



ORDINANCE NO. 1231

City of Sand Springs, Oklahoma

AN ORDINANCE RELATING TO TITLE 8 – HEALTH AND SAFETY, OF THE CODE OF ORDINANCES OF THE CITY OF SAND SPRINGS, AMENDING CHAPTER 8.18 – HEALTH DEPARTMENT; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAND SPRINGS, OKLAHOMA, THAT:

Section One: Chapter 8.18 – Health Department, of the Code of Ordinances of the City of Sand Springs, Oklahoma, is hereby amended as follows, to wit:

Section 8.18.010 – County Health Department Designated to Enforce Health Ordinances.

The director of the Tulsa City-County Health Department, or his/her duly designated representative, shall serve as the health officer for the city and shall enforce all health ordinances, codes, rules and regulations within the city limits. The Tulsa City-County Health Department shall promulgate all ordinances, codes, rules and regulations as necessary to assure the health, safety and welfare of all citizens within the city. Decisions rendered by the health officer shall be subject to review or appeal under procedures established by the Tulsa City-County Health Department.

Section 8.18.020 – Food Code Adopted

A document designated as Title 310, Oklahoma State Department of Health, Chapter 257, Food Services Establishments (OAC 310:257), as published in the Oklahoma Administrative Code (OAC) and as amended, revised and/or supplemented by the Tulsa City-County Health Department (TCCHD) shall be adopted by the City of Sand Springs, Oklahoma, to set standards for the management of food personnel, operations, equipment and facilities in the City of Sand Springs. Each and all of the terms, conditions, regulations and provisions of OAC 310:257 published by the Oklahoma State Department of Health; and as amended, revised or supplemented by TCCHD, shall hereby be referred to, adopted and made a part of the City of Sand Springs Code of Ordinances as if fully set out in this Chapter, and may be referred to as the "Food Code." A copy of the Food Code shall be maintained by the Office of the City Clerk.

Section 8.18.030 – Penalties

Any individual, firm or corporation found by the health officer to be in violation of any health ordinance, code, rule or regulation shall be deemed guilty of a Class C offense, and upon conviction thereof, shall be punished as provided in Section 1.20.010 of this Code. Each day that any violation is committed shall constitute a separate offense.

Section 8.18.040 – Summary Actions


(A) Should the health officer of the City; or a peace officer, a fire officer, code enforcement officer or building official of the City acting within the scope of her/her authority, determine that a condition or situation exists at a food service establishment, as defined in the Food Code, that is creating imminent peril to the public's health, said officer shall initiate summary actions in writing that he/she deems necessary to protect the public's health – including an immediate directive to the food service establishment to cease all activities prescribed or otherwise regulated by the Food Code.

(B) An appeal of any summary action shall be set forth in writing by the food service establishment for expeditious hearing under procedures established by the Tulsa City-County Health Department. The appeal shall state reasons or causes why the summary action shall not remain in effect.

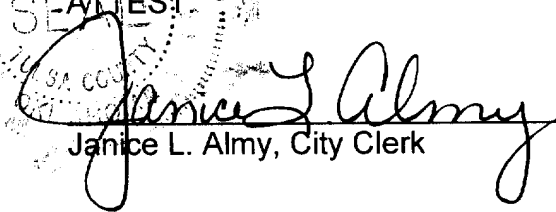
Section Two: This ordinance, upon passage, shall become effective thirty (30) days from the date of first publication as provided by State law.

Passed and approved this 10th day of September, 2012.

CITY OF SAND SPRINGS, OKLAHOMA


Mike Burdge, Mayor




Janice L. Almy, City Clerk

APPROVED AS TO FORM:


David Weatherford, City Attorney

City of Sand Springs
City Manager 14100
P.O. Box 338
Sand Springs, OK 74063

Per Section 8.18.010 – County Health Department Designated to Enforce Health Ordinance of the City of Sand Springs: The Tulsa City-County Health Department shall promulgate the following rules and regulations as necessary to assure the health, safety and welfare of all the citizens within the city:

**CITY/COUNTY-SPECIFIC EMPLOYEE & MANAGER TRAINING,
COMPLIANCE AND ENFORCEMENT REQUIREMENTS**

“Code” hereinafter shall mean 310:257 of the Food Service Establishment Regulations of the Oklahoma State Department of Health.

