

## ARTICLE 1105 Licensing

1105.01	General food license required.	1105.06	Standards for food products.
1105.02	Inspection and approval for compliance.	1105.07	Food inspectors' duties.
1105.03	License and inspection fees.	1105.08	Food preparation and sales on public streets, right-of-ways and sidewalks.
1105.04	Licensing each business location.	1105.99	Penalty.
1105.05	Fee payment; certificate to be displayed.		

### CROSS REFERENCES

The Retail Food Facility Safety Act (3 Pa. C.S.A. §§5701-5714)

The Food Safety Act (3 Pa. C.S.A. §§5721-5731)

General food provisions - see 31 P.S. §1 et seq.; 7 Pa. Code Ch. 45

State license required - see 35 P.S. §655.3

Bakery license - see HLTH. & SAN. 1109.02 et seq.

#### 1105.01 GENERAL FOOD LICENSE REQUIRED.

No person, firm or corporation shall produce, transport, process, sell, dispose of or offer for sale as human food any milk or milk products, meat or meat products, fish or other foods and food products within the City without first obtaining a general food license therefore, in accordance with the provisions of this article and the food regulations of the Bureau of Health. (Ord. 7-1971 Sec. 1.)

#### 1105.02 INSPECTION AND APPROVAL FOR COMPLIANCE.

The Bureau of Health shall not issue any general food license until after receiving a written report from the Food Inspector certifying approval of the sanitary conditions of the places where the food is produced, handled or sold and the Bureau is satisfied with the Food Inspector's recommendation that the care and handling of such food shall be in accordance with the provisions of this article and the food regulations of the Bureau. (Ord. 7-1971 Sec. 2.)

#### 1105.03 LICENSE AND INSPECTION FEES.

All license and inspection fees shall be established by resolution of Council. (Ord. 19-97. Passed 12-2-97.)

#### 1105.04 LICENSING EACH BUSINESS LOCATION.

If any person, firm or corporation conducts a business at more than one location in the City the business conducted at each location shall be considered as a separate and independent business and shall be subject to the imposition of a license fee and the appropriate inspection fee. All license fees for each business location shall be established by resolution of Council. (Ord. 7-1971 Sec. 4; Ord. 19-97. Passed 12-2-97.)

#### 1105.05 FEE PAYMENT; CERTIFICATE TO BE DISPLAYED.

The license fee and inspection fee shall be due and payable at the office of the City Treasurer January 1, annually, and the Treasurer shall register the name of the licensee in a register to be kept for that purpose and designated general food licenses. The Bureau of Health shall furnish each licensee with a certificate showing the number of the license and the year for

which it is granted, which certificate shall be displayed by the licensee in some conspicuous place in his, theirs or its place of business where it may be readily observed.  
(Ord. 7-1971 Sec. 5.)

#### 1105.06 STANDARDS FOR FOOD PRODUCTS.

The standards for processing, delivery and sale of all food products shall be in accordance with regulations of the Bureau of Health and the laws of the Commonwealth of Pennsylvania, and specifically in accordance with the following mentioned Acts of Assembly and rules and regulations promulgated thereunder, which by reference are incorporated herein:

The Food Safety Act (3 Pa. C.S.A. §§5721-5731)

The Retail Food Facility Safety Act (3 Pa. C.S.A. §§5701-5714)

Frozen Dessert Law: (Act of September 1, 1965, P.L. 420) as amended (31 P.S. §417.1 et seq.); Pa. Dept. of Agriculture Regulations (7 Pa. Code Chap. 39) as amended.

Frozen Foods: (Act of May 13, 1909, P.L. 520) as amended (31 P.S. §1 et seq.); Pa. Dept. of Agriculture Regulations (7 Pa. Code Chap 37) as amended.

Milk and Dairy Product Labeling: (Act of August 8, 1961, P.L. 975) as amended (31 P.S. §520 et seq.); Pa. Dept. of Agriculture Regulations (7 Pa. Code §57.41 et seq.) as amended.

Milk and Sanitation Standards: (Act of July 2, 1935, P.L. 589), as amended (31 P.S. §645 et seq.); Pa. Dept. of Agriculture Regulations (7 Pa. Code Chap. 59) as amended.

Shellfish: Pa. Dept. of Health Regulations (25 Pa. Code Chap. 153) as amended.

Public Eating and Drinking Places: (Act of May 23, 1945, P.L. 926) as amended (35 P.S. §655.1 et seq.) as amended; Pa. Dept. of Health Regulations

Where there is a conflict between the City of York's Health and Sanitation Code and The Food Safety Act, 2010, Nov. 23, P.L. 1039, No. 106, The Food Safety Act supersedes and is controlling.

(Ord. 1-2004. Passed 1-20-04; Ord. 8-2011. Passed 4-19-11.)

#### 1105.07 FOOD INSPECTORS' DUTIES.

The Mayor shall appoint a sufficient number of competent inspectors of foods and food products to the Bureau of Health, who shall inspect or cause to be inspected, tested, examined or analyzed, samples of all meat, fish, bakery products and other foods sold or offered for sale in the City, as frequently as may be necessary to maintain the required standards thereof. The inspectors shall also inspect at least once a year, or more often as may be necessary, all places where foods and food products are produced, handled or sold in the City and shall, upon orders from the Bureau of Health, condemn and forbid the sale of any food or product produced or handled under unsanitary conditions or otherwise found detrimental to the public health. (Ord. 9-1999. Passed 6-1-99.)

#### 1105.08 FOOD PREPARATION AND SALES ON PUBLIC STREETS, RIGHT-OF-WAYS AND SIDEWALKS.

No person shall sell, process, prepare, cook, or offer for public consumption any food products on the public streets, right-of-ways and sidewalks within the City of York without first obtaining the proper permits and licensing and undergoing an inspection.  
(Ord. 56-2006. Passed 9-5-06.)

#### 1105.99 PENALTY.

Whoever violates any provision of this Title One of the Health Code or is required by the provisions of this article to pay a license fee and fails or refuses to pay the same, and any person who sells or offers for sale any meat or other food or food products, below the standards provided by this article or refuses to comply with the orders of the Food Inspectors, or violates any of the provisions of this article, shall, upon conviction thereof, be fined not more than one

thousand dollars (\$1,000) and costs of prosecution, and in default of payment thereof shall be imprisoned for not more than thirty days.  
(Ord. 48-1989 §1. Passed 5-2-89.)





