



Hamilton  
Public Health Services



# FOOD SAFETY INSPECTION DISCLOSURE PROGRAM

Operator  
Information  
Guide





## Message from the Medical Officer of Health

Dear Food Establishment Operator:

In January 2014, Hamilton Public Health Services will introduce a new Food Safety Inspection Disclosure Program.

Under this new program, when a Public Health Inspector visits your establishment, you will receive one of three Hamilton Food Safety Certificates of Inspection– Pass (Green), Conditional Pass (Yellow) or Closed (Red). Once a sign is issued, you (as the operator) must post it immediately at or near the main public entrance to the establishment where it is clearly visible to members of the public.

This sign will also invite customers to see your inspection results online at the Food Safety Zone ([www.foodsafetyzone.ca](http://www.foodsafetyzone.ca)).

This Operator Information Guide will provide you with information about the new disclosure program and will also help you during an inspection. You will find information on how to prepare for food safety disclosure, types of infractions and food handler training that is available to you.

An overview of the components of the disclosure system is included in this guide with a detailed explanation of what information will be available for the public to access on the Food Safety Zone website.

Please read this guide carefully. If you have any questions, contact a Public Health Inspector at 905-546-2489.

We anticipate that with your co-operation we can implement a disclosure program that will benefit both your business and your customers. We look forward to continuing to work together to provide safe food for the community.

Sincerely,

Dr. Elizabeth Richardson  
September 2013

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# Why Implement a Food Safety Inspection Disclosure Program?

## Legislation

All food premises where food is stored, prepared and/or served to the public are required to operate according to the minimum requirements of the Ontario Food Premises Regulation 562<sup>1</sup> (as amended) under the Health Protection and Promotion Act. The purpose of the Regulation is to improve health by reducing the risk of food-borne illness.

Each food premises operator has the responsibility to understand and comply with the legislation at all times. Public Health Inspectors routinely inspect food premises to ensure compliance with the Regulation at the time of inspection, and to provide safe food handling education and advice.

## Benefits of Disclosure

A disclosure system refers to the way inspection results are available to the public. Disclosure systems have many benefits for both the public and food operators.

Food Safety Disclosure is intended to improve food safety standards and increase awareness of food safety, public access to information and transparency of inspections. Research has shown that disclosure of inspection results increases compliance with food safety standards. Increased compliance may then reduce the risk of food borne illness.

The Food Safety Disclosure Program applies to the following establishments licensed by the City of Hamilton:

- General food service establishments (e.g. restaurants, bars, cafeterias, delicatessens, butcher shops, grocery stores, banquet halls, catering kitchens etc.)
- Mobile food service premises (e.g. hot dog carts, catering vehicles, refreshment vehicles etc.)

<sup>1</sup> To see a current copy of the Ontario Food Premises Regulation 562 please visit [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).



## Components of the Food Safety Disclosure Program

The Food Safety Disclosure program requires the posting of a green, yellow or red sign based on the results of the most recent food safety inspection.

This program is based on compliance with the Ontario Food Premises Regulation because it is an objective standard by which to measure performance. While compliance with the regulation is a measure of the risk of foodborne illness, one food handling mistake in even the best operated food establishment can lead to foodborne illness.

The operator of every retail food business establishment is responsible for knowing the risks related with foodborne illness and for taking action to minimize these risks.

When a Public Health Inspector visits an establishment, he/she will assess if the operation meets the minimum requirements of the Ontario Food Premises Regulation. Food safety inspections are conducted to reduce the possibility of food borne illness and to educate food services staff about safe food handling practices and basic sanitation requirements. Each requirement listed in the Food Safety Inspection Report is recorded as Critical or Non-Critical infractions, based on the potential of causing foodborne illness. If an infraction is found, the type will determine whether a Green, Yellow or Red sign is posted at the entrance to the establishment.



