



ORDINANCE NO. //
Series 1989

ORDINANCE

Jefferson Fiscal Court

An Ordinance Relating To:

AN ORDINANCE RELATING TO FOOD SERVICE ESTABLISHMENTS, AND
THE PROCEDURES FOR THE TRAINING AND CERTIFICATION OF FOOD
SERVICE MANAGERS.

Submitted by Family and Neighborhood Services Cabinet/Board of
Health.

INTRODUCED 5-9-89 by County Judge/Executive Sloane

FIRST READING 5-9-89

SECOND READING 5-31-89

ADOPTED 5-31-89 by unanimous vote. All present.

ORDINANCE NO. 11, Series 1989
AN ORDINANCE RELATING TO FOOD SERVICE
ESTABLISHMENTS, AND THE PROCEDURES FOR
THE TRAINING AND CERTIFICATION OF
FOOD SERVICE MANAGERS

BE IT ORDAINED BY THE FISCAL COURT OF
JEFFERSON COUNTY, KENTUCKY:

I. Definitions

As used herein, unless the context clearly requires otherwise:

(1) "Food service establishment" means any fixed or mobile commercial establishment that engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to: restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; grills; tea rooms; sandwich shops; soda fountains; taverns; bars; cocktail lounges; night clubs; roadside stands; industrial feeding establishments; private, public or non-profit organizations or institutions routinely serving food; catering kitchens; commissaries; or similar places in which food is prepared for sale or service in the premises or elsewhere with or without charge. It does not include food in vending machines, establishments serving beverages only in single service or original containers or retail food markets which only cut, slice, and prepare cold-cut sandwiches for individual consumption.

(2) "Food Service Manager" means any person that directs, conducts or supervises a food service establishment. That person's duties may or may not include actual food preparation.

(3) "Certification" is the process of classroom instruction and testing, developed and approved by the Board, by which a person may qualify for a Food Service Manager Certificate.

(4) "Certificate" means a document issued by the Louisville and Jefferson County Board of Health certifying that a person has satisfactorily completed the Board's course of studies and has passed a qualifying examination.

(5) "Board" means the Louisville and Jefferson County Board of Health.

(6) "Open for business" means that period of time when food is being prepared or served on the premises, and includes those times when food is being prepared but not being served to the public.

(7) "County" means Jefferson County, Kentucky.

II. Certified Food Service Manager Required

(1) Effective September 1, 1989, no food service establishment shall do business in the County unless such

establishment has in its employ at least one (1) Food Service Manager who holds a valid current certificate issued by the Board.

(2) Effective March 1, 1990, no food service establishment shall be open for business unless such establishment has on the premises a Food Service Manager who holds a valid current certificate issued by the Board.

III. Procedure for Certification; Fee; Reciprocity

(1) Any person seeking to become a certified Food Service Manager shall make application to the Board on forms prepared and furnished by the Board.

(2) Each original application for a certificate and each application for renewal of a certificate to serve as a certified Food Service Manager shall be accompanied by the payment of a fee to be established by the Board in such amount as shall help defray but not exceed the actual cost of the Food Service Manager certification program.

(3) Every applicant for certification as a certified Food Service Manager shall have completed a course of formal classroom instruction at such time and place as shall be directed by the Board. In addition, each applicant must pass a written examination conducted by the Board or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of

the Board to establish the competency of the applicant to act as a Food Service Manager in such manner as to protect the health and safety of the public. The Board shall hold examinations at such times and places as it may determine.

(4) The Board may recognize the certification procedures of any private or governmental body having those standards and qualifications adequate to comply with the purpose and intent of this Ordinance. The procedures for application, verification, and certification by reciprocity may be established by the Board by regulation.

