

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

**Chapter 300**

**FOOD SAFETY AT RETAIL FOOD FACILITIES**

**300.1. POLICY AND PURPOSE**

300.1.1. The purpose of this Chapter is to provide for the protection of the public health by promulgating and adapting regulations for food safety at retail food facilities.

300.1.2. The provisions of this Chapter are adopted in accordance with the duties imposed upon the Delaware County Health Department under Act 106 of 2010: The Retail Food Facility Safety Act (3Pa.C.S.A. §§5701-5714) and The Food Safety Act (3Pa.C.S.A. §§5721-5737) and the Local Health Administration Law Act 315 approved August 24, 1951, P.L. 1304, as amended, as found in 16 P.L. §12001 et seq.

300.1.3. The provisions of this Chapter shall apply to all municipalities in Delaware County which come under the jurisdiction of the Department, and they apply equally to all persons.

**300.2. ADOPTION BY REFERENCE OF THE PA FOOD CODE**

a. The Pennsylvania Department of Agriculture Food Code (“PDA Food Code”) establishes definitions, sets forth standards for management and personnel, food operations and equipment and facilities, and provides for retail food facility plan review, licensing, inspection, and employee restriction.

b. The PDA Food Code - Chapter 46 of 2014, PA Code 7, is hereby adopted by reference and are made a part of the Department’s Rules and Regulations, as fully as if herein set forth at length. This includes the most current version of the U.S. Food & Drug Administration Food Code.

Chapter 46 of the PA Department of Agriculture’s Food Code;  
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/007/chapter46/chap46toc.html&d=>

c. These Rules and Regulations and the PDA Food Code shall be enforced by the Department in accordance with the provisions contained herein.

**300.3. CERTIFICATION OF PERSON IN CHARGE**

300.3.1. Every Person in Charge of a public food-service facility shall:

a. Have successfully completed a course in food-handling acceptable to the Department, i.e., a ServSafe (or other nationally recognized program certificate) and shall have received a certification thereof from the Department as a certified food safety manager.

b. Be responsible for at least the following:

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

1. The supervision and instruction of his/her food service workers in the techniques of sanitary food handling and proper maintenance of the food establishment.
  2. Notifying the Department in writing within five (5) days after his/her change of employment.
  3. Renewing his or her certification by completing the required course work prior to the expiration date listed on the present certificate.
  4. Monitoring staff and notifying the proprietor of necessity to remove anyone with signs of active illness from food service line.
  5. Requesting the proprietor to immediately report instances of foodborne communicable disease to the Health Department.
  6. Immediately contact the regulatory authority in the event of a fire, flood, extended interruption of water or electrical service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence, or other emergency in the food establishment which may affect food safety or endanger public health.
- c. Ensure that there is a certified food safety manager as a full time employee and designated as the certified food safety manager at only one food facility location within Delaware County.
- d. Ensure that a certified food safety manager is on duty during all hours the facility is open and/or preparing foods.
- 300.3.2. A Certified Food Safety Manager is required to reapply for certification every five (5) years. At no time shall the public food service facility be without the services of a Certified Food Safety Manager who has a current and valid certification with the Department.
- 300.3.3. Whenever the Department determines that the holder of a certification as a Person in Charge is in violation of any provision of this Section, the Department is authorized to suspend, or revoke said certification. Once revoked, that person may not be the holder of a certification in Delaware County within a time period determined by the Department and not less than six months.
- 300.3.4. The certification is granted to the Certified Food Safety Manager and shall be posted in a prominent place in the public food service facility in which said Person in Charge is employed or is working. The certificate is the property of the Department is nontransferable and shall not be duplicated by anyone other than the Department.
- 300.3.5. Exemption for certified food safety manager may be granted to a retail food establishment which has submitted a written request of exemption to the Department and fit one of the following categories:

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

300.5.2. Exceptions.

a. Prepackaged food.

1. Retail food facilities where only commercially prepackaged food is handled and sold are exempt from this chapter.
2. Retail food facilities that handle and sell food other than commercially prepackaged food are exempt from this chapter during time periods or work shifts when only commercially prepackaged food is sold.

b. Nonpotentially hazardous food.

1. Retail food facilities that handle only nonpotentially hazardous food are exempt from this chapter.
2. Retail food facilities that handle and sell potentially hazardous food are exempt from this chapter during time periods or work shifts when only nonpotentially hazardous food is handled and sold.

c. Food establishments. Food establishments, as defined in 3 Pa.C.S.A. 5722, are exempt from this Chapter.

d. Exempt retail food facilities.--Except as set forth in 3 Pa.C.S.A. 6504(c)(2) (relating to certification of employees), the following retail food facilities are exempt from this chapter.

1. A retail food facility managed by an organization which is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).
2. A retail food facility managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of any of the above associations.
3. A retail food facility managed by an organization which is established to promote and encourage participation and support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a not-for-profit basis. This paragraph does not apply to organized camps.

**300.4. FEES** Fee(s) accompanying application for certified food safety managers and retail food facilities shall be in accordance with the most current fee schedule provided by the department.

**300.5. ADOPTION BY REFERENCE OF THE PA RETAIL FOOD FACILITIES LICENSING REQUIREMENTS**

**DELAWARE COUNTY HEALTH DEPARTMENT  
RULES AND REGULATIONS**

General requirement - it shall be unlawful for any proprietor to conduct or operate a retail food facility without first obtaining a license for each retail food facility as provided for in 3 Pa.C.S.A.§5703. All provisions under 3 Pa.C.S.A.§5703 are adopted with the exception of (j) Fees, as the County may set their own fees by resolution of Council.