The three signs are defined as:

Certificate of Inspection	Scenario	Reference
Pass (Green Sign)	<b>Substantial compliance with the Food Premises regulation.</b> <ul style="list-style-type: none"> <li>Any observed non-compliance is minor and can be followed up during the next scheduled inspection.</li> </ul>	Appendix A
Conditional Pass (Yellow sign)	<b>Significant non-compliance with the Food Premises regulation which may affect food safety.</b> <ul style="list-style-type: none"> <li>A follow-up inspection will be conducted within 48 hours.</li> <li>The food safety category of any observed non-compliance is listed on the yellow card.</li> </ul>	Appendix B
Closed (Red Sign)	<b>Conditions in the food premises are an immediate health hazard to the general public.</b> <ul style="list-style-type: none"> <li>A closure order is issued at the time of the inspection.</li> <li>The order remains in effect until a re-inspection determines that the health hazard no longer exists.</li> </ul>	Appendix C

The City of Hamilton will provide a sign holder for every food establishment. Under the City of Hamilton By-law 07-170 (**Appendix D**), the operator is required to post the most recent Hamilton Food Safety Certificate of Inspection immediately at or near the main public entrance to the establishment where it is clearly visible to members of the public.

The sign is required to be posted until another inspection has been conducted, and a Public Health Inspector has provided a replacement sign. In the event that the sign is damaged or goes missing the operator must notify Hamilton Public Health Services (905-546-2489) immediately and a sign will be re-issued.

A summary of the inspection findings, charges and convictions for all retail food business establishments in the City of Hamilton will also be made available online on the Food Safety Zone at [www.foodsafetyzone.ca](http://www.foodsafetyzone.ca).



## GREEN SIGN (PASS)

### What does it mean?

A PASS sign posted at the entrance of a retail food business establishment indicates **substantial compliance** with the requirements of the Ontario Food Premises Regulation was observed on the inspection date noted on the sign.

#### What does substantial compliance mean?

Substantial compliance with the Ontario Food Premises Regulation means the:

- Minimum standards of the Ontario Food Premises Regulation have been met or,
- Observed non-critical infractions can be followed up during the next scheduled inspection.

Non-critical infractions found at the time of the inspection are the responsibility of the operator and must be corrected as soon as possible.

#### Examples of non-critical infractions:

- Floors are not clean and in good repair
- Clean utensils are stored in a dirty drawer or container
- Food handlers are not wearing clean outer garments
- Hair restraints are not worn by food handlers while they are handling food
- No test kit or supply of test strips to check the sanitizer concentration in automatic dishwashers are available
- Garbage has not been removed to maintain the establishment in a sanitary condition

#### When would the establishment be re-inspected?

Follow-up inspections take place at the discretion of the Public Health Inspector. Non-critical infractions observed in an establishment receiving a PASS sign can often be followed up during the next routine inspection.

#### What type of legal action can be expected?

The appropriate legal action will be initiated at the discretion of the Public Health Inspector. Non-critical infractions, especially those seen repetitively or frequently, may result in the issuance of Provincial Offences Notices (tickets).





## YELLOW SIGN (CONDITIONAL PASS)

### What does it mean?

A CONDITIONAL PASS sign will be issued when **significant non-compliance** with the Ontario Food Premises Regulation is observed during an inspection. Immediate threats to food safety must be addressed and short term corrective measures must be taken to the satisfaction of the Public Health Inspector. A follow-up inspection will take place within 48 hours. The food safety category of any observed non-compliance will be marked on the yellow card.

#### What does significant non-compliance mean?

Significant non-compliance with the Food Premises Regulation means that:

- A Critical Infraction has been observed that poses a significant risk of food borne illness.

#### Examples of infractions that can lead to foodborne illness:

- Hazardous food is not stored at the required temperature
- Hazardous foods (i.e. meat, poultry, fish, shellfish) are not cooked to the internal temperature required to kill potentially harmful bacteria
- Hazardous foods are not kept cold enough to prevent the growth of harmful bacteria
- Contamination of ready-to-eat foods with raw foods/chemicals etc. exists
- Food handling staff are observed to not wash their hands prior to handling food
- The same cutting board is used for raw food (e.g. chicken, beef, fish) and for ready-to-eat food (fruit, vegetables, salads) without being washed, rinsed and sanitized in between processes.

### **When would the food establishment be re-inspected?**

Critical infractions that pose a risk of foodborne illness must be corrected at the time of inspection. In addition, a food establishment receiving a CONDITIONAL PASS (Yellow sign) will receive a follow-up inspection within 48 hours.

**The operator is responsible for keeping the sign posted until the Public Health Inspector provides a replacement sign at the time of the follow-up inspection.**

Based on the findings of the follow-up inspection, the Public Health Inspector will issue the appropriate sign for the establishment. If the infractions have not been corrected, another yellow CONDITIONAL PASS sign will be issued, and a follow-up inspection will take place.