“Department” hereinafter shall mean the duly-appointed representative of the Tulsa City-County Health Department.

“Director” hereinafter shall mean the Director of the Tulsa City-County Health Department or his designated representative.

“Chief Operating Officer” hereinafter shall mean the Chief Operating Officer of the Tulsa City-County Health Department or his designated representative.

1. Certified Food Protection Manager

(a) Required.

- (1) Except as provided in Section (f) of this section, it shall be unlawful for any person owning, operating, or managing any food establishment within the City to fail to employ at least one (1) certified food protection manager.
 - (A) Such person shall be in a supervisory position at said establishment and have a valid and current certificate, which satisfies the requirements of (b) of this section.
 - (B) The certified manager must be an active employee of the licensed establishment who is present a majority of the operating hours and who has the responsibility of directly observing, supervising, and training food establishment personnel in proper food and equipment handling, sanitation, and personal hygiene.
 - (C) In the event the certified manager is temporarily absent, the person in charge shall conform to section 310:257-3-2 of the Code.

The Department may require additional certified managers in sufficient numbers to ensure all food preparation and service is performed under the direction of certified supervisory personnel. It shall be unlawful for any person owning, operating, or managing a food establishment to allow the food establishment to be operated with less than the required number of certified managers.

- (2) Whenever the person holding the Food Protection Manager Certification terminates employment or is terminated or transferred to another food establishment, the person owning, operating, or managing the food establishment shall be allowed thirty (30) days from the date of termination or transfer of the certificate holder to comply with (a)(1) of this section. The Department may grant an extension of time in the event instruction and testing is not available within the thirty (30) day period.

(b) Issuance, Expiration and Renewal.

- (1) The Department shall issue a Food Protection Manager Certificate when the applicant:
 - (A) Provides documentation of successfully passing an accredited test.
 - (B) Submits an affidavit stating legal status in the country, and
 - (C) Pays the applicable certification fee at the time application is made.
- (2) The certification shall expire three (3) years from the issuance; after which the certification must be renewed.
- (3) Renewal requirements shall not be in excess of the initial certification outlined in (b)(1) of this section.

(c) Certification Fees.

- (1) The fee for obtaining a Food Protection Manager Certificate from the Department shall be \$15.00, and the fee is non-refundable.
- (2) The same fee of \$15.00 will apply for all renewals of the certificate.
- (3) The fee for obtaining a duplicate of a non-expired and non-revoked Food Protection Manager Certificate shall be \$5.00.

(d) Proof of Certification.

Each certified food protection manager shall display the certificate in a prominent location in the establishment.

(e) Certification Non-Transferable.

A Food Protection Manager Certificate is not transferable from one person to another person. A certified manager may not act in said capacity in more than one establishment or location at the same time. Unofficial copies of the certificate are not recognized by the Department.

(f) Exemption from Requirements:

- (1) Food establishments that serve, sell, or distribute only prepackaged food
- (2) Food establishments that do not serve, sell, or distribute foods that are Time/Temperature Control for Safety (TCS) foods.
- (3) Temporary food establishments, special facilities, and/or events.

2. Food Employee Permits

(a) Permit Required.

- (1) It shall be unlawful for any person to operate a food service establishment in the City to employ staff to serve food, prepare food, or handle food utensils without ensuring that they possess a current and unrevoked permit issued by the Department.
- (2) It shall be unlawful for any person to serve, prepare food, or handle food utensils in a food service establishment, who cannot immediately exhibit a current and unrevoked permit issued by the Department.
- (3) Exemptions from requirements. Food service establishments and employees of food service establishments outlined below are exempt from this requirement:
 - (A) Food establishments that serve, sell, or distribute only prepackaged food.
 - (B) Temporary food establishments, special facilities, and/or events.
- (4) Affidavit Required.

At the time of application to the Department, applicant for permits in (c) of this section must submit an affidavit stating legal status in the country.

(b) Permit Fees.

- (1) The fee for obtaining a permit from the Department outlined in (c)(1),(2),(3), or (4) of this section shall be \$13.00.
- (2) The same fee of \$13.00 will apply for all renewals of the permit.
- (3) The fee for obtaining a duplicate of a non-expired and non-revoked permit shall be \$5.00.

