

**REGULATIONS GOVERNING  
FOOD SAFETY TRAINING FOR  
FOOD SERVICE ESTABLISHMENTS  
IN  
MACOMB COUNTY, MICHIGAN**

Effective January 1, 2004

Article	Description	Page
I	Title, Purpose, Authority and Jurisdiction	
	Section 1.1 Title .....	1
	Section 1.2 Purpose .....	1
	Section 1.3 Authority .....	1
	Section 1.4 Jurisdiction .....	1
II	Definitions	
	Section 2.1 General Provisions .....	1
	Section 2.2 Definitions .....	2
III	General Provisions	
	Section 3.1 Food Service Manager Certification Requirement .....	2
	Section 3.2 Implementation .....	3
	Section 3.3 Documentation Requirements .....	3
	Section 3.4 Notification to the Department .....	3
	Section 3.5 Food Safety Plan .....	3
	Section 3.6 Certification .....	3
	Section 3.7 Program Content .....	4
IV	Powers and Duties of the Health Officer	
	Section 4.1 Power to Establish Policy, Criteria and Standards .....	4
V	Responsibilities of the Licensee	
	Section 5.1 General Provisions .....	4
VI	Fees	
	Section 6.1 General Provisions .....	5
VII	Other Agency Requirements	
	Section 7.1 Conflicts and Inconsistencies .....	5
	Section 7.2 Local Ordinances .....	5

VIII	Appeals	
	Section 8.1 General Provisions . . . . .	5
IX	Variances	
	Section 9.1 General Provisions . . . . .	5
X	Severability	
	Section 10.1 General Provisions . . . . .	6
XI	Amendments	
	Section 11.1 General Provisions . . . . .	6
XII	Penalties/Injunctions	
	Section 12.1 Violations . . . . .	6
	Section 12.2 Civil Penalties . . . . .	6
	Section 12.3 Injunctive Proceedings . . . . .	7
XIII	Approval and Effective Date	
	Section 13.1 General Provisions . . . . .	7

## ARTICLE I – TITLE/PURPOSE/AUTHORITY/JURISDICTION

### Section 1.1 TITLE

These Regulations shall be identified by the title Regulations Governing Food Safety Training For Food Service Establishments in Macomb County Michigan.

### Section 1.2 PURPOSE

These Regulations are adopted to provide for the certification of Food Service Managers, providing food safety training for employees of Food Service Establishments, to protect public health, to prevent the transmission of foodborne illness, to establish controls that will meet consumer expectations and to provide for the assurance of the service of safe food.

### Section 1.3 AUTHORITY

These Regulations are adopted pursuant to authority conferred upon local health departments by Section 2441 (1) of the Michigan Public Health Code, Act 368, P.A. 1978, as amended.

### Section 1.4 JURISDICTION

The responsibility for administration and enforcement of these Regulations shall reside with the Health Officer of the Macomb County Health Department.

These Regulations, including all amendments hereafter adopted, shall be in full force and effect throughout all areas of Macomb County, incorporated and unincorporated.

If a provision of these Regulations is found to be in conflict with provisions of any other statutes, rules or requirements, then the more restrictive of such provisions shall apply consistent with the provisions of Article VII of these Regulations.

## ARTICLE II – DEFINITIONS

### Section 2.1 GENERAL PROVISIONS

Words, terms and expressions utilized in these Regulations shall have the meanings defined in this Article. Words, terms and expressions which are not defined in this Article shall possess their commonly accepted meanings in accordance with standard English usage.

The term “shall” is always mandatory and not merely directory.

Section 2.2            DEFINITIONS

Accredited Food Service Sanitation Management Certification Program shall mean an educational program designed to teach individuals safe food handling practices and to provide information relative to training the employees of the Food Service Establishment. A program evaluated and listed by an accrediting agency and approved by the Michigan Department of Agriculture.

Certificate shall mean documentation presented to an individual upon successful completion of an accredited food service sanitation management certification program.

