

ARTICLE 1109
Rules and Regulations

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EDITOR'S NOTE: This article contains Bureau of Health rules and regulations adopted pursuant to Sections 1105.01 and 1105.02.

CROSS REFERENCES

Bakeries and bakery products - see 43 P.S. §403 et seq.;
7 Pa. Code Ch. 31
General licensing provisions - see HLTH. & SAN. Art. 1105
Bakeries to comply with State laws - see HLTH. & SAN. 1121.01

1109.01 FARMERS.

(a) The City shall not levy or collect any license fee from any farmer upon his sales of his own produce in or about the streets of the City, but this provision shall not be deemed to restrict in any way a City's power to regulate the conduct of such business.
(P. L. 662, Act of June 28, 1951, Sec. 2610)

(b) A farmer handling, vending or otherwise disposing of his own produce only, is not to be charged the annual license fee of one dollar (\$1.00) per classification of license. However, he must pay the inspection fees applicable to the class, and if he also resells or offers for sale other produce or items not of his own production, he shall also pay the license fee applicable to the class.

1109.02 RETAIL BAKERY LICENSE.

Retail bakery licenses shall be required whether products to be sold are wrapped or open, and subject to contamination by improper storage and/or handling, or where the product to be sold has a cream, custard or other filling of a perishable nature.
(Ord. 3-1984 §1. Passed 2-7-84.)

1109.03 REVOCATION OF LICENSE.

The Food Inspector is empowered to recommend to the Bureau of Health the revocation of any license in any instance in which the standards are not met, for repeated violations of standards or regulations, or for any infractions which remain uncorrected, after warning of violation is given. No refund of license or inspection fees will be made in such instance.

1109.04 TEST SAMPLES.

The Food Inspector may take samples of products to determine condition and fitness for human consumption in such size and amount as deemed necessary for testing.

1109.05 CORRECTION OF LICENSE CLASS.

If upon inspection the Food Inspector determines that an incorrect license has been issued for the class of business being operated, or that operations are being conducted under another section of this Health Code, he shall be empowered to require the acquisition of the correct license therefore, and in the absence thereof, may order cessation of business of the unlicensed operation and bring prosecution under the provisions of this Code.

1109.06 OVERPAYMENT REFUNDS OR CREDITS.

The Food Inspector shall certify for refund purposes, any overpayment of license and fees, produced by any application for license under an incorrect class. If an incorrect class license is replaced by a new license of proper class, credit may be taken for the payments of the cancelled incorrect license fee against the fee(s) due for the corrected license. The incorrect license certificate must be surrendered to receive credit except in the instance of a multiple class license certificate, in which case the Food Inspector shall cancel out and initial the incorrect class and certify the credit or refund without surrender of the corrected license certificate.

1109.07 LOCATION OF FACILITY OF LICENSEE IS NOT CONTROLLING FACTOR.

Any vendor of food or food products, whose product is vended to, or delivered to a vendor, either for consumption or resale, when such vendee is located in the City, shall have the requisite license pertinent to his operation, notwithstanding the fact that such vendors plant or principal place of business is not within the City.

1109.08 LICENSE NONTRANSFERABLE.

A license issued under this Health Code is not transferable from owner to owner, or location to location.

1109.09 DEFINITIONS.

The following words and terms, when used in this Health Code and these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) "Bakery" means all buildings and parts thereof, cellars and basements, or vehicles used for the manufacture of bakery products intended for sale, in which products flour, flour substitute, flour mixture or potatoes are used in the preparation of the products.

- (b) "Bakery products" include, but are not limited to, bread, rolls, cakes, cookies, crackers, ice cream cones, crullers, doughnuts, biscuits, pies, pizza, macaroni, spaghetti, noodles, alimentary pastes, pretzels, potatoe chips, dough and all other products whatever manufactured in a bakery and intended for human consumption whether such products are baked, partly baked or unbaked, dried, canned, fried or frozen.
- (c) "Wholesale dealer" means a dealer, producer or vendor who sells chiefly to retailers, other merchants or industrial, institutional and commercial users, primarily for resale or business use.
- (d) "Retail dealer" means a vendor who dispenses or sells goods, in large or small quantities, to ultimate consumers.
- (e) "Food" means any raw, cooked or processed edible substance, beverage or ingredient intended in whole or in part for human consumption.
- (f) "Food vending machine" means any self-service device, which upon insertion of a coin, token or combination thereof, or by other similar operational means, dispenses food or beverage items, either in bulk or packaged, without the necessity of replenishing the device between each vending operation.
- (g) "Kitchen" means any building, parts of building, cellar, basement or vehicle, equipped with facilities, in which is prepared, mixed, compounded, produced or cooked, any food product for human consumption.
- (h) "Mobile food dispenser" means any vehicle, whether self-propelled, or in other manner transported, with self-contained or built-in cooking, storage or holding facilities, in which is prepared, stored or manufactured, and from which is dispensed, any food items for human consumption.
- (i) "Potentially hazardous food" means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.