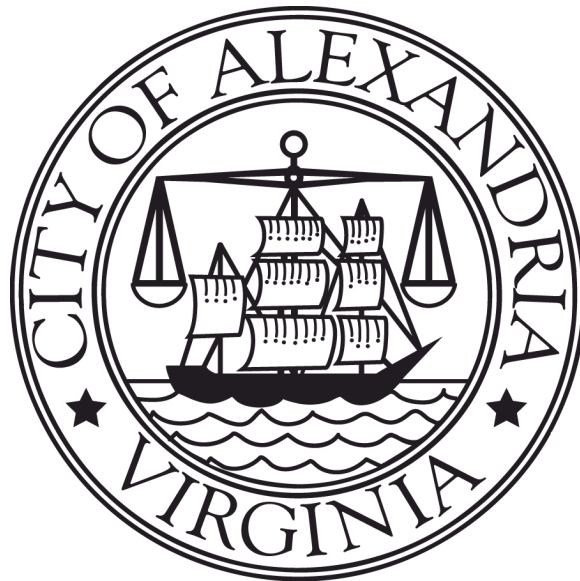


# **The Food Safety Code of the City of Alexandria**



**As adopted, June 14, 2014**

## CHAPTER 2: Food and Food Establishments

Editorial Note: Ord. No. 3949, § 1, adopted Sept. 13, 1997, repealed Ch. 2 which pertained to food and food handling establishments. Section 2 of said ordinance enacted provisions designated as a new Ch. 2 to read as herein set out. See the Code Comparative Table.

Charter Reference: Power of city as to production, etc., of food for human consumption, Sec. 2.04(h).

Cross References: Serving food in nursery schools, Sec. 12-3-46; display of foodstuffs on sidewalks, Sec. 5-2-16.

State Law References: Sanitary requirements for food and food establishments, Code of Va., Secs. 3.1-365 to 3.1-385; restaurants and public eating places, Code of Va., title 35.1; Secs. 35.1-1 to 35.1-26.

ARTICLE A: General Provisions.....	3
Sec. 11-2-1 Title.....	4
Sec. 11-2-2 Purpose.....	4
Sec. 11-2-3 Incorporation of Prevailing Federal Food Code.....	4
Sec. 11-2-4 Definitions.....	4
Sec. 11-2-5 Modifications to FDA Food Code.....	5
Secs. 11-2-6 through 11-2-10 reserved.....	6
ARTICLE B: Mobile Food Establishments.....	6
Sec. 11-2-11 General.....	6
Sec. 11-2-12 Sink requirements for mobile food establishments.....	6
Sec. 11-2-13 Single service utensils.....	6
Sec. 11-2-14 Commissary.....	6
Secs. 11-2-15 through 11-2-20 reserved.....	7
ARTICLE C: Compliance Procedures.....	7
Sec. 11-2-21 Permits for food establishments.....	7
Sec. 11-2-22 Exemption.....	7
Sec. 11-2-23 Permits for vending machines.....	7
Sec. 11-2-24 Food Protection Manager certificate.....	8
Sec. 11-2-25 Issuance of Food Protection Manager certificate.....	8
Sec. 11-2-26 Suspension of permit or certificate in emergencies.....	9
Sec. 11-2-27 Revocation of permit or certificate.....	9
Sec. 11-2-28 Service of notices.....	10
Sec. 11-2-29 Closing of food establishments.....	10
Sec. 11-2-30 Hearings.....	10
Sec. 11-2-31 Application after revocation.....	10
Secs. 11-2-32 through 11-2-40 reserved.....	10
ARTICLE D: Civil Penalty.....	10
Sec. 11-2-41 Penalties.....	10
Sec. 11-2-42 Procedures.....	11
Secs. 11-2-43 through 11-2-50 reserved.....	11
ARTICLE E: Review of Plans and Specifications.....	12
Sec. 11-2-51 Submission of plans, specifications and other data; inspection prior to operation; fees.....	12

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to repeal and reenact Chapter 2 (FOOD AND FOOD ESTABLISHMENTS), Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS) of The Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, the health and safety of the public requires the regulation of food and food establishments located within the City of Alexandria; and

