

Chapter 97

FOOD HANDLING ESTABLISHMENTS

[HISTORY: Adopted by the Borough Council of the Borough of Upland 8-11-1992 as Ord. No. 8-1992 (Ch. 22 of the 1969 Code). Amendments noted where applicable.]

§ 97-1. General provisions.

The following are hereby declared by the Council of the Borough of Upland to be against the public health, welfare and good order. It shall be illegal for any person, persons, company or corporation to act, permit or allow any of the actions in the sections of this chapter.

§ 97-2. Definitions; word usage.¹

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

HEALTH INSPECTOR — The Borough Health Inspector, Deputy Health Inspector or any qualified person being duly appointed by Borough Council.

PERSON — Includes the plural as well as the singular and applies to any company or corporation, wherever appropriate.

§ 97-3. Inspection and license required; expiration.

- A. Any and all persons, companies, corporations, markets, stores, hospitals, drug stores, outlets, ice cream trucks, water ice trucks or similar establishments which handle, vend, sell or expose for sale within the Borough of Upland, Pennsylvania, any food or food product meant for human consumption shall, before April 1 of each and every calendar year, undergo an inspection by the Health Inspector certifying to sanitary and proper conditions required for the storage, handling and sale of food or food products. Upon certification of the Health Inspector and payment of all fees to the Borough of Upland, a validated license shall be issued.
- B. All licenses issued pursuant to this chapter shall expire on December 31 of each year.

§ 97-4. Standards.

For the protection, health and well-being of the citizens of Upland, Pennsylvania, safe, sanitary and proper conditions are defined to be those as defined by the Pennsylvania Department of Health, plus any further conditions and regulations as enacted by any ordinance of the Borough of Upland, Pennsylvania.

¹. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 97-5. Right of entry; yearly inspection.

The Health Inspector of the Borough of Upland is hereby authorized and ordered to enter into or upon any property or public or private nonprofit organization in order to make the required inspection or inspections of all places where food or food products meant for human consumption are held, stored or exposed for sale or sold, either at retail or wholesale, within the Borough of Upland, Pennsylvania, at any time during business hours. At least one (1) inspection for compliance shall be made during each calendar year, prior to April 1 of each year.

§ 97-6. Food handler's card.

Each and every establishment where food meant for human consumption is held, stored, vended, exposed for sale or sold shall obtain an Upland food handler's card for each and every employee of said establishment, prior to any employee actually working in such establishment. All cards shall be maintained in a file upon the premises and must be presented for inspection during business hours upon demand of either the Health Inspector or any member of the Borough Council.

§ 97-7. Health report.²

Any person who wishes to be employed in food handling shall obtain from the Health Inspector the food handler's health report, which is to be completed and signed by a licensed physician. Upon return of this signed report to the Health Inspector, provided that the applicant is free from disease, an Upland food handler's card shall be issued to the applicant upon payment of a fee as set from time to time by resolution of the Borough Council. Said applicant shall also be required to pay the occupational privilege tax or provide proof that said person has paid the occupational privilege tax³ in another municipal jurisdiction, prior to the issuance of food handler's card. All such cards shall expire on the last day of each calendar year and must be renewed in the same manner in which they were originally obtained; provided, however, that any card issued after September 1 of any year shall expire the last day of the following year. All food handler's health reports shall be maintained for a period of three (3) years by the Health Inspector.

§ 97-8. Employee cleanliness.

All establishments covered by this chapter shall maintain a rest room containing soap and running hot water. A sign shall be prominently posted which states "All Employees Must Wash Hands With Soap and Water Before Returning to Work" or words to that effect. Furthermore, all employees are to be verbally instructed as to this requirement.

§ 97-9. Food storage temperatures.

The following are the maximum temperatures at which the following foods and beverages are to be stored:

2. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

3. Editor's Note: See Ch. 162, Art. II, Occupational Privilege Tax.

- A. Ice cream, milk, meat, cold beverages and other perishable foods not mentioned in this chapter: forty degrees Fahrenheit (40° F.).
- B. Seafood and poultry: thirty-two degrees Fahrenheit (32° F.).
- C. Frozen foods: zero degrees Fahrenheit (0° F.).

§ 97-10. Garbage collection.

At least twice a week, all garbage, trash and refuse shall be collected by that agent employed by the establishment. Prior to collection, all trash and refuse must be kept within a fully enclosed container or closed plastic bag. All garbage must be kept within a garbage can with a tight-fitting lid to absolutely exclude all insects, rodents and animals. None of the materials mentioned in this section may be openly exposed for any reason whatsoever, either deliberately or accidentally. For purposes of this chapter, "garbage" is defined to be any organic matter.

§ 97-11. Fees.⁴

The cost of each yearly inspection shall be as set from time to time by resolution of the Borough Council and the cost of the license shall be as set from time to time by resolution of the Borough Council. If additional inspections are necessary, a fee as set from time to time by resolution of the Borough Council for each and every inspection subsequent to the first inspection. All moneys collected shall be paid into the general fund of the Borough of Upland.

§ 97-12. Display of license; transient vendors.

- A. The license issued by the Health Inspector shall be prominently displayed at the place of business.
- B. At the discretion of the Health Inspector, transient vendors may be excluded from the provisions of this chapter.

§ 97-13. Violations and penalties.

Any person, companies, corporations, markets or stores or similar establishments which shall fail to obtain a license or the proper number of Upland food handler's cards as required by this chapter shall immediately cease and desist operations upon written orders from the Health Inspector. Any establishment which continues operation in violation of this chapter shall, upon conviction before the District Justice, be fined not more than one thousand dollars (\$1,000.) and costs and, in default thereof, shall be imprisoned not more than thirty (30) days. Each day's violation shall constitute a separate offense.

§ 97-14. Correction of conditions; action upon failure to correct.⁵

4. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

5. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Any establishment in which there exists any unsanitary conditions or any condition or conditions which present a threat or hazard to the health and well-being of the patrons of the establishment or the citizens of Upland shall be given not less than one (1) hour nor more than one (1) week to correct the improper condition or conditions. Upon failure of the owners to correct the offending condition or conditions, an immediate closure of the business shall be ordered. The Health Inspector shall immediately place at the entrance a sign reading "Closed by the Health Inspector." Any establishment which continues operation after the issuance of the closure order or which removes, causes to be removed or permits the removal of the aforementioned sign by anyone except the Health Inspector shall be subject to a fine of not more than one thousand dollars (\$1,000.) for each day that the offense continues, together with the costs of prosecution. In default of payment of fine and costs, the owner shall be imprisoned for not more than thirty (30) days. Each day's violation shall constitute a separate offense.

§ 97-15. Exempt organizations.

Any nonprofit organization, such as churches, firehouses or clubs, shall be exempted from the provisions of this chapter, except that they shall be inspected and licensed at no charge, provided that they meet the standards set forth in this chapter.