

BY-LAW NUMBER 54-2008

OF

THE REGIONAL MUNICIPALITY OF DURHAM

being a by-law to regulate disclosure of food safety inspection information to the public.

WHEREAS s. 11(2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, otherwise authorizes a Council of an upper tier municipality to pass by-laws related to the health, safety and well being of persons;

AND WHEREAS the regulation of food safety performance by food establishments within the Region of Durham is a matter related to the health, safety and well-being of its inhabitants;

AND WHEREAS the Regional Municipality of Durham, in its capacity as a designated Board of Health under the provisions of the *Health Protection and Promotion Act, R.S.O. 1990, c. H-7* has a duty to ensure the provision of health programs and services in a variety of areas;

AND WHEREAS the Ministry of Health and Long Term Care has identified within its Mandatory Health Programs and Service Guidelines, as amended from time to time, certain requirements and standards related to food safety to which all boards of health are subject;

AND WHEREAS the Council of the Regional Municipality of Durham deems it desirable for the health, safety and well-being of inhabitants and visitors to the Region of Durham to provide them with information regarding the food safety performance of food premises in the Region of Durham;

AND WHEREAS the Council of the Regional Municipality of Durham has endorsed the creation of a mandatory food safety disclosure program in order to improve the health of Durham inhabitants on the terms set forth herein;

NOW THEREFORE, the Council of the Regional Municipality of Durham hereby enacts as follows:

Definitions

1. In this by-law,

“Act” means the *Health Protection and Promotion Act, R.S.O. 1990, c. H-7*, as amended, and any regulations created there under;

“Board of Health” means a board of health, as defined in the *Act*;

“Durham Food Safety Inspection Report” means an original copy of an inspection report that corresponds to an inspection conducted by a public health inspector, that has been completed, signed and dated by a public health inspector, and that has been issued to an operator of a Food Establishment.

“Durham Food Safety Inspection Summary” means an original colour copy sign in the form depicted in one of Schedules “A”, “B” and “C” to this by-law belonging to and issued by the Regional Municipality of Durham to a Food Establishment as a result of any inspection of such Food establishment conducted pursuant to the *Act*;

“Food” means any food or drink intended for human consumption, and includes an ingredient of food or drink intended for human consumption;

“Food Establishment” means premises where food intended for human consumption is sold or offered for sale to the public or where meals or meal portions are prepared for

immediate consumption or sold or served in a form that will permit immediate consumption on the premises by the public, but does not include a private residence, dwelling, farmers markets, farm gates or other similar food establishments.

“Medical Officer of Health” means the duly appointed Medical Officer of Health for The Regional Municipality of Durham, and includes any designate acting on his or her behalf;

“Municipal Act, 2001” means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, and any regulations created thereunder;

“Municipal Law Enforcement Officers” are persons appointed by by-law by a municipal council to enforce the by-laws of the municipality;

“Operator” means any person or persons whom own, occupy, manage, control, govern, or has responsibility for and control over the activity carried on or within a Food Establishment. For the sake of clarity it is recognized that there may be more than one operator of a Food Establishment;

“Public Health Inspector” means a public health inspector acting under the direction of the Medical Officer of Health for the Regional Municipality of Durham;

“Region” or “Region of Durham” means the Regional Municipality of Durham;

“Sign Holder” means a sign holder issued by the Region of Durham or other sign holder approved by the Region of Durham.

Application

2. This by-law shall apply to all Food Establishments in the Region of Durham.

Posting Requirement

3. Every Operator of a Food Establishment shall keep posted in the Food Establishment, in a conspicuous location at or near the entrance or entrances of such establishment and clearly visible to members of the public, the most recent Durham Food Safety Inspection Summary.
4. Where a Food Establishment does not have an entrance or entrances at which the most recent Durham Food Safety Inspection Summary may be posted, then the Operator shall ensure that the Durham Food Safety Inspection Summary is posted at or near the pick-up window or other location clearly visible to members of the public.
5. Every Operator of a Food Establishment shall keep a copy of the most recent Durham Food Safety Inspection Report readily available on-site and shall produce same for viewing by a Public Health Inspector or member of the public upon request.
6. Every Durham Food Safety Inspection Summary and Sign Holder shall remain the property of the Region of Durham. Operators, subject to the approval of the Region of Durham, are permitted to have Sign Holders other than that which is provided by the Region of Durham provided same in no way impair or obscure the visibility of the Durham Food Safety Inspection Summary.
7. No person shall deface, alter or remove any Durham Region Food Safety Inspection Summary properly posted in a Food Establishment.