WHEREAS, existing provisions of the city code that safeguard public health in food establishments are based upon the 2009 Food Code of the United States Food and Drug Administration ("FDA"); and

WHEREAS, the FDA intends that its Food Code be updated and revised every four years, in order to incorporate the most current scientific knowledge and new technologies in the food packaging and food service industries; and

WHEREAS, the FDA has recently promulgated its 2013 Model Food Code, which incorporates nationally recognized public health standards designed to provide the greatest possible protection from and prevention of infectious and non-infectious food-borne diseases; and

WHEREAS, the regulatory scheme set out in the 2013 FDA Model Food Code is presently employed in numerous food industries, as well as the meat and poultry inspection systems of the federal government, and has been endorsed by the National Conference for Food Protection; and

WHEREAS, neighboring jurisdictions in Northern Virginia are planning to implement the 2013 FDA Model Food Code, and the adoption of this code by the City of Alexandria will help to establish uniform standards for the regulation of food and food establishments in the region; now, therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

## **ARTICLE A: General Provisions**

### **Sec. 11-2-1 Title.**

This chapter shall be known and may be cited as "The Food Safety Code of the City of Alexandria".

### **Sec. 11-2-2 Purpose.**

This chapter shall be liberally construed and applied by the DIRECTOR to promote its underlying purpose of safeguarding public health and ensuring that FOOD is safe, unadulterated and properly presented when offered to the CONSUMER.

### **Sec. 11-2-3 Incorporation of Prevailing Federal Food Code.**

All chapters, appendices and annexes of the current and prevailing United States Food Code ("Food Code"), as adopted and promulgated by the Food and Drug Administration and Centers for Disease Control and Prevention of the U.S. Department of Health and Human Services and the Food Safety and Inspection Service of the U.S. Department of Agriculture, including such chapters, appendices and annexes as may hereafter be added and/or amended from time to time, but excepting those sections of the FDA Food Code identified in section 11-2-5, are hereby adopted and incorporated in their entirety into this chapter as if fully set forth herein. In the event of conflict or inconsistency between this chapter and the Food Code, the provisions of this chapter shall prevail and control.

### **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.

(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.

#### **Sec. 11-2-5 Modifications to FDA Food Code.**

(a) The portions of the FDA Food Code addressed in this subsection are not adopted by incorporation into this chapter. Rather, they are modified in the manner set out below, and their modified versions shall apply in the city:

(1) The definition of "permit" in Paragraph 1-201.10(B) is modified to read as follows:

"Permit" means the license issued by the DIRECTOR that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

(2) The definition of "Person in charge" in Paragraph 1-201.10(B) is modified to read as follows:

"Person in charge" means the individual present in a FOOD ESTABLISHMENT who is responsible for the food service operation at the time of an inspection authorized by this chapter. If no single individual is responsible for the food service operation, then any business owner or EMPLOYEE present shall be deemed the "PERSON IN CHARGE."

(3) Section 6-402.11 of the FDA Food Code is modified to read as follows:

Public toilet rooms shall be provided for CONSUMERS whenever seating for CONSUMERS is provided on the PREMISES. CONSUMERS shall not be permitted to gain access to toilet rooms by passing through a kitchen, food preparation, food storage, or UTENSIL washing area. Toilet rooms shall be conveniently located and accessible to EMPLOYEES during all hours of operation. Toilet rooms must be entirely separate and apart from any rooms or areas used for UTENSIL washing or for the manufacture, storage, and handling of FOOD products. Public and EMPLOYEE toilet facilities shall be installed according to and in the number required by the Virginia Uniform Statewide Building Code (VUSBC).

(4) Paragraph 8-304.10 (A) of the FDA Food Code is modified to read as follows:

A copy of this chapter and the version of FDA Food Code adopted in Section 11-2-3 above shall be maintained for public inspection in the office of the Alexandria Health Department's Environmental Health Division. A link to this chapter and the full text of the

version of FDA Food Code adopted in Section 11-2-3 above shall be placed on the Alexandria Health Department's website.

