

RESOLUTION #2015-137

A RESOLUTION GIVING THE HEALTH COMMISSIONER, ENVIRONMENTAL HEALTH DIRECTOR, OR REGISTERED SANITARIAN OFFICIAL AUTHORITY TO EMBARGO, CONDEMN, OR DESTROY FOOD IN A RETAIL FOOD ESTABLISHMENT OR FOOD SERVICE OPERATION

Whereas, Administrative Code Section 901:3-4-15 states that whenever the licensor finds or has cause to believe within a retail food establishment or food service operation in their jurisdiction any food is adulterated, so misbranded as to be dangerous or fraudulent, or that infant formula or baby food is expired, the licensor shall affix to the item a tag giving notice that the item is, or is suspected of being, adulterated, misbranded, or expired and has been embargoed.

Whereas, Administrative Code Section 901:3-4-15 states that whenever the licensor finds in any retail food establishment or food service operation, any meat, seafood, poultry, vegetable, fruit, or other perishable foods that are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the foods are declared to be a nuisance, and the licensor shall forthwith condemn or destroy the foods, or in any other manner render the items unsalable as human food.

Whereas, the licensor under Revised Code Section 3717.01 means a board of health of a city or general health district approved under Revised Code Section 3717.11;

Whereas, Administrative Code Section 901:3-4-15 states that any action that may be taken by a licensor may be taken by a health commissioner or other person employed by the licensor if the person or health commissioner is authorized by the licensor to take the action;

Now, therefore, be it resolved that the Galion City Board of Health hereby authorizes the health commissioner, environmental health director, or registered sanitarian to embargo, condemn, or destroy food in a retail food establishment or food service operation, pursuant to Administrative Code Sections 901:3-4-15 and 3701-21-27.

Resolution Number 2009-123, adopted by the Board of Health on November 16, 2009, and all other resolutions or parts of resolutions pertaining to the embargo of food which are in conflict or inconsistent are hereby rescinded upon the effective date of this rule.

Adopted by the Galion City Board of Health this ____ day of _____, 20____.

Thomas O'Leary
Mayor/Board of Health President

Trish Factor
Health Commissioner