



Legislation Details (With Text)

File #: 23-1080 **Name:** Food Code updates
Type: Ordinance **Status:** Agenda Ready
File created: 4/25/2023 **In control:** City Council Legislative Meeting
On agenda: 5/9/2023 **Final action:**

Title: Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to revise Title XI (Health, Environmental & Sanitation Regulations), Chapter 2 (Food and Food Establishments) of the City Code to amend the requirements for additional Food Protection Manager Certificates, to allow mobile businesses to use alternative contact methods to be displayed on their food truck, to adjust the permit expiration date to 12 months from date of issue and to remove duplication of inspection with other State agencies.

Sponsors:
Indexes:
Code sections:

Attachments: 1. 23-1080_Att 1 - Ordinance Cover, 2. 23-1080_Att 2 - Ordinance Food Code, 3. 23-1080_Ordinance - 2023 Alexandria Food Code

Date	Ver.	Action By	Action	Result
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City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 2, 2023
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
THROUGH: JAMES F. PARAJON, CITY MANAGER /s/
FROM: DR. DAVID C. ROSE, DIRECTOR, ALEXANDRIA HEALTH DEPARTMENT

DOCKET TITLE:
Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to revise Title XI (Health, Environmental & Sanitation Regulations), Chapter 2 (Food and Food Establishments) of the City Code to amend the requirements for additional Food Protection Manager Certificates, to allow mobile businesses to use alternative contact methods to be displayed on their food truck, to adjust the permit expiration date to 12 months from date of issue and to remove duplication of inspection with other State agencies.

ISSUE: Consideration of amending the Food Safety Code regulations to remove the requirement for businesses to obtain an additional credential that is costly and difficult for staff members to obtain in person; to allow food trucks to display an alternate means of contact other than a phone number on their vehicle, and to remove duplication and conflict with State Code where other State agencies are inspecting the same food business.

RECOMMENDATION: That City Council:

1. Approve the Ordinance to allow:
 - a. Staff members to provide a recognized Certified Food Protection Manager Credential and photo identification, rather than having to obtain a separate photo identification displaying their credential information;
 - b. To remove the requirement for a business to display a phone number on their mobile truck and allow them to supply an alternative means of communication such as email;
 - c. To alter the permit duration from expiring on December 31st, to 12 months after the date of issue;
 - d. To reduce over regulation but adding an exemption to permitting requirements for establishments regulated by another State Agency; and
2. Schedule it for second reading and public hearing on Saturday, May 13, and after the public hearing adopt the ordinance.

BACKGROUND: Since the implementation of the regulations in 2017, several changes have occurred such that an update to the regulations is required.

1. In July 2021 Fairfax County Health Department (FCHD) made the decision not to renew the contract with ORS Interactive to provide a Photographic Identification card displaying a manager's name, photograph, and certification information. As this was during the peak of the pandemic, FCHD did not seek an alternative supplier for this card, and temporarily allowed businesses to provide a training certificate and photo identification to confirm authenticity. On review of this change, there has been no negative impact to food safety and businesses are saving \$60 for each credential issued. Therefore, Alexandria Health Department (AHD) is seeking to permanently change this requirement.
2. Communication methods have changed significantly with businesses now using social media to communicate directly with the customers. As such the requirement to display a phone number on food trucks should be expanded to allow other forms of direct communication to also be allowed.
3. AHD issues both a State and a City permit to food establishments located within the City of Alexandria. The State permit should be issued for 12 months, whereas the City permit is issued for the remainder of the calendar year, expiring on December 31st regardless of when the permit was issued. To reduce the administrative burden of introducing two permit expiration dates, AHD is requesting to alter the Code to allow the permit to run for a full 12 months, regardless of when it was issued.
4. Changes made during the 2022 General assembly (effective on January 1, 2023) require localities to reduce over-regulation and ensure that local codes remove duplication of permitting wherever possible. To comply with this State Code change, approximately 100 establishment permits were not renewed by AHD in January 2023, as they were already subject to inspection by the Virginia Department of Agriculture and Consumer Services (VDACS) and received an automatic permit from them; the establishments affected were mostly grocery stores, followed by bakeries and ice cream stores. To ensure a smooth transition of the remaining approximately 50 establishments that were not previously regulated by VDACS, AHD worked closely with the VDACS to ensure that they had a smooth transition, in some cases retaining the permit for them, until such time that VDACS was able to issue permits. This local code change would ensure that Alexandria would comply with this State Code requirement and allow facilities to return to local permitting if State Code Changes occur. The request is to add an additional permit exemption that would allow food businesses permitted by another State Agency for food safety to be exempt for the City's local food code.

DISCUSSION: The proposed ordinance amends the current Food Safety Code of the City of Alexandria in 4 ways to better serve the food businesses located within the City of Alexandria. The proposed changes create no negative food safety impact but reduce the administrative and fiscal burden on establishments doing business in the City.

FISCAL IMPACT: There is no fiscal impact to the City of Alexandria due to the changes being proposed. Any potential loss of revenue due to the non-permitting of food establishments that hold another State Agency Food Safety Permit was completed in 2023 due to changes at the State level.

ATTACHMENTS:

1. Ordinance Cover
2. Ordinance

STAFF:

Rachel Stradling, Environmental Health Manager, Health Department

Erin Miller, Food Safety Program Supervisor, Health Department
Dean Kime, City Attorney
Tony Cuadros, Department of Administration, Health Department