(5) Paragraph 8-902.10(A) of Annex 1 of the FDA Food Code is modified to read as follows:

If admission to the PREMISES of a FOOD ESTABLISHMENT is denied or other circumstances exist that would justify an inspection order under LAW, to make an inspection that includes the recordation of information by any means of audio-visual recordation including (but not limited to) photography, tape-recording and videotaping.

(b) Paragraph 2-102.11(B), Section 2-102.20, Section 8-911.10, and Section 8-913.10 of the FDA Food Code are not adopted or incorporated into this chapter and shall be of no effect in the city.

**Secs. 11-2-6 through 11-2-10 reserved.**

## **ARTICLE B: Mobile Food Establishments**

### **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 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.

### **Sec. 11-2-12 Sink requirements for mobile food establishments.**

(a) A MOBILE FOOD ESTABLISHMENT shall be equipped with a hand sink and a three-compartment sink. However, the DIRECTOR may waive the requirement for a three-compartment sink if the menu items dispensed from the MOBILE FOOD ESTABLISHMENT do not require significant preparation and the MOBILE FOOD ESTABLISHMENT has access to a three-compartment sink at its COMMISSARY. The DIRECTOR may also waive the requirement for a hand sink if only prepackaged FOOD is dispensed, or if an alternate method to hand washing, approved by the DIRECTOR, is used. Such alternate methods may include, but are not limited to, use of disposable hand washing towelettes, disposable gloves, sanitizing solutions that meet the specifications of 21 C.F.R. 178.1010 or other techniques approved by the DIRECTOR.

### **Sec. 11-2-13 Single service utensils.**

MOBILE FOOD ESTABLISHMENTS shall dispense only SINGLE-SERVICE ARTICLES for use by the CONSUMER.

### **Sec. 11-2-14 Commissary.**

(a) MOBILE FOOD ESTABLISHMENTS shall operate from a COMMISSARY that possesses a FOOD ESTABLISHMENT PERMIT issued in accordance with this chapter. However, the DIRECTOR may allow a MOBILE FOOD ESTABLISHMENT to operate from a COMMISSARY located outside the City of Alexandria if the COMMISSARY is a permitted FOOD ESTABLISHMENT that has been inspected by that jurisdiction's REGULATORY AUTHORITY and has been determined by that REGULATORY AUTHORITY to have sufficient space, EQUIPMENT, and capacities to act as the COMMISSARY for the

MOBILE FOOD ESTABLISHMENT.

**Secs. 11-2-15 through 11-2-20 reserved.**

## **ARTICLE C: Compliance Procedures**

### **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.

(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 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.**

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.

### **Sec. 11-2-23 Permits for vending machines.**

(a) No PERSON shall operate a VENDING MACHINE which vends TIME/TEMPERATURE CONTROL FOR SAFETY FOOD without a valid PERMIT issued by the DIRECTOR. PERSONS who do not comply with the requirements of this chapter shall not be entitled to receive or retain such a PERMIT. VENDING MACHINE PERMITS are issued for a calendar year and expire on December 31 regardless of the month of issue. PERMITS are not transferable.

(b) An initial application fee and an annual renewal application fee shall be assessed for each permitted VENDING MACHINE. These fees shall be in the amounts established by the Alexandria City Council. The application fees shall be based on a calendar year and shall be due and payable on or before December 31 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 vending machine operator who pays their renewal application fee more than 14 days after their PERMIT has expired.

(c) Operators of VENDING MACHINES failing to file the required application for renewal of the PERMIT shall be operating without a valid PERMIT and shall be subject to immediate closure in accordance with section 11-2-29 of this chapter.

(d) The operator's company name and service telephone number shall be displayed on each VENDING MACHINE or conspicuously adjacent to the VENDING MACHINE bank.