### **What type of legal action can be expected?**

When a food establishment has infractions that lead to the issuance of a CONDITIONAL PASS sign, the Public Health Inspector may take legal action and issue Provincial Offence Notices (tickets).



## RED SIGN (CLOSED) What does it mean?

A CLOSED sign is issued to the operator of a food establishment when the Public Health Inspector is of the opinion, upon reasonable and probable grounds, that an immediate health hazard exists.

Under these conditions, an order to close the establishment under section 13 of the Health Protection and Promotion Act will be issued. A section 13 order is issued to eliminate or decrease the effect of the health hazard. **An order is a legal document. Failing to comply with an order is an offence, which upon conviction, could result in a significant fine.**

### What happens after a food establishment gets a CLOSED sign?

If a food establishment is issued a CLOSED sign, the operator must do the following:

- Close the food establishment and stop preparing and/or selling food to the public.
- Post the CLOSED sign at the front entrance to the food establishment.
- Correct the conditions listed on the closure order to remove the health hazard(s).
- Contact the Public Health Inspector for a follow-up inspection when the conditions have been removed or corrected. **A follow-up inspection must take place before re-opening the establishment.**

A Public Health Inspector will lift the order and remove the CLOSED sign if the health hazard(s) has been removed or corrected. Observations made during the follow-up inspection will determine the appropriate sign for the establishment.

## Examples of infractions leading to a CLOSED sign

A health hazard can be any condition that will likely lead to foodborne illness if the condition is not corrected. Examples include:

- Inadequate hot/cold holding units that make it impossible to hold hazardous foods safely;
- Housekeeping, sanitation, and/or pest issues so extreme as to pose a critical risk to safe food handling.
- The food establishment does not have sufficient potable water or hot water supply to operate in a sanitary manner.
- Sewage back-up into food preparation or storage areas.

## When will the food establishment be re-inspected?

The CLOSED establishment will be monitored by the Public Health Inspector to ensure that the establishment remains closed. The operator may contact the Public Health Inspector to arrange a re-inspection. The operator is responsible for keeping the establishment closed and keeping the CLOSED sign posted until a Public Health Inspector issues the appropriate replacement sign based on a follow-up inspection. **If the infractions have not been corrected, the CLOSED sign will not be removed, and the establishment must remain closed.**

The CLOSED sign will be removed if the follow-up inspection demonstrates that a health hazard(s) no longer exist.

## What type of legal action can be expected?

An operator may be charged if the conditions observed in the food establishment are an immediate health hazard. An operator who does not comply with a closure order may be charged and summoned to appear in court.

If the court finds the defendant guilty, an individual operator may be fined up to \$5,000, and a corporation up to \$25,000, for each day or part of a day on which the offence occurred.



## Online Inspection Results

Since January 2009, Public Health Services has made inspection results available to the public on the Food Safety Zone at [www.foodsafetyzone.ca](http://www.foodsafetyzone.ca).

When a Public Health Inspector visits a food establishment they will assess if the operation meets the requirements of the Ontario Food Premises Regulation 562 and will then complete a Food Safety Inspection Report. A copy of the inspection report will be issued at the time of inspection.

As part of the disclosure program, a summary of the inspection results will be posted on the Food Safety Zone website. The date of the inspection along with all critical and non-critical infractions found in the establishment will be posted on the website.

Public Health Services plans to keep a two-year history of inspection results for the current food premises ownership on the Food Safety Zone. The results from routine compliance inspections and re-inspections will be posted (for more information see page 12 “Types of Inspections”).

The information on the website only pertains to the status of the premises under the current ownership. When there is an ownership change to a premises, any inspection results from the previous owner will be removed from the website.





## Risk Level of Food Premises and Frequency of Inspections

The Ontario Ministry of Health and Long Term Care sets standards for how often different types of food premises must be inspected. Depending on the factors listed below compliance inspections take place at least once, twice or three times per year. Additional re-inspections may also occur as needed.

Risk Level	Risk Assessment Criteria	Minimum Inspections
High	<ul style="list-style-type: none"><li>• wide range of food prepared</li><li>• multiple preparation steps</li><li>• customers possibly at higher risk of serious food-borne illness</li></ul>	three times per year
Medium	<ul style="list-style-type: none"><li>• fewer preparation steps than high risk</li><li>• includes take-out pizza outlets, sub shops, bakeries, butcher shops and delis</li></ul>	two times per year
Low	<ul style="list-style-type: none"><li>• serve pre-packaged foods</li><li>• little or no food handling on-site</li><li>• includes convenience stores</li></ul>	one time per year

## Types of Inspections

Inspection types fall into different categories:

**Routine Inspections:** These are the regular inspections required by the Ministry of Health and Long Term Care. These inspections are not scheduled in advance.

