

**CHESTER COUNTY HEALTH DEPARTMENT
RULES AND REGULATIONS**

CHAPTER 300. FOOD SAFETY AT RETAIL FOOD FACILITIES

§301. POLICY AND PURPOSE

301.1 The purpose of this Chapter is to provide for the protection of the public health by promulgating and adapting regulations for food safety at retail food facilities.

301.2 The provisions of this Chapter are adopted in accordance with the duties imposed upon the Chester County Health Department under Act 106 of 2010: The Retail Food Facility Safety Act (3Pa.C.S.A. §§5701-5714) and The Food Safety Act (3Pa.C.S.A. §§5721-5737) and the Local Health Administration Law Act 315 approved August 24, 1951, P.L. 1304, as amended, as found in 16 P.L. §12001 et seq.

301.3 The provisions of this Chapter shall apply to all municipalities in Chester County which come under the jurisdiction of the Department, and they apply equally to all persons.

§302. ADOPTION BY REFERENCE OF THE PA FOOD CODE

302.1 Title 7 of the PA Code, Chapter 46, Food Code as amended is hereby adopted by reference and made part of the Chester County Health Department's Rules and Regulations, as fully as if herein set forth at length.

Insert here: Chapter 46 of the PA Department of Agriculture's Food Code;
Please navigate to: <http://www.pacode.com/secure/data/007/chapter46/chap46toc.html>

§303. CERTIFIED FOOD MANAGER

303.1 *General requirement.* No person shall operate a food facility in Chester County without employing a Certified Food Manager as a regular, full-time employee. At no time shall a food facility licensed to operate by the Licensors be without the services of a Certified Food Manager who has a current and valid certification with the Licensors unless exempted from this requirement by this §303.

303.2 *Posting of Certificate.* The certificate issued to the Certified Food Manager by the Licensors shall be posted in view of the consumer in the food facility in which the Certified Food Manager is employed and working as a regular, full-time position. The certificate is not transferable between individuals and shall not be duplicated by anyone other than the Licensors.

303.3 *Exemption.* No Certified Food Manager is required to be employed at retail food facilities where the food, food products and drinks are limited to non potentially hazardous items, whether prepackaged or not, and/or to commercially prepackaged, potentially hazardous items.

303.4 Issuance of Certified Food Manager Certification. Any individual desiring a certificate as a Certified Food Manager in Chester County shall make written application on forms provided by the Licensor. Each application must be accompanied by the appropriate fee in accordance with the fee schedule established by the Licensor. The certificate is issued to the applicant for his or her approved use. However, the certificate is the property of the Licensor and may be suspended or revoked in accordance with this §303.

303.5 Requirement for Certification. Prior to approval and granting of the certificate by the Licensor the applicant shall do one of the following:

(a) Shall submit written proof that the applicant has successfully completed a course in food safety previously approved by the National Conference for Food Protection and the Licensor.

(b) Shall submit written proof that the applicant has a current and valid food safety manager certificate issued by another regulatory agency whose requirements are equal to or are more stringent than those of the Licensor.

303.6 Period of Certification. Individuals who qualify for Certification shall be granted said certificate from the Licensor for a period of five years from the date the course applied towards certification was completed. The certificate shall automatically expire upon the fifth anniversary date of the completion date of the course applied toward certification, unless renewed by the individual prior to the expiration date.

303.7 Renewal of Certification. The certificate from the Licensor may be renewed for another five-year period provided that the individual makes the appropriate application, submits the appropriate fee and shows proof of attendance at an approved course for continued food safety training that was attended prior to the expiration date of the certificate but not more than six months prior to the expiration date.

303.8 Suspension or Revocation of Certification. Whenever the Licensor determines that the holder of the certificate of Certified Food Manager is in violation of any provision of these Rules and Regulation, the Licensor may suspend or revoke the certificate.

303.9 Duties of the Certified Food Manager. The Certified Food Manager shall be employed as a Certified Food Manager for only one licensed food facility within Chester County at a given time. The Certified Food Manager shall also:

(a) Supervise and instruct his/her food service workers in the techniques of sanitary food handling, in proper maintenance of the food establishment and in the requirements of the Rules and Regulation of this Chapter.

(b) Notify the Licensor in writing within five (5) days after his or her change of employment

(c) Renew his or her certification by completing the required course work prior to the expiration date listed on the present certificate.

(d) Monitor staff and notify the food facility operator or the person in charge of necessity to remove anyone with signs of active illness from food service line.

(e) Report to the Licensor and to the food facility operator the occurrence of any

group expression of illness or disease among patrons and/or food service workers.
(f) Perform the duties of the person in charge in accordance with Chapter 46 of the PA Food Code when the Certified Food Manager is the person in charge at the time.

303.10 Duties of the food facility operator regarding a Certified Food Manager. The food facility operator shall employ at least one Certified Food Manager as a regular, full-time employee. The Certified Food Manager shall be employed within ninety days of the initial issuance date of the license to operate a food facility in Chester County. If a Certified Food Manager leaves, quits employment or is no longer acting as the Certified Food Manager at the food facility, the food facility operator shall employ a replacement Certified Food Manager within ninety days of the employment termination date. The food facility operator shall notify the Licensor within five working days that the food facility lacks the required Certified Food Manager.

§304. FEES

304.1 Fee(s) accompanying application for retail food facility license(s) shall be in accordance with Chapter 700 §701 of these Rules and Regulations.

CERTIFICATION COMMONWEALTH OF PENNSYLVANIA COUNTY OF CHESTER ss

I, Margaret C. Rivello, Secretary of the Chester County Board of Health, hereby do certify the within to be a true and correct copy. In witness whereof I have hereunto set my hand this 23rd day of March, 2011.



Margaret C. Rivello, M.B.A.

SEAL

Effective Close of Business (4:30 p.m.): Monday, April 18, 2011