(e) All operators of VENDING MACHINES shall:

(1) comply with the requirements of this chapter;

(2) maintain at the operator's headquarters, or at some other designated location within the city, a list of all VENDING MACHINES operated by such operator within the city and the complete address of each machine location and of each COMMISSARY or other FOOD ESTABLISHMENT from which his machines are serviced, shall make this information available to the DIRECTOR upon request and shall keep it current;

(3) notify the DIRECTOR of each new VENDING MACHINE location at which machines vending TIME/TEMPERATURE CONTROL FOR SAFETY FOOD have been placed in operation; and

(4) notify the DIRECTOR of any change in operations involving new types of VENDING MACHINES or conversions of existing machines to dispense products other than those for which the machines were built.

#### **Sec. 11-2-24 Food Protection Manager certificate.**

It shall be unlawful to operate a FOOD ESTABLISHMENT unless it is under the immediate control of a PERSON with a valid CERTIFICATE identifying them as a FOOD PROTECTION MANAGER. This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the DIRECTOR to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of FOOD preparation. Specifically:

a) FOOD ESTABLISHMENTS that do not handle or prepare any FOOD and sell only commercially prepackaged FOOD in unopened packaging shall be exempt from this section if the FOOD ESTABLISHMENT measures the temperature of their refrigeration units at least twice a day and keeps a log of these measurements.

b) FOOD ESTABLISHMENTS not preparing TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be exempt from this section if the FOOD ESTABLISHMENT implements a documented EMPLOYEE training program that provides training to all EMPLOYEES at least quarterly on hand washing, their Employee Health Policy, and the proper way to wash, rinse and sanitize UTENSILS and EQUIPMENT.

#### **Sec. 11-2-25 Issuance of Food Protection Manager certificate.**

(a) Any PERSON desiring to obtain a CERTIFICATE required by section 11-2-24 shall apply in writing on forms provided or accepted by the DIRECTOR. Such application shall include the name and address of the applicant and the signature of the applicant. The DIRECTOR may designate a private vendor to issue, on the DIRECTOR's behalf, a CERTIFICATE to



any PERSON who successfully complies with the provisions of this chapter.

(b) A CERTIFICATE shall be issued only to a PERSON who has passed a FOOD PROTECTION MANAGER certification examination from a FOOD PROTECTION MANAGER certification program that is evaluated and listed by a Conference for Food Protection recognized accrediting agency.

(c) A CERTIFICATE shall be issued in the name of an individual applicant only, shall not be assignable or transferable, shall bear a photograph of the CERTIFICATE holder, and shall be valid only for a period of five years from the date of notification of the successful completion of the approved exam.

(d) A CERTIFICATE shall remain the property of the issuing REGULATORY AUTHORITY.

(e) A CERTIFICATE shall be renewed for a five-year period upon passing a FOOD PROTECTION MANAGER certification examination from a FOOD PROTECTION MANAGER certification program that is evaluated and listed by a Conference for Food Protection recognized accrediting agency.

(f) If the applicant's CERTIFICATE has been revoked or suspended during the preceding five years, the applicant shall retake and pass the FOOD PROTECTION MANAGER certification examination from a FOOD PROTECTION MANAGER certification program that is evaluated and listed by a Conference for Food Protection recognized accrediting agency. The DIRECTOR may, at his discretion, designate a specific vendor to administer the examination.

#### **Sec. 11-2-26 Suspension of permit or certificate in emergencies.**

(a) If the DIRECTOR deems an emergency to exist, the DIRECTOR may without warning, notice or hearing, order the suspension of any PERMIT or CERTIFICATE issued under this chapter if the holder of the PERMIT or CERTIFICATE does not comply with the requirements of this chapter, or if the operation of the FOOD ESTABLISHMENT does not comply with the requirements of this chapter, or if the operation of the FOOD ESTABLISHMENT otherwise constitutes a substantial and IMMINENT HEALTH HAZARD. Suspension is effective upon service of the notice required by subsection (b) of this section. When a PERMIT is suspended, all food-handling operations at the FOOD ESTABLISHMENT shall immediately cease. If the reason for the suspension is eliminated prior to the suspension being sustained by the DIRECTOR, the suspension shall be terminated.