Certification shall mean the educational process that an individual must complete to earn a certificate.

Certified Food Service Manager shall mean any management level employee of the Food Service Establishment who has day to day supervisory and administrative responsibilities over other employees and procedures relative to the preparation of food for sale and service and who is responsible for the facility and equipment and who has successfully completed an accredited Food Service Management Certification Program.

Department shall mean the Macomb County Health Department.

Food Service Establishment shall mean any fixed establishment in which food or drink is prepared for direct consumption through service on premise or elsewhere and that is licensed by the Michigan Department Agriculture under Act 92, P.A. 2000 as amended.

Health Officer shall mean the Administrative Officer who is in charge of the Macomb County Health Department or his/her authorized designee.

Licensee shall mean any person who has applied for a State of Michigan Food Service License.

ARTICLE III – GENERAL PROVISIONS

Section 3.1            FOOD SERVICE MANAGER CERTIFICATION REQUIREMENT

- (a) Each Food Service Establishment in Macomb County shall have at least one (1) certified food service manager who has successfully completed an accredited Food Service Sanitation Management Certification Program.
- (b) The Health Officer may waive this requirement, because of limited menu when not contrary to the purpose of these regulations.

## Section 3.2 IMPLEMENTATION

Section 3.1 of these Regulations will be required thirty-six (36) months after the effective date of these Regulations.

## Section 3.3 DOCUMENTATION REQUIREMENTS

- (a) The Licensee shall provide to the Department, a copy of a currently valid Certificate indicating that a Food Service Manager has successfully completed an accredited Food Service Sanitation Management Certification Program.
- (b) The Licensee shall conspicuously post current copies of certificates in the food service establishment.

## Section 3.4 NOTIFICATION TO THE DEPARTMENT

- (a) The Licensee shall notify the Department within ten (10) days if the facility is without a Certified Food Service Manager.
- (b) The Licensee shall be allowed a period of not more than six (6) months to regain compliance with this regulation following the loss of a Certified Food Service Manager or due to a change of ownership. The six (6) month period shall begin from the date of loss of the Certified Food Service Manager or the date of the ownership change.
- (c) A newly constructed Food Service Establishment shall be allowed a period of not more than six (6) months to gain compliance with this regulation. The six (6) month period shall begin from the date the licensee was approved to operate by the Macomb County Health Department.

## Section 3.5 FOOD SAFETY PLAN

The Licensee must have a written employee food safety training plan. The plan shall address food safety critical items in the employees assigned duties. For a new employee, the training is to be conducted before the employee assumes work assignments. The plan must also contain provisions for continuous training in food service sanitation for all employees.

## Section 3.6 CERTIFICATION

An individual can become certified by:

- (a) Attending an accredited Foodservice Sanitation Management Certification Program and;
- (b) Successfully completing an examination based on the program materials.

Section 3.7            PROGRAM CONTENT

The program content shall include, but not be limited to, the following topics:

- Microbial Contaminants
- Food Borne Illness
- Employee Health & Personal Hygiene
- Hazard Analysis Critical Control Point (HACCP)
- Purchasing & Storing Food
- Safe Cooking & Service of Food
- The Physical Structure and Equipment
- Cleaning & Sanitizing
- Pest Control
- Employee Training
- Management
- Food Regulation and Standards

ARTICLE IV – POWERS AND DUTIES OF THE HEALTH OFFICER

Section 4.1            POWER TO ESTABLISH POLICY, CRITERIA AND STANDARDS

The Health Officer is empowered to establish criteria, policies and standards concerning the application and interpretation of these Regulations, and for the purpose of carrying out the responsibilities delegated to the Health Officer by law.

ARTICLE V – RESPONSIBILITIES OF THE LICENSEE

Section 5.1            GENERAL PROVISIONS

The Licensee of a Food Service Establishment shall be responsible for the following:

- (a) To maintain compliance with the provisions of Act 92, Food Law of 2000 and the FDA Food Code.
- (b) To provide training for all foodservice employees in the Food Service Establishment in generally accepted good sanitation practices, principles and procedures as they relate to the employee's work assignments,
- (c) To notify the Department immediately of any known or suspected illness outbreak or any condition that exists in the facility which may pose an imminent health hazard.

