

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 90-09

A BY-LAW TO REGULATE DISCLOSURE OF FOOD SAFETY INSPECTION REPORTS TO THE PUBLIC AND TO REPEAL BY-LAW NO. 156-05.

WHEREAS Regional Council in its capacity as the Region's Board of Health has a duty to provide a food safety program as mandated by provisions of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, and the Ministry of Health and Long-Term Care's Ontario Public Health Standards;

AND WHEREAS Regional Council in its capacity as the Region's Board of Health has a duty to provide food safety information to the community and other prescribed persons under the Ontario Public Health Standards;

AND WHEREAS Regional Council in its capacity as the Region's Board of Health has a duty to assess all Food Premises annually and determine their risk status according to the Ontario Public Health Standards and related Protocols;

AND WHEREAS Regional Council in its capacity as the Region's Board of Health has a duty to inspect all Food Premises in the Region to ensure compliance with the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, the regulations passed thereunder, and as prescribed under the Ontario Public Health Standards;

AND WHEREAS Regional Council in its capacity as the Region's Board of Health is required to annually provide the Ministry of Health and Long-Term Care with food safety data under the Ontario Public Health Standards;

AND WHEREAS it is desirable for the health, safety and well-being of inhabitants of and visitors to the Region to provide them with information regarding the food safety performance of Food Premises in the Region;

AND WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes Regional Council to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Regional Council passed By-law No. 156-05 on the 16th day of November, 2005 to regulate disclosure of food safety inspection reports for restaurants to the public;

AND WHEREAS it is desirable to repeal By-law No. 156-05 and replace it with a by-law to regulate disclosure of food safety inspection reports for all Food Premises as defined herein.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. THAT in this By-law:
 - (a) "Certificate of Inspection" means the signage issued by the Region confirming that the Food Premises has been inspected and that the Food Safety Summary Inspection Report resulting from inspections is available for public review during the operating hours of the Food Premises;
 - (b) "Food" means food or drink for human consumption, and includes an ingredient of food or drink for human consumption;
 - (c) "Food Premises" means a premises where Food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but for the purposes of this By-law, does not include community special events, farmer's markets, hot dog carts or any other type of temporary or itinerant food premises;
 - (d) "Food Safety Summary Inspection Report" means the summary inspection report completed by an Inspector pursuant to the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, and regulations passed thereunder;
 - (e) "Inspector" means a Public Health Inspector acting under the direction of the Medical Officer of Health;
 - (f) "Medical Officer of Health" means the Medical Officer of Health for the Region, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended, and includes any staff acting on his or her behalf;
 - (g) "Ontario Public Health Standards" includes the associated Protocols established by the Minister of Health and Long-Term Care;
 - (h) "Operator" means any person who owns, occupies, manages, controls, governs or has responsibility for and control over the activity carried on within a Food Premises, although there may be more than one operator of the Food Premises;
 - (i) "Public Entrance" means the main ingress used by the public to enter the Food Premises or pick up take-out orders at the Food Premises;

- (j) "Region" means The Regional Municipality of Halton;
- (k) "Regional Council" means the Council of the Region.

POSTING REQUIREMENT

- 2. THAT subject to sections 3 and 4, every Operator of a Food Premises shall ensure that all Food Safety Summary Inspection Reports issued over the past 12 months are available to members of the public to review during operating hours of the Food Premises.
- 3. THAT every Operator of a Food Premises shall forthwith post the Certificate of Inspection at or near the Public Entrance in a conspicuous place clearly visible to members of the public.
- 4. THAT where a Food Premises does not have a Public Entrance, the Operator shall forthwith post the Certificate of Inspection in a conspicuous place clearly visible to members of the public, at or near the pick-up window or other location where customers are served or in another suitable display area as directed by an Inspector.

ENFORCEMENT

- 5. THAT the provisions of this By-law may be enforced by Inspectors.
- 6. THAT an Inspector may enter and have access to, through and over any Food Premises at any reasonable time for the purpose of determining if the provisions of this By-law are being complied with.

OBSTRUCTION

- 7. THAT no person shall hinder or obstruct an Inspector lawfully carrying out a power, duty or direction under this By-law or the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended..

OFFENCES AND PENALTIES

- 8. THAT 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.

COPIES

- 9. THAT a copy of any written or recorded material related to an investigation, examination, test or inquiry and purporting to be certified by an Inspector, is

admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original.

HEADINGS FOR REFERENCE ONLY

10. THAT the headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

SEVERABILITY

11. THAT 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 Regional Council to enact, such section or sections or parts thereof shall be deemed to be severable from this By-law and all other sections.

REPEAL

12. THAT By-law No. 156-05, passed the 16th day of November, 2005, be and is hereby repealed.

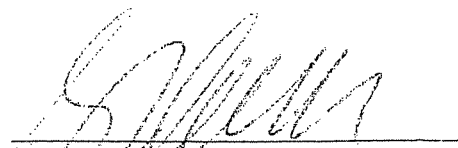
EFFECTIVE DATE

13. THAT this By-law comes into force on the day it is passed.

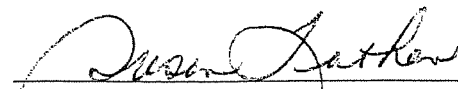
SHORT TITLE

14. THAT this By-law may be referred to as the "Halton Region Food Safety Disclosure By-law, 2009".

READ and PASSED this 15th day of July, 2009.



REGIONAL CHAIR



REGIONAL CLERK