(b) Whenever a PERMIT or CERTIFICATE has been ordered suspended, the holder of the PERMIT or CERTIFICATE or the person in charge shall be notified in writing that the PERMIT or CERTIFICATE is suspended effective upon service of the notice and that an opportunity for a hearing will be provided if written request for a hearing is filed with the DIRECTOR by the holder of the PERMIT or CERTIFICATE within 10 days. The holder of the PERMIT or CERTIFICATE shall be afforded an opportunity for hearing within 20 days of receipt by the DIRECTOR of a request for a hearing from the holder. If no written request for a hearing is filed within 10 days, the suspension is sustained. The DIRECTOR may end a suspension at any time if the reason for suspension no longer exists.

(c) The DIRECTOR, in lieu of suspending a PERMIT, may suspend the applicability of the PERMIT to a specific area of the FOOD ESTABLISHMENT PREMISES or VENDING MACHINE, or to specific products.

#### **Sec. 11-2-27 Revocation of permit or certificate.**

(a) The DIRECTOR may, after providing the opportunity for a hearing, order the revocation of a PERMIT or CERTIFICATE issued under this chapter for serious or repeated violations of any of the requirements of this chapter or for interference with the DIRECTOR in

the performance of his duty.

(b) Prior to ordering the revocation, the DIRECTOR shall notify, in writing, the holder of the PERMIT or CERTIFICATE or the PERSON IN CHARGE of the specific reasons for which the PERMIT or CERTIFICATE is to be revoked, and that the PERMIT or CERTIFICATE shall be revoked on the tenth day following service of the notice unless a written request for a hearing is filed with the DIRECTOR by the holder of the PERMIT or CERTIFICATE within such 10-day period. If no request for hearing is filed within the 10-day period, the PERMIT or CERTIFICATE shall be revoked by order of the DIRECTOR and the revocation shall be final..

**Sec. 11-2-28 Service of notices.**

A notice required by this chapter is properly served when it is delivered to the holder of the PERMIT or CERTIFICATE or to the PERSON IN CHARGE, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the PERMIT or CERTIFICATE. A copy of the notice shall be filed with the records of the Health Department.

**Sec. 11-2-29 Closing of food establishments.**

The DIRECTOR shall order the closure of (i) any FOOD ESTABLISHMENT which is operated without the PERMIT required by section 11-2-21 or (2) any VENDING MACHINE operated without the PERMIT required by section 11-2-23. The closure order shall be in writing, shall specifically state the reason for the closure and shall clearly specify the compliance requirements necessary to have the order revoked. The sheriff of the city shall enforce the closure order until it is rescinded by the DIRECTOR in writing. Upon receipt of satisfactory proof of compliance with the written requirements set forth in the closure order, the DIRECTOR shall immediately issue a written rescission of the order.

**Sec. 11-2-30 Hearings.**

The hearings provided for in this chapter shall be conducted by the DIRECTOR at a time and place designated by the DIRECTOR. Any oral testimony given at a hearing shall be summarily reported or recorded. The DIRECTOR shall make a finding based upon the hearing record and shall issue, sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the PERMIT or CERTIFICATE by the DIRECTOR.

**Sec. 11-2-31 Application after revocation.**

Whenever a revocation of a PERMIT or CERTIFICATE has become final, the holder of the revoked PERMIT or CERTIFICATE may submit a written application for a new PERMIT or CERTIFICATE.

**Secs. 11-2-32 through 11-2-40 reserved.**

**ARTICLE D: Civil Penalty**

**Sec. 11-2-41 Penalties.**

(a) It shall be unlawful for a PERSON to fail to comply with any provision of this chapter, including a provision of the FDA Food Code, that applies to the PERSON. It also shall be unlawful for any FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT to fail to comply with

any provision of this chapter that applies to it. A PERSON who fails to comply with any provision applicable to him shall be in violation of this chapter. The owner of any such FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT which fails to comply with any applicable provision shall be in violation of this chapter. For each violation, the PERSON or owner shall be liable for a civil penalty. Each day that a violation exists or persists shall constitute a separate violation of this chapter.

