

**City of Carson City
Agenda Report**

Date Submitted: May 24, 2013

Agenda Date Requested: June 6, 2013

Time Requested: 5min

To: Carson City Board of Supervisors

From: Health & Human Services (Romaine Gilliland)

Subject Title: For Possible Action: To adopt, on second reading, Bill No.114 An Ordinance Amending The Carson City Municipal Code Title 9, Food Establishments, Chapter 9.05 – Food Establishments, Updating The Language Of The Section To Update Inspection Frequencies And By Amending The Number Of Inspections And By Updating Mobile Unit Requirements, And Other Matters Properly Related Thereto.

Staff Summary: Staff recommends that the board adopt the ordinance to change the inspection frequencies of food establishments and updating the Mobile Unit requirements to allow them to stay at a location for four (4) hours

Type of Action Requested: (check one)

☐ Resolution

☒ Ordinance-Second Reading

☐ Formal Action/Motion

☐ Other (Specify) Information Only

Does This Action Require A Business Impact Statement: (X) Yes () No

Recommended Board Action: I move to adopt on second reading, Bill No. 114 An Ordinance Amending The Carson City Municipal Code Title 9, Food Establishments, Chapter 9.05 – Food Establishments, Updating The Language Of The Section To Update Inspection Frequencies And By Amending The Number Of Inspections And By Updating Mobile Unit Requirements, And Other Matters Properly Related Thereto.

Explanation for Recommended Board Action: The adoption of this ordinance would allow for risk based inspections so that staff can concentrate on the establishments that serve and prepare food items that are at a higher risk to result in a foodborne illness, this would also align with current practice by staff. The ordinance will still be in complete compliance with state law. Allowing mobile units to stay in a location for four (4) hours would allow for this type of business to expand in our jurisdiction.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 9

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: Fees paid by permit holders, general fund.

Alternatives:

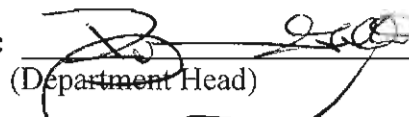
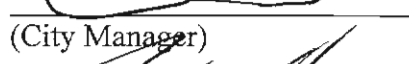
1. Not approve
2. Refer back to staff for further review

Supporting Material:

1. Ordinance

Prepared By: Dustin Boothe, MPH, REHS

Reviewed By:


(Department Head)

(City Manager)

(District Attorney)

(Finance Director)

Date: 5/28/13

Date: 5/28/13

Date: 5/28/13

Date: 5/28/13

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

ORDINANCE NO. _____

BILL NO. 114

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 9, FOOD ESTABLISHMENTS, CHAPTER 9.05 – FOOD ESTABLISHMENTS, AMENDING SECTION 9.05.050 – INSPECTION OF FOOD ESTABLISHMENTS, UPDATING THE LANGUAGE OF THE SECTION TO UPDATE INSPECTION FREQUENCIES AND BY AMENDING THE NUMBER OF INSPECTIONS AND BY UPDATING MOBILE UNIT REQUIREMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: Title 9, Chapter 9.05 of the Carson City Municipal code is hereby amended as follows:

Chapter 9.05 – FOOD ESTABLISHMENTS

Section:

9.05.050 – Inspection of food establishments.

Section II: Title 9, Chapter 9.05.050 of the Carson City Municipal Code is hereby amended as follows:

9.05.050 Inspection of food establishments.

1. ~~[At least twice a year, the health authority shall inspect each food establishment located in Carson City.]~~ The health authority shall inspect food establishments in Carson City as follows:

- a. Class I. At least one standard inspection shall be conducted each licensing period.
- b. Class II. At least one standard inspection shall be conducted each licensing period.
- c. Class III. At least two standard inspections shall be conducted each licensing period.
- d. Class IV. At least two standard inspections shall be conducted each licensing period.