(c) Permit Types and Requirements.

- (1) Food Handler Permit:
 - (A) Is issued by the Department when applicant attends a training course regarding the practice of sanitary food preparation, food service, and personal hygiene, and passes course test.
 - (B) Applicant must pay the permit fee in (b)(1) of this section at the time application is made.
 - (C) Applicant may waive the training course in (c)(1)(A) of this section and demonstrate knowledge by passing a Department test.
 - (E) Allows the permit holder work in licensed food service establishment with unpackaged food, food equipment or utensils, or food-contact surfaces. This permit may also be used to satisfy the requirements of any of the permit types outlined in (c)(2) through (6) of this section.
- (2) Temporary Food Handler Permit:
 - (A) Is issued by the Department when the applicant pays fee in (b)(1) of this section.

- (B) Allows the permit holder to work only temporarily in a food service establishment.
- (3) Food Service Support Staff Permit:
- (A) Is issued by the Department when an applicant attends a course of instruction outlined in (c)(1)(A) of this section, but does not pass the course test.
 - (B) Applicant must pay fee outlined in (b)(1) of this section at the time application is made.
 - (C) Allows the permit holder to work in a licensed food service establishment with the following restrictions:
 - (i) Food Service Support Staff may work only under the direct supervision of a certified manager or a job coach, and
 - (ii) Only in food activities that do not pose a potential health threat.
- (4) Manufacturing Worker Permit:
- (A) Is issued by the Department when the applicant attends approved training that is provided by a licensed manufacturing facility regarding the type of food processing duties performed in the facility and passes Department test.
 - (B) Applicant must pay fee required in (b)(1) of this section.
 - (C) Allows the permit holder to work only in the facility where they successfully completed the training.
- (5) Community Service Worker Permit:
- (A) Is issued by the Department when the applicant attends a course of instruction and passes the test as outlined as in (c)(1)(A) of this section.
 - (B) Applicant is not required to pay a fee for the training or permit.
 - (C) Allows permit holder to volunteer work for a licensed non-profit organization having year-round full-service food preparation.
- (6) Seasonal Volunteer Permit:
- (A) Is issued when an applicant attends a one-hour course of instruction provided by the Department.
 - (B) Applicant is not required to pay a fee for the training or permit.
 - (C) Allows permit holder to volunteer at non-profit seasonally-operated establishments (such as sports and school concession stands, religious organizations, school home room, etc.) that have limited food preparation.

(d) Permits Non Transferable and Fee Non Refundable.

Any permit issued as outlined in (c) of this section is not transferable from one person to another person. Any fee paid to attend the course of instruction taught by the Department is nonrefundable. Unofficial copies of permits are not recognized by the Department.

(e) Expiration and Renewal.

(1) Permits in (c) of this section shall expire three (3) years from date of issuance by the Department, except:

(A) Temporary Food Handler Permit shall expire one (1) week from the date of issuance or the next available date of a course of instruction or testing date. Expiration date will be on the permit.

(B) Seasonal Volunteer Permit shall expire one (1) year from the date of issuance.

(2) Permits in (c) of this section are not renewable. After expiration of permit, holder must meet requirements in one of the items in (c) of this section, except:

(A) Only one (1) Temporary Food Handler Permit may be issued to an applicant, after which they must complete the requirements in (c)(1) of this section before working in a licensed food service establishment.

3. Tulsa Food Advisory Council

(a) Creation of Advisory Council.

There is hereby created the Tulsa Food Advisory Council (within this section referred to as "Council") to assist the Tulsa City-County Board of Health in the following: Code revisions, clarifications and interpretations of the Code, liaison between the food industry, the Department, and the consumer.

(1) The Council shall consist of fifteen (15) members appointed by the Director and approved by the Board of Health. Membership shall include representation from the following three categories:

(A) Five (5) members widely representative of the food industry.

(B) Five (5) members with professional training in health matters; e.g., pharmacists, veterinarians, dentists, bacteriologists, physicians, nurses.

(C) Five (5) members representing other consumers with due consideration being given to architects, engineers, lawyers and consumers at large.

(2) The Council members shall be appointed to serve a one (1) year term of office, but all members shall hold office until their successor is qualified and appointed.

