

ORDINANCE NO. 5492

AN ORDINANCE to amend and reordain Chapter 2 (Food and Food Establishments) of Title 11 (Health, Environmental and Sanitary Regulations) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 11, Chapter 2, Article A of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

**Sec. 11-2-4 Definitions.**

Words appearing in SMALL CAPS are defined in this chapter or in the FDA Food Code. The following words and phrases, when used in this chapter, including in the incorporated FDA Food Code, shall have the meanings given below, unless the context clearly indicates a different intention or it is otherwise expressly provided:

(a) "*Catering*" means the preparation and/or service of FOOD by a FOOD ESTABLISHMENT at a location other than on the PREMISES of their FOOD ESTABLISHMENT.

"Catering" does not include:

- 1) Carry out service where a CONSUMER picks up FOOD from the FOOD ESTABLISHMENT's PREMISES;
- 2) Delivery of FOOD by a FOOD ESTABLISHMENT to a CONSUMER;
- 3) A private chef or cook who, as the employee of a CONSUMER, prepares FOOD solely in the CONSUMER's home; or
- 4) Vending to the general public except at temporary events or farmers markets unless the caterer is also licensed as a MOBILE FOOD ESTABLISHMENT.

(b) "*Certificate*" means the photo identification card issued by the DIRECTOR, or the comparable document issued by another jurisdiction or private vendor that is accepted by the DIRECTOR, which demonstrates that the individual identified on the CERTIFICATE has been determined to be a FOOD PROTECTION MANAGER. Alternatively, a photographic identification and a copy of the individual's Approved Food Manager's Credential Certificate may be provided in lieu of the CERTIFICATE, providing both confirm the individual's correct identity and qualification.

(c) "*Commissary*" means a permitted FOOD ESTABLISHMENT where FOOD is stored, prepared, portioned, or packaged, or any combination of these, where such FOOD is intended for service at another FOOD ESTABLISHMENT. It is also the place which is used as the base of operations for one or more MOBILE FOOD ESTABLISHMENTS where such MOBILE FOOD ESTABLISHMENTS are serviced, cleaned, supplied, and maintained, and where the EQUIPMENT, UTENSILS and facilities are serviced, washed and sanitized.

(d) "*Director*" means the director of the Alexandria Health Department or his designee. In

the City of Alexandria, the DIRECTOR is the REGULATORY AUTHORITY with jurisdiction over FOOD ESTABLISHMENTS.

- (e) "Food protection manager" means a person who is certified by a food protection manager program that is evaluated and listed by a Conference of Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs.
- (f) "*Mobile food establishment*" means a FOOD ESTABLISHMENT that is designed to be readily moveable and which operates from a COMMISSARY that is a FOOD ESTABLISHMENT holding a valid PERMIT from the REGULATORY AUTHORITY in the jurisdiction in which it is located. MOBILE FOOD ESTABLISHMENTS include food trucks, food push carts, food trailers, and similar mobile units where FOOD is prepared and/or served.

Section 2. That Title 11, Chapter 2, Article B of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

**Sec. 11-2-11 General.**

MOBILE FOOD ESTABLISHMENTS shall comply with the requirements of this chapter. All MOBILE FOOD ESTABLISHMENTS are to be clearly identified with the establishment trade name and contact phone number or other form of electronic contact information conspicuously displayed on both sides and the back of the unit. The PERMIT sticker issued under this chapter shall be posted on the left rear of the MOBILE FOOD ESTABLISHMENT so as to be clearly visible to the public.

Section 3. That Title 11, Chapter 2, Article C of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

**Sec. 11-2-21 Permits for food establishments.**

- (a) No PERSON shall operate a FOOD ESTABLISHMENT unless that PERSON possesses a valid PERMIT issued by the DIRECTOR. Only a PERSON who complies with the requirements of this chapter shall be entitled to receive or retain such a PERMIT. PERMITS are not transferable. A valid PERMIT shall be posted in every FOOD ESTABLISHMENT in a conspicuous place. FOOD ESTABLISHMENT PERMITS are issued for a calendar year and ~~expire on December 31 regardless of the month of issue.~~ 12 calendar months after the date of issue.
- (b) An initial application fee and an annual renewal application fee shall be assessed for each permitted FOOD ESTABLISHMENT including TEMPORARY FOOD ESTABLISHMENTS operating less than 14 days. These fees shall be in the amounts established by the General Assembly of the Commonwealth of Virginia and/or the Alexandria City Council. Such

fees shall not be applicable to FOOD ESTABLISHMENTS operated by the Alexandria City Public Schools. The application fees shall be based on a calendar year and shall be due ~~and payable on or before December 31~~ on or before the date that the permit expires or upon initial application. The fees shall not be prorated. A late payment fee in an amount established by the Alexandria City Council shall be assessed to each FOOD ESTABLISHMENT owner who pays their renewal application fee more than 14 days after their PERMIT has expired.

(c) FOOD ESTABLISHMENTS failing to file the required application for renewal of the PERMIT will be operating without a valid PERMIT and will be subject to immediate closure in accordance with Section 11-2-29 of this chapter.

(d) No PERSON shall provide CATERING services unless their application for a FOOD ESTABLISHMENT PERMIT indicated their intention to provide CATERING services and a plan review was conducted as specified in subsection 11-2-51(b) of this chapter.


**Sec. 11-2-22 Exemption.**

(a) The DIRECTOR may exempt coffee and related beverage service and service areas and such one time events or affairs from such provisions or requirements of this chapter as the DIRECTOR may deem advisable upon determining that the operation of such service, service areas, events or affairs will not adversely affect the public health.

(b) A FOOD ESTABLISHMENT that is permitted and regulated for food safety by another State Agency will not be required to receive a duplicate permit and inspection under this Code, unless joint permitting authority is allowed by State Code. 25

Section 4. That Title 11, Chapter 2 as amended pursuant to Section 1, Section 2, and Section 3 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

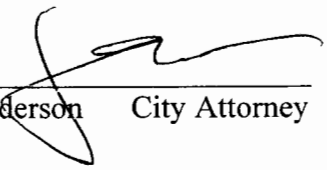
Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

  
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JUSTIN M. WILSON  
Mayor

ATTEST:

  
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Gloria A. Sitton, CMC City Clerk

Approved as to Form:

  
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Joanna Anderson City Attorney