
ARTICLE 163
Board of Health

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163.01 BOARD OF HEALTH

The Council of the City of Franklin shall be the Board of Health of the City of Franklin, and when discharging the duties imposed by law shall be designated the "Board of Health of the City of Franklin."

163.02 POWERS AND DUTIES OF BOARD OF HEALTH

It shall be the duty of the Board of Health of the City of Franklin to enforce the laws of the Commonwealth of Pennsylvania and the ordinances of the City of Franklin enacted for the protection of the public health, retail food facility safety, and food safety and sanitation. It shall have and exercise all the rights and obligations vested and conferred by, and shall perform all of the duties imposed upon, like boards of health in cities of the Third Class of the Commonwealth of Pennsylvania by all Acts of Assembly which may now be in force or hereafter passed in reference to the same. (Ord. No. 1 of 2012, Sect. 1, Passed 02-06-12)

163.03 MEETINGS

The Board of Health of the City of Franklin shall meet at such regular times as it designates and at such places where the general public has unhampered access to such meetings. The Board of Health shall keep regular minutes of its meetings. It shall have the power to adopt rules and bylaws to govern its meetings and organization.

163.04 SECRETARY

The Board of Health of the City of Franklin shall appoint an individual as recording secretary, who shall keep the minutes of meetings and perform such other duties as the Board of Health of the City of Franklin may direct.

163.05 HEALTH OFFICER

The City Manager shall appoint a health officer, who shall be recognized by the Department of Agriculture and the Department of Health of the Commonwealth of Pennsylvania. The City Manager may appoint more than one (1) health officer. (Ord. No. 1 of 2012, Sect. 2, Passed 02-06-12)

163.06 POWERS AND DUTIES OF HEALTH OFFICER

The health officer shall have and exercise all the powers and authority vested and conferred by The Food Protection Act, Title 3, Chapter 57 of the Consolidated Statutes of the Commonwealth of Pennsylvania, and any and all rules and regulations issued by any agency or department of the Commonwealth of Pennsylvania related to the preparation, handling, and sale of food or drink for public consumption. (Ord. No. 1 of 2012, Sect. 3, Passed 02-06-12)

163.07 EXEMPTIONS

In accordance with Section 5703(b)(1) of The Food Protection Act (3 Pa.C.S.A. § 5703(b)(1)), in the City of Franklin, the following retail food facilities are exempt from the license requirements of the Act:

- (a) A food bank owned by a charitable nonprofit entity and operated for charitable or religious purposes.
- (b) A soup kitchen owned by a charitable nonprofit entity and operated for charitable or religious purposes.
- (c) A retail food facility that operates no more than three (3) days each calendar year.
- (d) A retail food facility that is owned by a charitable nonprofit entity and that is one (1) or more of the following:
 - (i) Managed by an organization which is established to promote and encourage participation or support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a not-for-profit basis. This subparagraph does not apply to organized camps.
 - (ii) Offers only foods that are non-potentially hazardous foods or beverages.
- (e) A retail food facility in which food or beverages are sold only through a vending machine.
- (f) A retail food facility which is owned by a church, association of churches or other religious order, body or institution which:
 - (i) Qualifies for exemption from taxation under Section 501(c)(3) or (d) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501).
 - (ii) Is not subject to unrelated business income taxation under Sections 511, 512 or 513 of the Internal Revenue Code of 1986 for activities undertaken under the Act.

A retail food facility that is exempted from the license requirements shall remain subject to inspection and all other provisions of the Act. (Ord. No. 1, Sect. 4, Passed 02-06-12)

163.08 LICENSES

The health officer shall issue a license to a retail food facility in accordance with Section 163.06 of this Article. In order to obtain a license, a retail food facility shall submit an application to the health officer and pay the annual permit fee, which shall be established by resolution of the Council of the City of Franklin. Each license shall be valid from December 1st until November 30th, and no proration of the annual permit fee shall be allowed regardless when the license application is submitted or when the license is issued. Each license shall be the property of the City of Franklin. Each retail food facility that is issued a license by the health officer shall post said license on the premises in a conspicuous place so as to be seen by the public and the health officer. (Ord. No. 1, Sect. 5, Passed 02-06-12)

163.09 REVOCATION AND REFUSAL OF LICENSE

Any license issued under this Article may be revoked or any application for issuance of a license may be refused by the health officer, who shall have the power to close any retail food facility within the City of Franklin at any time until such time as the health officer finds and determines compliance with The Food Protection Act, Title 3, Chapter 57 of the Consolidated Statutes of the Commonwealth of Pennsylvania, and any and all rules and regulations issued by any agency or department of the Commonwealth of Pennsylvania related to the preparation, handling, and sale of food or drink for public consumption. If a license is revoked, the holder shall surrender the license to the health officer immediately upon revocation. (Ord. No. 1, Sect. 6, Passed 02-06-12)

163.99 PENALTIES

(a) In addition to any penalties authorized by law, any person violating a provision of this Article, or any person who prevents the health officer from entering into or inspecting any premises in the exercise of the health officer's powers and duties conferred by this Article and any and all rules and regulations of any agency or department of the Commonwealth of Pennsylvania, and any person aiding, abetting or assisting in the violation of a provision of this Article, commits a summary offense for the first or second offense and shall, upon conviction thereof before a Magisterial District Justice, be subject to a fine of not less than \$100.00, but not more than \$300.00, and the costs of the prosecution. Any person who prevents the health officer from entering into or inspecting any premises in the exercise of the health officer's powers and duties conferred by this Article and any and all rules and regulations of any agency or department of the Commonwealth of Pennsylvania, and any person aiding, abetting, or assisting in the violation of a provision of this Article, commits a misdemeanor of the third degree if the violation is a third or subsequent offense, and if the violation occurs within two (2) years of the date of the last previous offense, and shall, upon conviction, be subject to the imprisonment or a fine, or both, and the costs of the prosecution. (Ord. No. 1, Sect. 7, Passed 02-06-12)

(b) A person continuing a violation of a provision of this Article after written notice of said violation by the City of Franklin, or after service of a summons, shall be guilty of, and may be prosecuted for, a separate violation for each day the violation is continued.