

ORDINANCE NO. 4591

AN ORDINANCE to amend and reordain Sections 11-2-23 (PERMITS FOR VENDING MACHINES) OF ARTICLE C (COMPLIANCE PROCEDURES) and Section 11-2-51 (SUBMISSION OF PLANS, SPECIFICATIONS AND OTHER DATA; INSPECTION PRIOR TO OPERATION; FEES) of ARTICLE E (REVIEW OF PLANS AND SPECIFICATIONS) of Chapter 2 (FOOD AND FOOD ESTABLISHMENTS), Title 11 (HEALTH, ENVIRONMENTAL AND SAFETY REGULATIONS) of The Code of The City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-2-23 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. 11-2-23 Permits for vending machines.

(a) No person shall operate a vending machine which vends potentially hazardous foods, without a valid permit issued by the director. Persons who do not comply with the requirements of this chapter shall not be entitled to receive or retain such a permit. Vending machine permits are issued for a calendar year and expire on December 31 regardless of the month of issue. Permits are not transferable.

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted vending machine. These fees shall be established by the City Council. The application fees shall be based on a calendar year and shall be due and payable on or before December 31 or upon initial application. The fees shall not be prorated.

(c) Operators of vending machines failing to file the required application for renewal of the permit shall be operating without a valid permit and shall be subject to immediate closure in accordance with Section 11-2-29 of this chapter.

(d) The operator's company name and service telephone number shall be displayed on each vending machine or conspicuously adjacent to the vending machine bank.

(e) All operators of vending machines shall:

- (1) comply with the requirements of this chapter;
- (2) maintain at the operator's headquarters, or at some other designated location within the city, a list of all vending machines operated by such operator within the city and the complete address of each machine location and of all commissaries or other

establishments from which his machines are serviced, shall make this information available to the director upon request and shall keep it current;

(3) notify the director of each new vending machine location at which potentially hazardous food vending machines have been placed in operation; and

(4) notify the director of any change in operations involving new types of vending machines or conversions of existing machines to dispense products other than those for which the machines were built.

Section 2. That Section 11-2-51 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:

(a) Whenever a food establishment is constructed or remodeled or whenever an existing structure is converted to use as a food establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the director for his review prior to commencement of such construction, remodeling or conversion. The director shall verify that the plans and specifications conform to the requirements of this chapter and the FDA Food Code. The plans and specifications shall include the intended menu, anticipated volume of food to be stored, prepared, and sold or served, the proposed layout and arrangement of the facilities, plumbing plans, mechanical plans, electrical plans, finish schedules, lighting schedules, and the types, model numbers, locations, dimensions, performance capacities and installation specifications of proposed fixed equipment and facilities. The director may require additional plans or information, as needed, depending on the nature and extent of the proposed construction, remodeling or conversion. The director shall approve the plans and specifications if they meet the requirements of this chapter and the FDA Food Code. The director's approval of any plans or specifications shall not be viewed to be a determination that said plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation. No food establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the director.

(b) Whenever plans and specifications are required to be submitted and approved, the director shall inspect the food establishment prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements contained in this chapter.

(c) A plan review fee in an amount established by city council shall be paid to the director upon submission of food establishment plans.

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

WILLIAM D. EUILLE  
Mayor

Final Passage: May 16, 2009