## ARTICLE VI – FEES

### Section 6.1 GENERAL PROVISIONS

The Macomb County Board of Commissioners may establish fees for attending Food Service Sanitation Training Programs.

## ARTICLE VII – OTHER AGENCY REQUIREMENTS

### Section 7.1 CONFLICTS AND INCONSISTENCIES

Where conflicts or inconsistencies exist between the provisions of these Regulations and any regulations, requirements, rules, standards, criteria or guidelines of the Federal Government or the State of Michigan, the more restrictive requirements shall govern and prevail.

### Section 7.2 LOCAL ORDINANCES

These Regulations shall supersede inconsistent or conflicting local ordinances, pursuant to Michigan's Public Health Code, Section 2441 of Act 368, P.A. 1978, as amended.

## ARTICLE VIII – APPEALS

### Section 8.1 GENERAL PROVISIONS

Any person taking exception to, or aggrieved by, a decision, ruling, requirement, violation notice, denial, suspension, revocation, disapproval or order issued by the Health Officer under these Regulations, after an opportunity for an Administrative Conference with the Health Officer or his/her designated representative, has the right to a contested case hearing in the matter. Such contested case hearings shall be conducted in accordance with the Macomb County Health Department Appeals Procedures Manual.

## ARTICLE IX – VARIANCES

### Section 9.1 GENERAL PROVISIONS

The Health Officer may grant a variance from the strict conformance and enforcement of the provisions of these Regulations. The issuance of a variance may be based upon

considerations such as menu, when it has been demonstrated to the Health Officer's satisfaction that the variance is not contrary to the purpose of these Regulations as specified in Section 1.2.

## ARTICLE X – SEVERABILITY

### Section 10.1 GENERAL PROVISIONS

Each provision of this Regulation must be interpreted in a way that is valid under applicable law. If any provision is held invalid, the rest of the Regulation will remain in full effect.

## ARTICLE XI – AMENDMENTS

### Section 11.1 GENERAL PROVISIONS

The Health Officer may adopt amendments and revisions to these Regulations with the consent and approval of the Macomb County Board of Commissioners, pursuant to Sections 2441 and 2442 of the Michigan Public Health Code, Act 368, P.A. 1978 as amended.

## ARTICLE XII – PENALTIES/INJUNCTIONS

### Section 12.1 VIOLATIONS

Any person who violates the provisions of these Regulations, or any part thereof, shall be deemed guilty of a misdemeanor punishable by imprisonment for not more than ninety days, or a fine of not more than \$200.00 or both, pursuant to Section 2441(2) of the Michigan Public Health Code, Act 368, P.A. 1978 as amended. Each day that a violation of these Regulations continues shall be deemed a separate offense.

### Section 12.2 CIVIL PENALTIES

The Macomb County Board of Commissioners may adopt a schedule of monetary civil penalties to be assessed for violations of these Regulations or order(s) issued pursuant thereto as provided in Sections 2461 and 2462 of the Michigan Public Health Code, Act 368, P.A. 1978 as amended.

Section 12.3            INJUNCTIVE PROCEEDINGS

When any person has been found to have violated a provision of these Regulations or an order issued pursuant thereto, the Health Officer may maintain injunctive action to restrain, enjoin, prevent or correct a violation of these Regulations, or a condition which adversely affects the public health, as provided in Section 2465 of the Michigan Public Health Code, Act 368, P.A. 1978 as amended.

ARTICLE XIII – APPROVAL AND EFFECTIVE DATE

Section 13.1            GENERAL PROVISIONS

These Regulations have been adopted by the Macomb County Health Department and approved by the Macomb County Board of Commissioners on November 13, 2003 and shall be effective on and after January 1, 2004.