**Re-inspections:** Re-inspections take place to check that critical and non-critical infractions found on a previous inspection have been corrected.

**Complaint Inspections:** These inspections take place when a complaint is received about a food premises. Sometimes, a complaint inspection is combined with a routine inspection.

**Outbreak Investigations:** These inspections take place when there is an outbreak of foodborne illness and the food premises may be implicated.



## How to prepare for food safety disclosure?

To prepare for inspections under the program, Public Health Services encourages all operators of retail food business establishments to thoroughly review this Guide and the “**Seven Simple Steps to Food Safety Compliance**” checklist. It is important that operators understand and follow the requirements of the Ontario Food Premises Regulation.

All licensed retail food business establishments in The City of Hamilton will receive the Operator Information Guide. Once an establishment has been inspected, a Public Health Inspector will issue a colored Hamilton Food Safety Inspections sign based on the inspection results.

For more information on Food Safety Disclosure contact Public Health Services at 905-546-2489.



# Seven Simple Steps to Food Safety Compliance

## Protected food from contamination

- Ensure that cooked and ready-to-eat food items are placed on shelves above raw food
- Cover food with lids or plastic wrap
- Use utensils to reduce direct hand contact with prepared food
- Use water that is safe to drink to prepare food
- Label and store chemicals and pesticides away from food and the food preparation area
- Food items should be stored at least 15 cm (6 inches) off of the floor on shelves, racks or pallets

1

## Food handler hygiene and practices

- Ensure that there are separate handwash basins in each food preparation, processing or manufacturing area
- Hand basins should be equipped with
  - Hot and cold running water
  - Soap in a dispenser
  - Paper towels
- Handwash basins should be used only for handwashing purposes and not for food preparation or dishwashing
- Wash hands thoroughly before and after handling food
- Workers should confine hair and wear clean outer garments

2

## Equipment & utensil sanitation & storage

- Clean food contact surfaces and ensure they are in good condition
- Discard cracked utensils or deeply grooved food contact surfaces
- Use two or three compartment sink method, (wash-rinse-sanitize) to clean utensils, dishes and other equipment or use a mechanical dishwasher as required
- Sanitize utensils using the following solutions:
  - Mix a solution of 2 ml (1 tsp per 4 cups) of household bleach per 1 L of water (100 ppm) or;
  - Follow the manufacturer's directions for all other types of sanitizers

3

## Pest Control

- Ensure premises are free from pests
- Licensed pest control operator, Name/Phone number:

4

## Garbage and waste handling

- Remove solid and liquid waste from the food preparation area on a daily basis or more often if necessary
- Store waste in a sanitary manner
- Clean waste containers regularly
- Ensure waste receptacles are leak-proof, pest-proof and non-absorbent with tight-fitting lids

5

## Temperature and food storage

- Refrigerators should be 4°C/39°F or colder
- Record refrigerator temperatures
- Hot holding equipment should be 60°C/140°F or hotter
- Freezers should be -18°C/0°F or colder
- Keep thermometers in:
  - Refrigerators
  - Freezers
  - Hot holding units
- Use the probe thermometer provided
- Verify cooking temperatures with probe thermometer
- Calibrate thermometers at least weekly

6

## Premise maintenance and sanitation

- Clean surfaces, floors, walls and ceilings and ensure they are in good repair
- Ensure surfaces are smooth, non-absorbent and easy-to-clean
- Ensure there is adequate lighting as per the Ontario Building Code
- Ensure there are adequate levels of ventilation
- Check operation and maintenance of mechanical dishwasher(s) and other equipment
- Keep washrooms and change rooms clean at all times.
- Check supply of cleanliness of:
  - Toilet paper
  - Garbage container
  - Hot and cold running water
  - Soap dispenser
  - Cloth roller towel/paper towels/single service towels and/or hot air dryer

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(905) 546-CITY(2489)  
[www.hamilton.ca/foodsafety](http://www.hamilton.ca/foodsafety)

Adapted from Halton Region Health Department





## Mandatory Food Handler Certification Course/Exam

In June 2007, City Council passed a By-law requiring all high and medium risk food premises in Hamilton to have a certified food handler working in a supervisory capacity during all hours of operation. Mandatory Food Handler certification for supervisory food handlers By-law No. 07-245 came into effect January 1 2008.