Enforcement

8. All Public Health Inspectors exercising their duties pursuant to this by-law are hereby appointed as Municipal Law Enforcement Officers for that purpose.

9. A Public Health Inspector may enter and have access to, through and over any Food Establishment, at any reasonable time, for the purposes of enforcing this by-law or the exercise of any power or duty under this by-law or the *Act*.
10. An Operator shall return to Durham Region any Durham Food Inspection Summary and/or Sign Holder upon the request of a Public Health Inspector.

Obstruction

11. No person shall hinder or obstruct a Public Health Inspector lawfully carrying out a power, duty or direction under this by-law

Offences

12. Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

Severability

13. If any section or sections of this by-law or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of the Council of Durham Region to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

Effective Date

14. This by-law as it relates to posting of the Durham Food Safety Inspection Summary at the entrance of a Food Establishment shall come into force and take effect on March 2, 2009.

Miscellaneous

15. Nothing in this by-law shall limit or be deemed a voluntary restriction upon any right, power, ability or duty of the Region of Durham, the Medical Officer of Health or any Public Health Inspector under any statute, regulation, by-law or law in force in the Province of Ontario.

Short Title

16. This by-law may be referred to as the "Region of Durham's Food Safety Disclosure By-Law".

BY-LAW read and passed this 8th day of October 2008.

Roger Anderson, Regional Chair

P.M. Madill, Regional Clerk



Durham Region Health Department

PASS

Name

Address

This establishment has been inspected by Durham Region Health Department in accordance with the Ontario Food Premises Regulation and passed the inspection on,

Month/Day/Year

Results of the previous inspection on

Pass **Conditional Pass** **Closed**

A copy of the most recent inspection report is available for review upon request at this establishment.

For further information contact Durham Region Health Department at, 1-888-777-9613 ext. 2188 or visit our website at www.region.durham.on.ca

Dr. Robert Kyle
*Medical Officer of Health
Durham Region Health Department*



Durham Region Health Department

CONDITIONAL PASS

Name

Address

This establishment has been inspected by Durham Region Health Department in accordance with the Ontario Food Premises Regulation on,

Month/Day/Year

- The following infractions must be corrected immediately and will be re-inspected within 72 hours.
- Inadequate food temperature control
 - Inadequate protection of food from contamination/adulteration
 - Improper food handler hygiene/handwashing
 - Unapproved food source and supply
 - Inadequate pest control
 - Improper storage/removal of waste
 - Improper sanitation/design/maintenance of surfaces/utensils/equipment

Results of the previous inspection on _____
Month/Day/Year

Pass **Conditional Pass** **Closed**

A copy of the most recent inspection report is available for review upon request at this establishment.

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Dr. Robert Kyle
Medical Officer of Health
Durham Region Health Department



Durham Region Health Department

CLOSED

BY ORDER OF THE MEDICAL OFFICER OF HEALTH
under the authority of Section 13 of the Health Protection and
Promotion Act, the establishment operating as

_____ Name

_____ Address

_____ Date

is **CLOSED** until further notice from the Durham
Region Health Department due to:

- Failure to protect food from contamination/adulteration
- Failure to prevent infestation of insects, rodents, and vermin
- Failure to maintain cleanliness and sanitation
- Failure to provide a constant supply of potable hot and cold water
- Failure to contain wastewater/sewage in a sanitary manner
- Failure to operate establishment free from serious health hazard
- Fire, Flood, Power Failure

Results of the previous inspection on

Pass **Conditional Pass** **Closed**

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Dr. Robert Kyle
Medical Officer of Health
Durham Region Health Department

This placard is the property of Durham Region Health Department and shall not be removed or altered in any way. Durham Region Health Department cannot guarantee the same conditions are maintained after this inspection date. It is the sole responsibility of the operator to maintain this establishment in accordance with the Ontario Food Premises Regulation.