2. Food classifications shall be divided into the following classes:

- a. Class I. For the purposes of this chapter Class I means a food establishment restricted to selling commercially prepackaged potentially and non-potentially hazardous food products, seasonal and events handled through a temporary a food permit.
- b. Class II. For the purposes of this chapter Class II means a food establishment with a menu limited to processing prepackaged raw ingredients that are prepared or cooked to order such as a restaurant with a limited menu; bar with or without food service; full service bakeries; schools receiving prepared meals from commissaries; processing, limited such as ice manufacturing, water bottling, bulk food repackaging, limited catering in an approved facility and any preparation of potentially hazardous foods limited to commercially prepared, prepackaged, potentially hazardous foods such as sandwiches, soups, frozen pizzas, frankfurters and nacho cheese that require no preparation other than heating prior to service.
- c. Class III. For the purposes of this chapter Class III means a food establishment where menu items are prepared, cooked and served to the customer. Raw ingredients require minimal assembly. Hot and cold holding of potentially hazardous foods are restricted to single meal service. Facilities include fast food restaurants which have standard operating procedures set or follow approved HACCP plans; delis that are limited to sandwich preparation only, no cooking; schools with cafeterias; day care centers with food service and seasonal operations such as softball, baseball, football, soccer and hockey leagues.
- d. Class IV. For the purposes of this chapter Class IV means a food establishment extensively handling raw ingredients. Preparation processes include the cooking, cooling and reheating of potentially hazardous foods. A variety of processes that require hot and cold holding of potentially hazardous foods. Preparation of food is for same or next day service. Preparation of potentially hazardous foods for high-risk clientele. Transportation of potentially hazardous foods. Facilities include full service restaurants, full service restaurant with bar, commercial or industrial cafeterias, retail food store deli, seafood/meat cutting operations, processing plants and full service mobile catering.

[2] 3. [He] The health authority shall make as many additional inspections and re-inspections as are necessary for the enforcement of this chapter.

[3] 4. It is unlawful for any person to interfere with the health authority in the performance of his duties.

[4] 5. Mobile [Canteens] Units.

- a. Prior to conducting business, and in addition to the relevant provisions of Section 18.03.010 and Chapter 4.04, any person desiring to operate a mobile [canteen] unit shall submit [four-(4)] one (1) copy of a proposed route with the business license application, to be distributed to the [planning and community

~~development department,] the health authority [city environmental health department, engineering department and the sheriff's office].~~

b. The proposed route shall contain:

(1) The name of the operator;

(2) Scheduled duration of visits;

(3) Addresses of the sites proposed to be visited;

~~[(4) The signature of a responsible agent authorizing the operator to conduct business upon the premises;]~~

~~[(5) 4] 4~~ The locations of restrooms available for the use of mobile ~~[canteen] unit~~ operators.

~~[c. Upon receipt of the route and signatures of responsible agents from the proposed sites to be visited, the planning and community development department, city environmental health department, engineering department, and sheriff's office shall issue a written statement, to the business license division, approving, conditionally approving or disapproving the business license application.~~

~~d. Changes to an approved route shall be processed in accordance with Sections 9.05.050(4)(a) through (e).]~~

~~[e] c.~~ Mobile ~~[canteens] units~~ and/or any similar types of ~~[canteens] units~~ shall be permitted to operate exclusively at existing parking facilities for office complexes, industrial complexes, and/or construction sites for periods not to exceed ~~[one-half (1/2) hour per visit, once every two (2) hours] four (4) hours.~~

~~[f]d.~~ The operation of mobile ~~[canteens] units~~ on vacant lots, highway rights-of-way or undeveloped properties for the purpose of selling food to the general public is prohibited.

~~[g]e.~~ Any existing mobile ~~[canteen] unit~~ legally licensed by Carson City shall fully comply with the provisions of this section within ninety (90) days of the effective date of the ordinance codified in this section.

~~[h]f.~~ Mobile ~~[canteens] units~~ shall be subject to all city and state health adopted codes and regulations.

~~[i] g.~~ Mobile ~~[canteens] units~~ used exclusively for the sale of frozen desserts or dairy products and mixes are exempt from the provisions of Sections 9.05.050(4)(a) through ~~[(g) f]~~, inclusive, provided that:

(1) The vehicle used for conducting the sale does not remain stationary at any one (1) point for a period longer than required to conduct the sale(s);

(2) The articles for sale do not require food preparation at the site other than dispensation.

~~[j] h.~~ Short term and special event operators in compliance with the provisions of Section 4.04.077 are exempted from these provisions.

SECTION II:

That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____ (month) _____ (day), 2013.

PROPOSED by _____.

PASSED _____ (month) _____ (day), 2013.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

ALAN GLOVER
CLERK/RECORDER.

 This ordinance shall be in force and effect from and after the __ day of the month
of _____ of the year, 2013.