It is important to ensure that food handlers know and practice basic food safety principles:

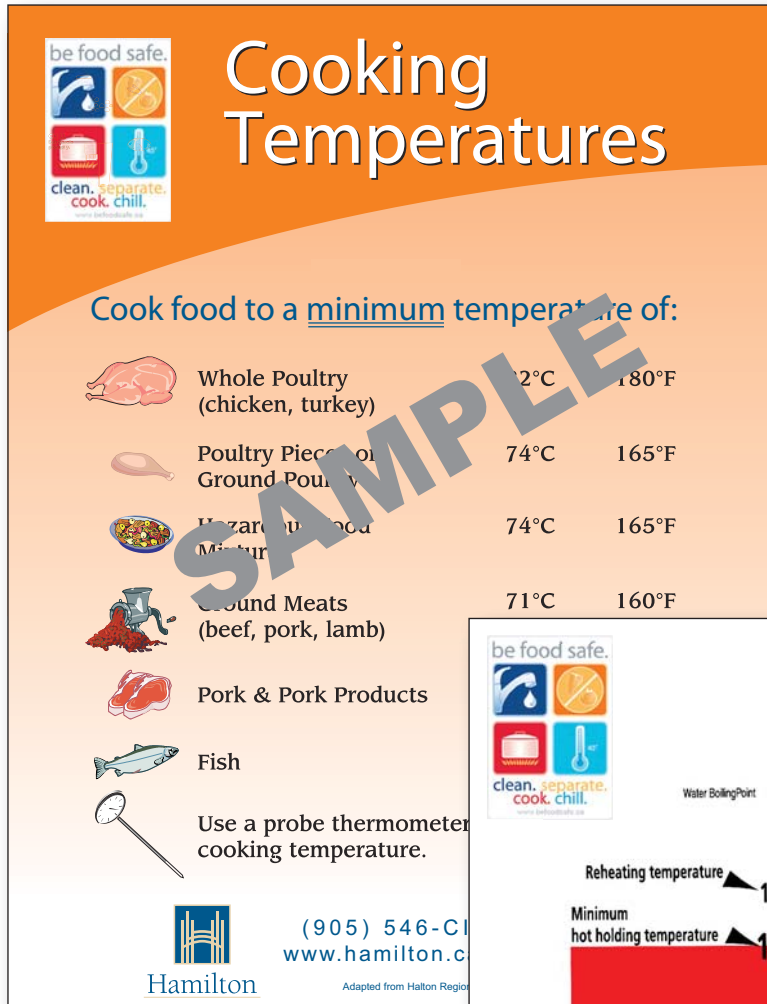
- Food safety legislation
- Introduction to food safety, microorganisms and contamination
- Cross-contamination
- Understanding foodborne illness
- Receiving and storage of food
- Preparation, cooking and service
- Hazard Analysis Critical Control Points (HACCP) system
- Personal hygiene
- Food allergies
- Cleaning and sanitizing
- Food establishment sanitation, design and maintenance
- Pest control

Research has shown that food handler training is one of the most effective ways of enhancing food safety. The course Hamilton Public Health Services offers provides food handlers with the basic knowledge to identify risk factors related with foodborne illness and the skills necessary to handle food that will prevent illness from occurring.

To register for an upcoming Food Handler Certification Course or Challenge Exam, visit a City of Hamilton Municipal Service Centre. For more information about Mandatory Food Handler Certification, contact Public Health Services at 905-546-2489 or visit [www.hamilton.ca/foodsafety](http://www.hamilton.ca/foodsafety).









