

S. W. Roderick
Clerk of Council