

ORDINANCE NO. 4093

AN ORDINANCE to amend and reordain Section 11-2-3 (ADOPTION OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION/PUBLIC HEALTH SERVICE 1997 FOOD CODE) and Section 11-2-5 (MODIFICATIONS TO FDA FOOD CODE), of Article A (GENERAL PROVISIONS), Chapter 2 (FOOD AND FOOD ESTABLISHMENTS), Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS) of The Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, the health and safety of the public requires the regulation of food and food establishments located within the City of Alexandria; and

WHEREAS, existing provisions of the city code that govern the cleanliness and sanitation of food and food establishments are based upon the 1997 Model Food Code of the United States Food and Drug Administration ("FDA"); and

WHEREAS, the FDA intended that its Model Food Code would be updated and revised every two years, in order to incorporate the most current scientific knowledge and new technologies in the food packaging and food service industries; and

WHEREAS, the FDA has recently promulgated its 1999 Model Food Code, which incorporates nationally recognized health and sanitation standards designed to provide the greatest possible protection from and prevention of infectious and non-infectious food-borne diseases; and

WHEREAS, the regulatory scheme set out in the 1999 FDA Model Food Code is presently employed in numerous food industries, as well as the meat and poultry inspection systems of the federal government, and has been endorsed by the National Conference for Food Protection, the National Restaurant Association, the Restaurant Association of Metropolitan Washington, and the Human Services Committee and the Chief Administrative Officers Committee of the Northern Virginia Planning District Commission; and

WHEREAS, neighboring jurisdictions in Northern Virginia plan to adopt the 1999 FDA Model Food Code, and the adoption of this code by the City of Alexandria will help to establish uniform standards for the regulation of food and food establishments in the region; now, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-2-3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-3 Adoption of the United States Food and Drug Administration/Public Health Service 1999 Food Code.

(a) Chapters 1 through 8, inclusive, and all appendices and annexes of the United States Food and Drug Administration/Public Health Service 1999 Food Code ("FDA Food Code"), as adopted and promulgated by the United States Food and Drug Administration/Public Health Service ("FDA/USPHS"), including such chapters, appendices and annexes as may hereafter be amended from time to time, but excepting the portions of the FDA Food Code addressed in section 11-2-5(a) and (c), are hereby adopted and

incorporated in their entirety into this chapter as if fully set forth herein. In the event of conflict or inconsistency between this chapter and the FDA Food Code, the provisions of this chapter shall control. When used in the FDA Food Code, the term "Health Authority" shall mean the director or his designee.

(b) The director is hereby authorized to promulgate regulations consistent with this chapter that are designed to assist in the administration and enforcement of this chapter. In promulgating regulations, the director shall consider accepted standards of health, hygiene, sanitation, safety and physical plant management. Any regulations prepared by the director shall not become effective until they have been presented to and approved by city council.

(c) A certified copy of the FDA Food Code shall be maintained by the director at the main administrative office of the health department and shall be available for review by members of the public.

Section 2. That Section 11-2-5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-2-5 Modifications to FDA Food Code.

(a) The portions of the FDA Food Code addressed in this subsection are not adopted by incorporation into this chapter. Rather, they are modified in the manner set out below, and their modified versions shall apply in the city:

(1) Section 3-301.11(B) of the FDA Food Code is modified to read as follows:

Except when washing fruits and vegetables as specified under ' 3-302.15 or when otherwise APPROVED, FOOD EMPLOYEES should not contact exposed, READY-TO-EAT FOOD with their bare hands and should use suitable UTENSILS such as deli tissue, spatulas, tongs, SINGLE-USE gloves or dispensing EQUIPMENT.

(2) Section 3-501.16(c)(2) of the FDA Food Code is modified to read, AWithin 3 years of the REGULATORY AUTHORITY=S adoption of this Code, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5EC (41EF) or less.@.

(3) Section 8-802.10(A) of Annex 1 of the FDA Food Code is modified to read as follows:

If admission to the PREMISES of a FOOD ESTABLISHMENT is denied or other circumstances exist that would justify an inspection order under LAW, to make an inspection that includes the recordation of information by any means of audio-visual recordation including (but not limited to) photography, tape-recording and videotaping.

(b) The provisions contained in section 3-603.11 of the FDA Food Code shall become effective on May 13, 2000.

(c) Sections 6-202.18, 8-201.11, 8-201.12, 8-303.10 and 8-304.10 of the FDA Food Code are not adopted or incorporated into this chapter and shall be of no effect in the city.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

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First Reading: 11/09/99
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