

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 29 – FOOD ESTABLISHMENTS

[HISTORY: Adopted by the Council of the Borough of Northumberland 6-7-77 as Ord. No. 335.¹ Amendments noted where applicable.]

ARTICLE I – RULES AND REGULATIONS

29.1.01 Adoption of rules and regulations by regulations by reference. (29-1)

The Rules and Regulations set forth in Chapter 151 of Title 25 of the Pennsylvania Code, adopted by the Department of Environmental Resources on September 8, 1971, are hereby referred to, adopted and made a part of this chapter as if fully set forth herein, as regulations for the sanitary treatment and serving of food and drink in the various food establishments of the Borough of Northumberland.

29.1.02 Enforcement officer; grant of authority. (29-2)

It shall be the duty and responsibility of the Health Officer of the Borough of Northumberland to enforce the provisions of this chapter and of the Act of May 23, 1945, P.L. 926, as amended (35 P.S. ~ 655.1 et seq.), and he is hereby granted all the power and authority contained therein.

29.1.03 Inspections. (29-3)

The Health Officer shall make or cause to be made inspections to determine the conditions of all public eating or drinking places in order to safeguard the safety, health and welfare of the public under the provisions of this chapter. The Health Officer is authorized to enter any structure or premises at any reasonable time for the purpose of performing his duties under this chapter. The owner, occupant or operator of every public eating or drinking place or the person in charge thereof shall give the Health Officer free access thereto and to all parts thereof for the purpose of such inspection and examination.

29.1.04 Right of entry. (29-4)

- A. It shall be unlawful for any person to refuse entrance to or to impede an inspector or officer authorized under this chapter in the performance of his duties, and every such inspector or officer shall have the right to enter, examine and inspect all premises, grounds and structures and every part thereof at all reasonable times upon display of proper identification.
- B. If any owner, occupant or other person in charge of a structure subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this chapter is sought, the Health Officer may commence an action against such owner, occupant or other person in charge for violation of this chapter and may seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

29.1.05 Revocation or suspension of license. (29-5)

Any person, partnership, association or corporation conducting or operating in the Borough of Northumberland a public eating or drinking place who, after investigation made by the Health Officer, has failed or refused after a reasonable interval to correct conditions found to constitute a violation of this chapter shall have his, her or its license to operate such public eating or drinking place revoked or suspended by the Health Officer. Revocation or suspension of license shall be terminated when the violation for which it was imposed has been found, upon inspection by the Health Officer, to have been corrected.

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29.1.06 Contents of notice. (29-6)

Notice of a violation of this chapter or of revocation or suspension of license shall be in writing, state the reason or reasons why it is being given, state the time within which conditions must be corrected and cite the provisions of the law pursuant to which it is being given.

29.1.07 Service of notice. (29-7)

Service of said notice of violation or suspension may be served in any of the following ways:

- A. By delivery personally to the owner or operator.
- B. By delivery personally to any agent, servant or employee of the owner or operator in the public eating or drinking place.
- C. By certified mail addressed to the owner or operator at his, her or its last known residential or business address or at the address of the public eating or drinking place.

29.1.08 Posting of placard; penalty for removal. (29-8)

When a license has been suspended, the premises of the eating or drinking place shall be posted with a placard or placards by the Health Officer. The placard shall state the name of the licenser, cite the law pursuant to which the suspension is ordered, state that the license is suspended until such time as the Health Officer shall certify that the violations for which the suspension was imposed have been corrected, contain the date the placard was posted, contain the signature of the Health Officer and state the penalty for defacing or removing the placard.

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution.]

29.1.09 Administrative liability. (29-9)

Except as may otherwise be provided by the statute or local law or ordinance, an officer, agent or employee of the Borough of Northumberland charged with the enforcement of this chapter shall not render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. A person who institutes or assists in the prosecution of a criminal proceeding under this chapter shall not be liable to damages hereunder unbelieveing that the person accused or prosecuted was guilty of any unlawful act or omission. Any suit brought against any officer, agent or employee of the Borough of Northumberland as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the Borough of Northumberland until the final determination of the proceedings therein.

29.1.10 Violations and penalties. (29-10)

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution.]

¹ Editor's Note: this ordinance repealed former Ch. 27, Food Establishments, adopted 9-5-72 as Ord. No. 272.