## Available Resources




**be food safe.**  
clean. separate. cook. chill.  
www.foodsafety.ca

# Cooking Temperatures

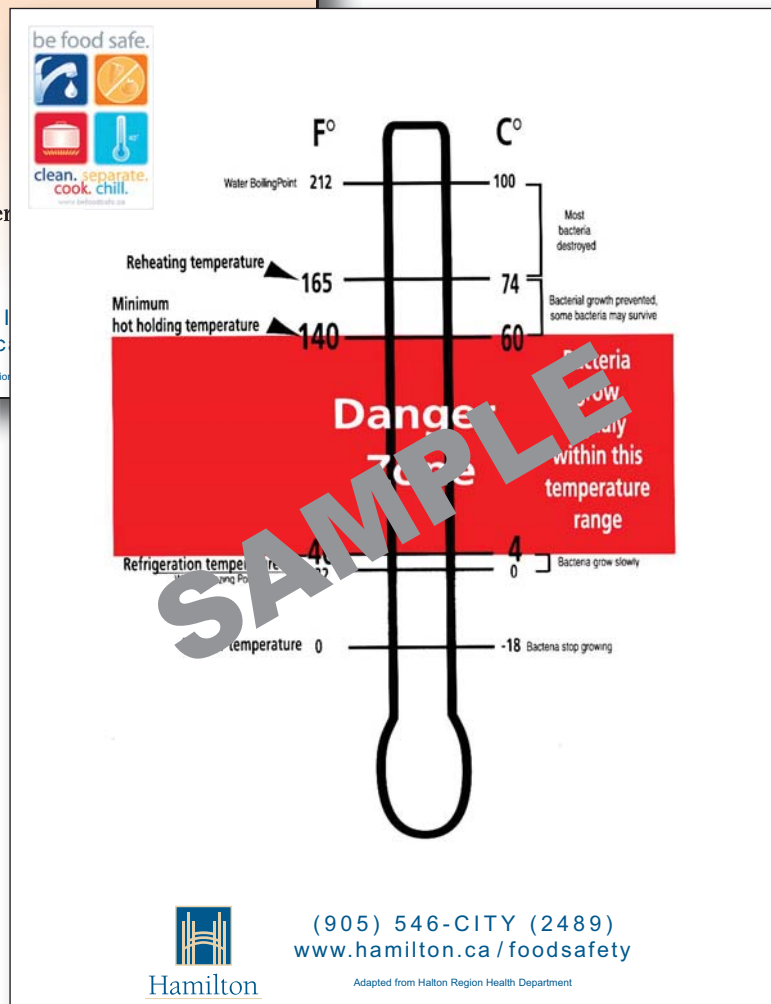
Cook food to a minimum temperature of:

 Whole Poultry (chicken, turkey)	72°C	180°F
 Poultry Pieces or Ground Poultry	74°C	165°F
 Meat Mixture	74°C	165°F
 Ground Meats (beef, pork, lamb)	71°C	160°F
 Pork & Pork Products		
 Fish		

Use a probe thermometer to check cooking temperature.

 (905) 546-CITY  
[www.hamilton.ca](http://www.hamilton.ca)  
Adapted from Halton Region Health Department

To get a copy of any of these resources, contact your area Public Health Inspector or Hamilton Public Health Services at 905-546-CITY (2489)



**be food safe.**  
clean. separate. cook. chill.  
www.foodsafety.ca

**Water Boiling Point** 212 F° / 100 C°

**Reheating temperature** 165 F° / 74 C°

**Minimum hot holding temperature** 140 F° / 60 C°

**Danger Zone**  
Bacteria grow rapidly within this temperature range


**Refrigeration temperature** 40 F° / 4 C°

**Freezing Point** 32 F° / 0 C°

**Freezer temperature** 0 F° / -18 C°

Bacteria grow slowly

Bacteria stop growing

 (905) 546-CITY (2489)  
[www.hamilton.ca/foodsafety](http://www.hamilton.ca/foodsafety)  
Adapted from Halton Region Health Department

To get a copy of any of these resources, contact your area Public Health Inspector or Hamilton Public Health Services at 905-546-CITY (2489)

be food safe.

clean, separate, cook, chill.

# Wash Your Hands!

1. Wet hands
2. Soap
3. Lather for 20 seconds
4. Rinse
5. Towel dry
6. Turn taps off with towel

Hamilton

be food safe.

clean, separate, cook, chill.

# Dishwashing

## 3 Sink Method

Scrape

**Sink 1 Wash**  
In clean hot water and detergent

**Sink 2 Rinse**  
In clean water (13°C/50°F)

**Sink 3 Sanitize**  
Soak dishes for at least 45 seconds:  
1. In water at 77°C (170°F)  
or  
2. Use clean warm water with a sanitizer such as:

- Chlorine, 100 parts per million (ppm), or
- Quaternary Ammonium, 200 ppm, or
- Iodine, 25 ppm

Air Dry

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(905) 546-CITY (2489)  
www.hamilton.ca / foodsafety

Adapted from Halton Region Health Department

To get a copy of any of these resources, contact your area Public Health Inspector or Hamilton Public Health Services at 905-546-CITY (2489)

