

C. Certified Food Protection Manager

1. Required

- a.** Except as provided in subsection 401.C.6 of this section, it shall be unlawful and a misdemeanor offense for any person owning, operating, or managing any food establishment within the City to fail to employ at least one (1) certified food protection manager.

 - (1) Such person shall be in a supervisory position at said establishment and have a valid and current certificate, which satisfies the requirements of subsection 401.C.2 of this section.
 - (2) The certified manager must be an active employee of the licensed establishment who is present a majority of the operating hours and who has the responsibility of directly observing, supervising, and training food establishment personnel in proper food and equipment handling, sanitation, and personal hygiene.
 - (3) In the event the certified manager is temporarily absent, the person in charge shall conform to section 310:257-3-2 of the Code.
- b.** The Department may require additional certified managers in sufficient numbers to ensure all food preparation and service is performed under the direction of certified supervisory personnel. It shall be unlawful and a misdemeanor offense for any person owning, operating, or managing a food establishment to allow the food establishment to be operated with less than the required number of certified managers.
- c.** Whenever the person holding the Food Protection Manager Certification terminates employment or is terminated or transferred to another food establishment, the person owning, operating, or managing the food establishment shall be allowed thirty (30) days from the date of termination or transfer of the certificate holder to comply with subsection 401.C.1.a of this section. The Department may grant an extension of time in the event instruction and testing is not available within the thirty (30) day period.

D. Food Employee Permits

1. Permit Required.

- a.** It shall be unlawful and a misdemeanor offense for any person to operate a food service establishment in the City to employ staff to serve food, prepare food, or handle food utensils without ensuring that they possess a current and unrevoked permit issued by the Department.
- b.** It shall be unlawful and a misdemeanor offense for any person to serve, prepare food, or handle food utensils in a food service establishment, who cannot immediately exhibit a current and unrevoked permit issued by the Department.
- c.** Exemptions from requirements. Food service establishments and employees of food service establishments outlined below are exempt from this requirement:

 - (1) Food establishments that serve, sell, or distribute only prepackaged food.
 - (2) Temporary food establishments, special facilities, and/or events.
- d.** Affidavit Required. At the time of application to the Department, applicant for permits in subsection 401.D.3 of this section must submit an affidavit stating legal status in the country.