(b) Operating a FOOD ESTABLISHMENT or a MOBILE FOOD ESTABLISHMENT after the PERMIT has been suspended or revoked shall be a class one civil violation as specified in Section 1-1-11. Operating a FOOD ESTABLISHMENT or a MOBILE FOOD ESTABLISHMENT without obtaining an initial PERMIT shall be a class two civil violation as specified in Section 1-1-11. Any other violation of this chapter or the FDA Food Code shall be a class four civil violation as specified in Section 1-1-11 of the Code of the City of Alexandria.

### **Sec. 11-2-42 Procedures.**

(a) Upon determining that one or more violations of this chapter have occurred, the DIRECTOR shall cause a written notice of the violation or violations to be delivered to the PERSON who is in violation of this chapter and, in the case of an owner of a FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT who is in violation of this chapter, to the owner or to the PERSON IN CHARGE of the FOOD ESTABLISHMENT or MOBILE FOOD ESTABLISHMENT. The notice shall, with respect to each violation, contain the following information:

(1) a description of the violation, with a citation to the City Code or FDA Food Code section that has been violated;

(2) a statement of the amount of the civil penalty to be assessed; and

(3) a statement that the PERSON or owner in violation may elect either (i) to make an appearance in person, or in writing by mail, to the treasurer of the city by a specific date, admit liability for or plead no contest to the violation, abate the violation, and pay the civil penalty established for the violation, or (ii) to contest the violation by filing with the DIRECTOR, within 10 days of receipt of the notice, a written notice of the election to contest the violation, in which case the PERSON or owner shall be entitled to an administrative hearing before the DIRECTOR.

(b) If, after an administrative hearing, the DIRECTOR finds that a violation of this chapter has occurred, the PERSON or owner found to be in violation shall, within 10 days of the finding, pay the civil penalty originally assessed.

(c) If a PERSON or owner charged with a violation of this chapter does not elect to admit liability or plead no contest and to pay the assessed penalty, or, following an administrative hearing which results in a finding that a violation has occurred, does not pay the assessed penalty, the violation shall be tried in the Alexandria General District Court upon a warrant in debt or a motion for judgment, with the same right of appeal as provided in civil actions at law.

(d) A plea of no contest to, and a finding or admission of liability for, a violation of this chapter shall not be deemed a criminal conviction.

(e) The remedies provided in this section are cumulative and not exclusive. The designation of a violation of this chapter as a civil violation shall not be construed as prohibiting city officials from initiating appropriate administrative or civil procedures to prevent, correct, restrain or abate violations of the chapter.

### **Secs. 11-2-43 through 11-2-50 reserved.**

## **ARTICLE E: Review of Plans and Specifications**

### **Sec. 11-2-51 Submission of plans, specifications and other data; inspection prior to operation; fees.**

(a) Whenever a FOOD ESTABLISHMENT is constructed or remodeled or whenever an existing structure is converted to use as a FOOD ESTABLISHMENT, plans and specifications for such construction, remodeling, or conversion shall be submitted to the DIRECTOR for his review prior to commencement of such construction, remodeling or conversion. The DIRECTOR shall approve the plans and specifications if they meet the requirements of this chapter and the FDA Food Code. The DIRECTOR's approval of any plans or specifications shall not be viewed to be a determination that said plans or specifications are free from error. The owner shall have final responsibility for the accuracy and completeness of the plans and specifications, as well as for subsequent construction and installation.

(b) Whenever an applicant for a FOOD ESTABLISHMENT PERMIT indicates their intention to offer CATERING services, a CATERING menu and plans and specifications shall be submitted to the DIRECTOR for his review and approval prior to commencement of such CATERING operation. The plans and specifications shall include the EQUIPMENT necessary to safely transport FOOD from the FOOD ESTABLISHMENT to a remote location and safely hold and serve it. The plans and specifications shall also include the EQUIPMENT necessary to safely prepare FOOD if some or all of the FOOD preparation will be done at the remote location.

(c) Whenever plans and specifications are required to be submitted and approved, the DIRECTOR shall inspect the FOOD ESTABLISHMENT prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements contained in this chapter.

(d) A plan review fee in an amount established by city council shall be paid to the DIRECTOR upon submission of FOOD ESTABLISHMENT plans.