# Appendix A –

## Sample Hamilton Food Safety Inspection **PASS** (Green sign)

**HAMILTON FOOD SAFETY INSPECTION**  
**PASS**

\_\_\_\_\_  
DATE OF INSPECTION

\_\_\_\_\_  
PREMISES NAME

\_\_\_\_\_  
ADDRESS

**INSPECTION PRIMARY DEFINITION**  
**PASS**

Substantial compliance with the Ontario Food Premises Regulation

\_\_\_\_\_  
MEDICAL OFFICER OF HEALTH

INSPECTOR: \_\_\_\_\_

BADGE# \_\_\_\_\_ INITIALS \_\_\_\_\_

For more information, please call City of Hamilton Public Health Services at **905-546-3570**

Check inspection reports online: **WWW.FOODSAFETYZONE.CA**



The results of this inspection reflect the conditions of the premises at the time of the inspection.  
This certificate of inspection is the property of the City of Hamilton and must be returned upon request.

## Appendix B –

### Sample Hamilton Food Safety Inspection **CONDITIONAL PASS** (Yellow sign)

<b>HAMILTON FOOD SAFETY INSPECTION</b> <b>CONDITIONAL PASS</b>	
_____ DATE OF INSPECTION	
_____ PREMISES NAME	
_____ ADDRESS	
<b>INSPECTION SUMMARY DEFINITION</b> <b>CONDITIONAL PASS</b>	
Significant non-compliance with the Ontario Food Premises Regulation.	
<b>INFRACTIONS FOUND AT THE TIME OF INSPECTION</b>	
<input type="checkbox"/>	Failed to ensure safe cooking/holding/storage temperature(s)
<input type="checkbox"/>	Failed to prevent food from contamination
<input type="checkbox"/>	Failed to practice adequate food handler hygiene
<input type="checkbox"/>	Failed to provide adequate pest control
<input type="checkbox"/>	Failed to maintain the sanitation of the premises
<input type="checkbox"/>	Failed to provide, maintain and/or clean equipment and utensils
_____ MEDICAL OFFICER OF HEALTH	INSPECTOR: _____ BADGE#          INITIALS
For more information, please call City of Hamilton Public Health Services at <b>905-546-3570</b>	
Check inspection reports online: <b>WWW.FOODSAFETYZONE.CA</b>	
	
The results of this inspection reflect the conditions of the premises at the time of the inspection. This certificate of inspection is the property of the City of Hamilton and must be returned upon request.	

# Appendix C –

## Sample Hamilton Food Safety Inspection **CLOSED** (Red sign)

**HAMILTON FOOD SAFETY INSPECTION**

# CLOSED

Premises closed by order under the authority of the Medical Officer of Health.

UNDER AUTHORITY OF THE HEALTH PROTECTION AND PROMOTION ACT, R.S.O., 1990 AS AMENDED, PURSUANT TO SECTION 13

DATE: \_\_\_\_\_ TIME \_\_\_\_\_  AM  PM

PREMISES NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

**INSPECTION SUMMARY DEFINITION**

**CLOSED**

Conditions in the food premises are an immediate health hazard.


\_\_\_\_\_  
MEDICAL OFFICER OF HEALTH

INSPECTOR: \_\_\_\_\_


BADGE# \_\_\_\_\_ INITIALS \_\_\_\_\_

For more information, please call City of Hamilton Public Health Services at **905-546-3570**

Check inspection reports online: **[WWW.FOODSAFETYZONE.CA](http://WWW.FOODSAFETYZONE.CA)**



Hamilton  
Public Health Services



Hamilton  
Food  
Safety  
**ZONE**

The results of this inspection reflect the conditions of the premises at the time of the inspection.  
This certificate of inspection is the property of the City of Hamilton and must be returned upon request.

