

Chapter 8.12 FOOD HANDLERS

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8.12.010 Purpose. The purpose of this chapter is to help prevent the spread of communicable diseases in the city by requiring food handlers to have a basic knowledge of sanitary principles and the proper procedures and practices involved in the preparation, handling and service of food. (Ord. 547 § 1, 1989)

8.12.020 Definitions. As used in this chapter, the following definitions apply:

"Communicable disease" means any disease that may be transferred from person to person or from food to person under the conditions encountered in a food service facility.

"Department" means the county health department or other entity specifically designated by the city to provide public health or community health services to the citizens of Scappoose.

"Employer" means any individual, sole proprietor, firm, partnership, corporation, company, joint stock association, fraternal, social or religious organization, or other legal entity, that owns, operates or manages a food service facility, that utilizes, employs or supervises food handlers.

"Food" means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.

"Food handler" means any person employed or working in, or applying for employment or work in, a food service facility, and any employer or imminent employer of such person, who prepares, handles or serves food. This definition includes temporary employees, part-time employees and volunteers who work in food service facilities.

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"Food handler's permit" means a permit issued by the department indicating that the recipient has taken a class and passed an examination in the safe and sanitary preparation, handling and service of food.

"Food service facility" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare food intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

1. The term includes "restaurants," "temporary restaurants," "limited service restaurants" and "bed and breakfast facilities" as those terms

are defined in ORS 624.010;

2. Notwithstanding the exclusion stated in ORS 624.010(3)(b), the term also includes school lunch rooms where food is prepared, handled or served for school and/or community activities;

3. The term does not apply to the following:

a. An establishment where food is prepared and served by a fraternal, social or religious organization only to its own members and guests,

b. A food product promotion where only a sample of a food or foods is offered to demonstrate the characteristics of the food product. For the purposes of this paragraph, a sample shall not include a meal, an individual hot dish or a whole sandwich,

c. A private residence, or part thereof, including the grounds, areas and facilities held out for the use of the occupants generally, for which a special retail beer or special retail wine license is issued under ORS 471.290 for a period not exceeding one day. (Ord. 547 §2, 1989)

8.12.030 Permits required. A. Except as otherwise specifically permitted by this chapter, no person shall prepare, handle or serve food in food service facilities within the city without having first applied for and received a food handler's permit under this chapter. All food handlers must have the permit on their person or on the premises while preparing, handling or serving food in food service facilities in the city.

B. In order to be eligible for a food handler's permit, a food handler must:

1. Attend a class of food handling practices;

2. Pass an examination in the safe and sanitary preparation, handling and service of food; and

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3. Pay the fee as provided for by this chapter.

C. A food handler's permit is exclusive to the permittee and may not be transferred to another individual. A food handler holding a valid permit may work in any food service facility in the city.

D. Notwithstanding subsection A of this section, any valid current food handler's permit obtained from any jurisdiction in the state shall be valid in the city until its date of expiration.

E. Notwithstanding subsection A of this section, fraternal, religious or social organizations serving the general public may utilize volunteers who do not have a food handler's permit as long as a ratio of one food handler with a permit for every ten food handlers without a permit is present at the time of service to train and/or supervise such volunteers. (Ord. 547 §3, 1989)

8.12.040 Fee. A fee for the food handler's permit shall be set by resolution. (Ord. 547 §5, 1989)

8.12.050 Permit--Time limit on obtaining. A. All food handlers working or employed on the effective date of the ordinance codified in this chapter in a food service facility shall obtain a food handler's permit no more than sixty consecutive calendar days after the effective date of the ordinance codified in this chapter.

B. Food handlers who obtain employment or begin working in a food service facility after the effective date of the ordinance codified in this chapter who do not already have a valid food handler's permit shall obtain a permit no more than sixty consecutive calendar days after the date of first beginning work or employment.

C. No employer shall employ or allow any person to work as a food handler in a food service facility at any time after sixty consecutive calendar days from the date of first beginning work or employment unless the food handler has obtained a food handler's permit as required by this chapter.

D. Notwithstanding subsections B and C of this section, fraternal, social or religious organizations must meet the ratio requirements of Section 8.12.030 (E) for any event involving the service of food to the general public which occurs more than sixty consecutive calendar days after the effective date of the ordinance codified in this chapter. (Ord. 547 §6, 1989)

8.12.060 Renewal of permit. A food handler's permit shall expire two years from the date of issuance. In order to continue employment of work without interruption, the food handler must apply for a renewal of the permit prior to its expiration date. In order to qualify for renewal, the food handler must attend another class, pass an exami

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nation and pay a fee as provided in Sections 8.12.030, 8.12.040 and 8.12.080. (Ord. 547 §7, 1989)

8.12.070 Revocation of permit. A food handler's permit may be revoked by the city after a hearing if substantial evidence exists indicating repeated or continuous violations of accepted practices and procedures of food preparation, handling or service. (Ord. 547 §9, 1989)

8.12.080 Class and examination. A. The department shall conduct, on a monthly basis, a class designed to educate food handlers in the safe and sanitary preparation, handling and service of food. Such classes shall be offered at various locations in the county to facilitate accessibility.

B. The department shall present at the end of each class, or as needed, examinations in which food handlers may demonstrate their knowledge of the safe and sanitary preparation, handling and service of food. (Ord. 547 §4, 1989)

8.12.090 Communicable diseases. No person with a communicable disease shall prepare, handle or serve food for public consumption nor shall any employer knowingly allow any person so afflicted to prepare, handle or serve food. (Ord. 547 §8, 1989)

8.12.100 Nonliability. Except as provided in Sections 8.12.070 and 8.12.110, there shall be no additional liability imposed or implied by this chapter against any employer or food handler for violation of this chapter. No person except the city or county, its officers, agents and employees shall have standing to assert a violation of this chapter before any court of law except the city or board of county commissioners. (Ord. 547 §11, 1989)

8.12.110 Enforcement and administration. The city delegates the administration and enforcement of this chapter to the county. The county or the city may enforce the terms of this chapter as provided for by ORS 30.315 and 203.065. Any person who violates this chapter shall be subject to the penalties provided for by ORS 203.065. This chapter is not exclusive, but in addition to any other remedy as provided by law. (Ord. 547 §10, 1989)

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