
ASHBURTON DISTRICT COUNCIL BYLAWS

CHAPTER 8 - FOOD SAFETY

SCOPE

800 The aim of this bylaw is to protect, promote and maintain public health and safety by including but not being limited to setting requirements that all establishments preparing food for sale have on the staff persons who are adequately trained in food hygiene.

The bylaw also allows Council to close premises that are insanitary.

INTERPRETATION

801 In this part of the bylaw, unless inconsistent with the context or where otherwise expressly provided:

ENVIRONMENTAL HEALTH OFFICER means an Environmental Health Officer appointed by the Council under the authority of section 28 of the Health Act 1956 or any other Act.

FOOD PREMISES means any premises or stall:

- (a) On or at which food is manufactured, prepared, packed, stored or handled for sale; or
- (b) On or from which food is sold; or
- (c) That is used in connection with any other food premises, for the purposes of their work, by persons who work on those other food premises.

OCCUPIER means the person or persons in occupation of the food premises.

CLOSURE OF PREMISES

802 Where any food premises or equipment in any food premises is in such a condition that food may be contaminated, dirty or deteriorated, an Environmental Health officer may serve a Notice in writing on the occupier of the premises requiring them to:

- (a) Cease to use the premises as a food premises, or clean, reconstruct, or repair the premises; or
- (b) Cease to use, or clean, or reconstruct, or repair any equipment on the premises, in accordance with the requirements and within the time specified in the Notice.

802.1 Where an occupier has been served with a Notice in accordance with clause 802 the occupier shall not recommence use of the food premises until permission to do so has been given in writing by an Environmental Health Officer.

STAFF QUALIFICATION

803 No persons shall be issued with a Certificate of Registration for food premises (except a vehicle used solely for the carriage or delivery of food for sale) unless -

- (a) That person has been issued with a Council recognised Certificate in Food Hygiene or another qualification approved by Council; or
- (b) There is, working on the food premises, a Manager or a staff member with specific responsibility for staff training in food hygiene, who has been issued with a Certificate in Food Hygiene, a Certificate in Basic Food Hygiene or other qualification approved by Council.

803.1 An Environmental Health Officer may grant an exemption from the requirements of Clause 803 if they are satisfied that it would be unreasonable or impractical to insist on compliance, having regard to the type of premises or types of food being sold.

APPEALS

804 An occupier of food premises in respect of which any decision or requirement has been made by an Environmental Health Officer under this part of the bylaw may appeal to the Council against that decision or requirement. On hearing the appeal, the Council may confirm, reverse, or modify the decision or requirement made by the Officer. This right is in addition to any other statutory right or remedy available to the Occupier.

DISPLAY OF NOTICE

805 The occupier of any food premises is required to display near the principal entrance to food premises in Public view any Notice issued by an Environmental Health Officer indicating that the premises have been inspected and the food safety standards have been approved.

805.1 Any such Notice may be withdrawn at the Council's discretion.