

Chapter 118

FOOD ESTABLISHMENTS

- | | |
|---|---|
| § 118-1. Definitions. | § 118-8. Violations and penalties. |
| § 118-2. Compliance with regulations. | § 118-9. Notice of violation. |
| § 118-3. Standards. | § 118-10. Cease-operations order. |
| § 118-4. Compliance required. | § 118-11. Saving clause. |
| § 118-5. License required; fees. | § 118-12. Severability. |
| § 118-6. Annual license application. | § 118-13. Interpretation; conflict with other provisions. |
| § 118-7. Inspections; revocation of license; fee. | |

[HISTORY: Adopted by the Borough Council of the Borough of Camp Hill 3-9-2005 by Ord. No. 1020, approved 3-9-2005. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Health — See Ch. 23.
Food handlers — See Ch. 117.

Peddling and soliciting — See Ch. 150.

§ 118-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FOOD ESTABLISHMENT — Any place, whether temporary or permanent, stationary or mobile, where food or drink is packaged, stored, served, sold or offered for sale to the public, whether directly to the consumer or wholesale; includes public eating and drinking places, retail food establishments, wholesale food establishments, catering businesses, temporary eating and drinking places (special events), mobile food vending services, and food and beverage vending machines and seasonal outdoor cafe dining.

FOOD OR BEVERAGE MANUFACTURING, PROCESSING AND MERCHANDISING ESTABLISHMENTS — Any retail or wholesale establishment within the Borough of Camp Hill where food, food products and beverages are manufactured, processed, packaged or bottled or sold for consumption off the premises of the seller, including, among others, bakeries, beverage distributors, bottlers, candy and confectionery manufacturers, dairies, frozen food locker plants, wholesalers and retailers and operators of vending machine services.

PROPRIETOR — Any person, partnership, association or corporation conducting or operating within the Borough of Camp Hill a public eating or drinking place or food or beverage manufacturing, processing or merchandising establishment.

PUBLIC EATING OR DRINKING PLACE — Any place within the Borough of Camp Hill where food, foodstuff or beverage is served or provided to the public for human consumption,

with or without charge, including, among others, hotels, restaurants, cafes, cafeterias, clubs, boardinghouses, ice cream parlors, and soda water or soft drink fountains.

§ 118-2. Compliance with regulations.

It is hereby declared by the Council of the Borough of Camp Hill to be in the interest of the public health, welfare and good order that all food establishments and public eating or drinking places in operation within the Borough of Camp Hill be required to fully comply with the provisions of the Food Act, 31 P.S. § 20.1 et seq., the Public Eating and Drinking Places Law, 35 P.S. § 655.1 et seq., and the Pennsylvania Food Code, 7 Pa. Code § 46.1 et seq., in addition to all other laws and regulations established by the federal government and/or the Commonwealth of Pennsylvania in any food code, sanitary code, food labeling code or beverage code.

§ 118-3. Standards.

There is hereby adopted by the Council of the Borough of Camp Hill for the purpose of establishing rules and regulations governing the retail sale, service, and vending of food within the Borough, the inspection and licensure of food-handling establishments and the establishment of enforcement and penalties, that certain Food Code known as the Pennsylvania Food Code, 7 Pa. Code § 46.1 et seq., promulgated pursuant to the Food Act, 31 P.S. § 20.1 et seq. and the Public Eating and Drinking Places Law, 35 P.S. § 655.1 et seq., and the same hereby are adopted and incorporated fully as if set forth at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling in the regulation of the design, construction, management and operation of food establishments, inspection of food establishments and providing for plan submissions and approval and the issuance of permits and collection fees therefor within the limits of the Borough of Camp Hill.

§ 118-4. Compliance required.

No proprietor shall operate or conduct a food establishment within the Borough of Camp Hill except in compliance with the standards outlined herein or any other regulation or rule of the Commonwealth of Pennsylvania, Departments of Health and Agriculture, pertaining to food establishments, which are incorporated by reference.