IV. Issuance of Certificate; Expiration; Revocation

(1) The Board shall issue to each successful applicant a certificate in such form and size as shall be prescribed by the Board. This certificate shall show the name and address of the certificate holder, shall have imprinted thereon the seal of the Board, and in addition to the foregoing, shall contain such matter as shall be prescribed by the Board. Said certificate shall remain the property of the Board, and shall be subject to suspension or revocation for good cause shown, upon notice to the certificate holder and hearing by the Board or its designee.

(2) Each certificate issued by the Board in accordance with this Ordinance shall be valid for a period of three (3) years from the date of issuance. Upon

expiration of such certificate, each holder of a prior certificate shall meet all requirements for certification, including classroom instruction and testing, as described in Section III of this Ordinance for initial certification.

V. Exception for NIFI Certificate Holders

(1) Those persons who, at the time of application for a certificate to act as a certified Food Service Manager, have attended and successfully completed a program of instruction approved by the National Institute for the Food Industry (NIFI) and who hold a valid certificate issued by said organization, shall not be required to attend the course of classroom instruction or take the qualifying examination as established by the Board under Section III (3) of this Ordinance provided that certificate issuance date is less than five (5) years prior to the date of application. Such persons shall be issued a certificate to act as a certified Food Service Manager upon application and such certification as the Board may require. Any certificate so issued shall be made to expire on the date five (5) years after the issuance as indicated on the NIFI certification. Provided however, in no event shall the certificate issued by the Board pursuant to this provision extend for a period beyond five (5) years from the date of application.

(2) The Board may adopt such regulations or take such other action as may be necessary to implement fully the provisions of this Ordinance.

(3) The provisions of this Ordinance shall be enforced by the Board, and by the Jefferson County Department of Public Health.

VI. Penalties

(1) Any owner or operator of a food service establishment who violates Section II of this Ordinance upon conviction thereof shall be fined not less than Five Dollars (\$5.00), nor more than One Hundred Dollars (\$100.00) for each such offense. If any offense is continued for more than one (1) day, each day upon which such offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed therefore.

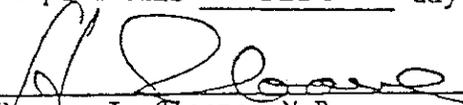
(2) The violation of any regulation promulgated by the Board pursuant to this Ordinance shall be punishable in accordance with the provisions of KRS 212.990(3).

VII. Effective Date

This Ordinance shall become effective upon its adoption by Fiscal Court.

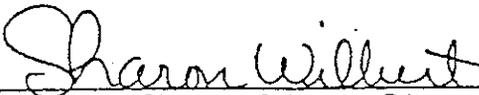
COUNTY OF JEFFERSON

Adopted this 31st day of May, 1989.



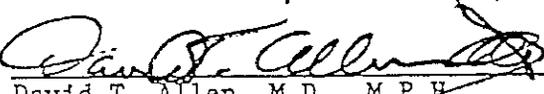
Harvey I. Sloane, M.D.
County Judge/Executive *Kum*

Date: May 31, 1989



Sharon Wilbert, Cabinet Director
Family & Neighborhood Services

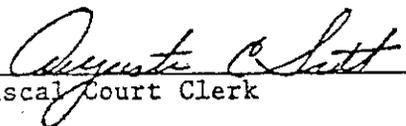
Date: 3/15/89



David T. Allen, M.D., M.P.H.
Director of Health

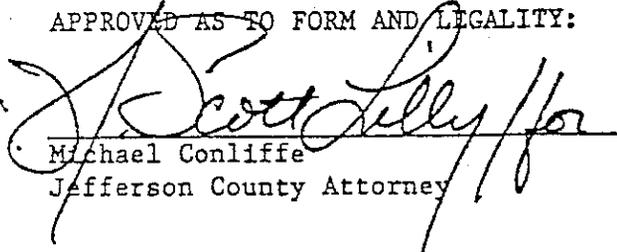
Date: 3/15/89

ATTEST:



Fiscal Court Clerk

APPROVED AS TO FORM AND LEGALITY:



Michael Conliffe
Jefferson County Attorney