

AMENDED ORDINANCE NO. 55-82

BY John H. Hage

An ordinance to amend and clarify the duties of the Board of Health regarding the licensing and regulation of operations serving food or other substances for human consumption within the City of Bexley and to repeal obsolete ordinances.

WHEREAS, Article XI, Section 49 of the Charter of the City of Bexley provides for the creation, composition, powers and duties of a Board of Health, and

WHEREAS, the State of Ohio by legislative enactment withdrew from the municipalities the health powers previously granted to them and transferred them to the subsequently created city health districts which were agencies of state government and governed by state law, and

WHEREAS, the municipalities may, by charter or otherwise, provide for health administration in addition to that provided for in the general laws of the state (RC 3709.05 et. seq.) so long as such provisions are not in conflict with any general law, and

WHEREAS, the State of Ohio has defined the term "food service operation" and has devised a program for the licensing and regulation of such operations (R.C. 3721.01 et. seq. and Department of Health Rules HE-21-01 to 21-07) which program is implemented within the City of Bexley by the Bexley Board of Health and which program supercedes previous legislative enactments by the Bexley City Council, and

WHEREAS, the Bexley Board of Health desires to continue to oversee and regulate operations serving food in addition to those covered by the state law definition of food service operation;

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

Section 1. That the Bexley Board of Health shall have the duties of a Board of Health as authorized by Section 3709.05 of the Revised Code of Ohio, which shall include the term "Licensor" as defined in Section 3732.01(B).

Section 2. That the Bexley Board of Health shall perform all duties of the "Licensor" required by Section 3732.01, et seq Revised Code of Ohio which shall include the certification of compliance by applicants with Section 3732.02 to 3732.08, Revised Code and the rules made under those sections and the regular inspection of food service operations within the City of Bexley, as well as all other duties prescribed by law.

Section 3. That, in addition, all food operations in the City of Bexley, which do not require a "Food Service License" as mandated by the Department of Health, State of Ohio, must obtain a "Food Establishment License" from the City of Bexley Board of Health which license is renewable annually, except food operations selling only pre-packaged foods which have been packaged by a licensed commissary or food-manufacturing establishment AND which have a shelf-life of 30 days or more at room temperature.

Section 4. There shall be an annual license fee of \$15.00 to be paid at the time of issuance and renewal and said license will be issued by the Bexley Board of Health.

Section 5. The rules and regulations established by the State of Ohio governing the standards for a "Food Service Operation" shall be, as far as is applicable, the same as those governing a "Food Establishment Operation" in the City of Bexley.

Section 6. Each license issued under this Ordinance shall be displayed in a conspicuous and public manner.

Section 7. Any license issued under this Ordinance shall be subject to revocation at the direction of the Bexley Health Commissioner. Upon notice of such revocation, the operation of such business or activity shall be immediately discontinued. The licensee may at any time within five days notify the Health Commissioner in writing of his intention to appeal such decision and may take an appeal from such revocation to the Board of Health within thirty days after such written notice.

Section 8. Whoever violates or fails to comply with any of the provisions of this Ordinance is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

Section 9. Sections 820.01, 820.02, 820.03, 820.04 of the Bexley City Code pertaining to operator's permits, inspections and food handler's permits are hereby repealed.

Section 10. This Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: Dec 28, 1982.

Charles Thomas Christy
President of Council

Attest: John H. Hagen
Clerk of Council

Approved: Dec 28, 1982

David H. Madison
David H. Madison, Mayor

October 26, 1982 First reading
November 9, 1982 Second reading
November 23, 1982 Third reading
Tabled to next meeting.

*Dec 28, 1982 - adopted after approval
of amendments*