§ 118-5. License required; fees.

It shall be unlawful for any proprietor to operate a public eating or drinking place or a food or beverage manufacturing, processing and merchandising establishment, as defined in § 118-1 hereof, in the Borough of Camp Hill without having first obtained a license to do so from the Camp Hill Borough Board of Health and paying therefor an annual license fee at the time of application or renewal in an amount to be fixed, from time to time, by resolution of the Borough Council.

§ 118-6. Annual license application.

- A. All licenses must be renewed annually and will expire on August 31. A common annual renewal date of September 1 is hereby established for all food establishments. An application for license must be filed by August 1 or 30 days prior to start of operation. An application received after the annual common renewal date will be subject to a late fee. Failure to renew a license by November 1 will subject the license holder to revocation of the license and/or fines.
- B. Application for a license to operate a food establishment shall be on forms provided by the Camp Hill Board of Health, which shall set forth the name, residence, business address and telephone number(s) of the applicant, the name of the person(s) operating the establishment, the square-foot floor area and any additional information which the Board of Health may require to enable it to determine whether the provisions of this chapter are being complied with.
- C. An applicant for a license must be at least 18 years of age and be the owner of record or an officer of the business entity.

§ 118-7. Inspections; revocation of license; fee.

- A. Licensed eating or drinking places and food or beverage manufacturing, processing and merchandising establishments may be inspected and food or beverage examined by the licensor as often as may be necessary for cleanliness, sanitation and freedom from adulteration.
- B. If the Health Officer or agent shall find on the premises of any licensed establishment any violation of any applicable rule or regulation of this Borough or the Commonwealth of Pennsylvania, he/she shall serve upon the proprietor of such establishment a notice setting forth the violation and directing that it be corrected within 10 days, except as otherwise provided in any applicable state or federal law. If the proprietor shall fail to correct any such violation within the time prescribed, the Board of Health or Health Officer, or agent, may revoke or suspend the license of the premises until such time as it is brought into full compliance with all applicable rules and regulations.
- C. The fee for inspection or reinspection of any licensed establishment shall be established by resolution of the Borough Council from time to time.

§ 118-8. Violations and penalties.

Any person, firm or corporation who or which shall violate any of the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, shall pay a judgment of not more than \$1,000, plus all court costs, including reasonable attorneys' fees.

§ 118-9. Notice of violation.

All written notices of violation of any provision of this chapter shall be deemed served:

- A. When delivered by hand to the alleged violator; or
- B. When regularly mailed to:
 - (1) The alleged violator, or his agent;
 - (2) The last-known residence of the alleged violator;
 - (3) The usual place of business of the alleged violator; or
 - (4) Any adult person in charge of the premises where the alleged violation exists.

§ 118-10. Cease-operations order.

- A. In order to enforce penalties, the Board of Health (or the Camp Hill Borough Health Officer or agent) may, without further notice, issue a cease-operations order setting forth the unpaid fines and/or court costs and cause the premises to be vacated of all employees, patrons and occupants until all such charges are paid.
- B. Any cease-operations order shall be posted at every entrance to the premises in conspicuous places clearly visible to the public and shall remain posted until removed by the Board of Health, Health Officer or agent.
 - (1) The violator shall promptly notify the Board when payment has been made.
 - (2) When the Board is satisfied that no unpaid fines/costs remain, it shall remove every cease-operations order which has been posted.

§ 118-11. Saving clause.

Nothing in this chapter or in the Food Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

§ 118-12. Severability.

The invalidity of any section or provision of this chapter or of the Food Code hereby adopted shall not invalidate other sections or provisions hereof.

§ 118-13. Interpretation; conflict with other provisions.

In interpreting and applying the provisions of the Food Code, they shall be held to be the minimum requirements for the promotion of the health, safety and general welfare. It is not intended to annul other rules, regulations or ordinances, provided that where two or more ordinances conflict, whichever code or ordinance imposes the greatest restriction shall control.