- (3) The Council shall elect annually a Chairperson from among its members. The Council shall hold at least one (1) meeting annually and such additional meetings as the Chairperson or the Director shall deem desirable.
- (b) The Council shall develop rules, subject to approval by the Board of Health, relating to matters which shall be considered by the Council and procedures for submission of such items to the Council.

4. Suspension and Revocation

The Department may summarily suspend, permanently revoke, or temporarily suspend a permit or certification for failure of the holder to comply with the requirements of the Code:

(a) Summary Suspension.

- (1) Notwithstanding other provisions of the Code, if an authorized representative of the Department finds insanitary or other conditions in the operation of a food establishment, which constitute an imminent hazard to the public health (as defined in 310:257-1-2 under "Imminent health hazard"), the establishment may be closed summarily without prior notice or hearing.
- (2) If an imminent hazard to the public health is found to exist, the Department shall summarily suspend food operations by issuing a written notice to the license, permit or certificate holder or operator stating specifically the following:
 - (A) The conditions which cause the imminent hazard to the public health;
 - (B) The corrective action that must be taken to abate the hazard;
 - (C) The period of time within which corrective action must be taken;
 - (D) That the permit or certification holder has the right to:
 - (i) Request in writing a re-inspection within twenty-four (24) hours, and if the reasons for the suspension no longer exist, request immediate reinstatement of the license or permit, and to have the name, address and telephone number for the license, permit or certification holder to contact to initiate a request for re-inspection, or
 - (ii) Request in writing a hearing within twenty-four (24) hours before the Director of the Department to determine if the summary suspension was warranted. The written request shall be mailed or hand delivered to: Director, Tulsa City-County Health Department, 5051 S. 129th E. Ave., Tulsa, Oklahoma 74134.
 - (iii) Hearings with the Director will be held within five (5) business days after receiving the written request.

(b) Revocation and Temporary Suspension.

- (1) For serious or repeated violations of any of the requirements of the Code, or for willfully obstructing the Department in the performance of duties, a permit or certificate may be revoked permanently or temporarily suspended after opportunity for a hearing.
- (2) The Department shall serve upon the permit or certificate holder or operator written notice stating specifically:
 - (A) That the permit or certificate will be either (1) revoked entirely, or (2) temporarily suspended for a specified number of days.
 - (B) The reasons for which the permit or certificate will be revoked or temporarily suspended.
 - (C) That the permit or certification holder has the right to:
 - (i) Request in writing a hearing within ten (10) days before the Director of the Department to determine if the revocation or temporary suspension was warranted. The written request shall be mailed or hand delivered to: Director, Tulsa City-County Health Department, 5051 S. 129th E. Ave., Tulsa, Oklahoma 74134.
 - (ii) Hearings with the Director will be held within five (5) business days after receiving the written request
- (3) A notice is properly served when it is delivered to the permit or certificate holder, or to the person in charge of the food establishment, or if such personal service cannot reasonably be made, when it is sent certified mail, return receipt requested, to the last known address of the license, permit or certificate holder.

5. Appeal Procedures

(a) Appeal to the Tulsa Food Advisory Council.

- (1) Any person alleging there is error in any order, requirement, decision, or determination made by the Department in the enforcement of this Code, or any person aggrieved by the final determination of the Director may appeal such decision to the Tulsa Food Advisory Council within (10) ten days of receiving the Director's decision.
- (2) The appeal shall be in writing and shall specify the reasons for the appeal, and shall be mailed or hand delivered to: Legal Counsel, Tulsa City-County Health Department, 5051 S. 129th E. Ave., Tulsa, Oklahoma 74134.
 - (A) The Legal Counsel shall forward the request for appeal along with all documentation from the initial action of the Department and the hearing with the Director to the Tulsa Food Advisory Council.
 - (B) The Tulsa Food Advisory Council shall appoint a three (3) person Hearing Panel which shall consist of one (1) member of the Tulsa City-County Board of Health and two (2) members from the Tulsa Food Advisory Council.

- (C) The Hearing Panel shall hold a hearing and may reverse, affirm or modify the action of the Department. The decisions of the Hearing Panel are deemed to be those of the Tulsa Food Advisory Council.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Department certifies that by reason of facts stated in the certificate, a stay would cause an imminent hazard to the public health. In such case, proceedings shall not be stayed other than by a restraining order.