## Appendix D –

### City of Hamilton By-Law 07-170 Schedule 21<sup>2</sup>

#### **SCHEDULE 21**

#### **FOOD PREMISES**

##### **INTERPRETATION**

1. In this Schedule,

**“bar/nightclub”** means a food premises when:

- (i) the primary purpose of the food premises is any one or more the following:
  - 1. serving alcohol to customers;
  - 2. entertaining customers by playing live or recorded music; or
  - 3. accommodating dancing by customers; and
- (ii) the food premises provides seating in a licensed area ,as set out in the food premises’ liquor licence, for less than 65% of customers who are served with food or drink;

**“Certificate of Inspection”** means a certificate in a form approved by the Medical Officer of Health which sets out the results of an inspection or inspections conducted under the Health Protection and Promotion Act or its regulations;

**“farmer”** means a farmer as defined in the Farming and Food Production Protection Act, 1998;

**“food premises”** means a premises where food or drink for human consumption is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, not including a premises that is:

- a. dwelling unit, except a dwelling unit used as a food premises home business;
- b. entirely exempt from R.R.O. 1990, Reg. 562 entitled “Food Premises” under section 2 of that Regulation;

<sup>2</sup> N.B. To see the City of Hamilton By-Law 07-170 Schedule 21 in its entirety please see the City of Hamilton website ([www.hamilton.ca](http://www.hamilton.ca)).

- c. in part exempt from R.R.O. 1990, Reg. 562 entitled “Food Premises” under section 3 of that Regulation; or
- d. operated by a farmer, selling or offering for sale primarily produce from his or her agricultural operation;

“**Hess Village Entertainment District**” means the geographic area in the City bordered by Caroline Street to the East, Main Street to the South, Queen Street to the West and King Street to North as shown in the map attached as Appendix A to this Schedule;

“**Hess Village Entertainment District licence holder**” means the holder of a licence under this Schedule who, under that licence, operates a bar/nightclub at premises located in the Hess Village Entertainment District;

“**home business**” means a use conducted as a business in a dwelling unit which is secondary to the use of the dwelling unit as a private residence;

“**public health inspector**” means a public health inspector employed in the Public Health Services Department;

“**security guard**” means a person:

- (i) whose exclusive responsibility or duty while engaged or hired by a bar/nightclub is to guard or patrol the premises for the purpose of ensuring orderly conduct and protecting persons or property; and
- (ii) who is licensed as a security guard under the Private Security and Investigative Securities Act, 2005; and

“**Special Duty Police Officer**” means a police officer who is a member of Hamilton Police Services.

## LICENCE REQUIRED

2. No person shall operate a food premises without a licence.
3. When submitting an application for a licence, an applicant for a licence under this Schedule shall submit a detailed premises plan, drawn to scale, of the food premises that has been approved by the Issuer of Licences and the details of such premises plan shall include but are not limited to depicting the location, as applicable, of parking areas, queuing areas, walkways, smoking areas, patios, seating areas, offices, cloak rooms, dance areas, disc jockey areas, kitchen facilities, bar areas, washrooms, storage areas and entrances/exits.



4. No licence holder under this Schedule shall change or cause a change to be made to a premises plan without first obtaining the approval of the Issuer of Licences.

#### **DUTIES OF OPERATOR**

5. Every person operating a food premises shall be responsible for keeping the premises clean and orderly and maintained in all respects suitable for the purpose for which they are used, and for keeping the premises adequately lighted and ventilated.

#### **PUBLIC HEALTH APPROVAL**

6. A licence to operate a food premises shall not be issued until a public health inspector has informed the Issuer of Licences that all requirements under the Health Protection and Promotion Act and its regulations have been fully complied with.

#### **POSTING OF CERTIFICATES OF INSPECTION**

7. (1) Every person who operates a food premises shall permit a public health inspector to post a Certificate of Inspection in a clearly visible and conspicuous location at all entrances by which customers may enter the premises.

(2) Where a premises described in subsection (1) does not have an entrance by which customers may enter the premises, the person who operates a food premises shall permit a public health inspector to post a Certificate of Inspection in a clearly visible and conspicuous location at the pick-up window or other location in the premises from which customers are served.

(3) Every person who operates a food premises shall permit a public health inspector at any reasonable time to remove a Certificate of Inspection which has been posted at the premises.

(4) When a Certificate of Inspection has been removed by a public health inspector under subsection (3), the person who operates a food premises shall not post a copy of a Certificate of Inspection or any facsimile of the certificate at any location on the premises.



**WHEN YOU EAT OUT**  
don't get more than you bargained for.



Hamilton is introducing new Food Safety Inspection signs

**PASS**

**Conditional  
PASS**

**CLOSED**

Before you dine, dash to [FoodSafetyZone.ca](http://FoodSafetyZone.ca)  
and see inspection results for yourself!



**Hamilton**  
**Public Health Services**

**FoodSafetyZone.ca**  
**(905) 546-CITY(2489)**

Adapted with the permission of Wellington-Dufferin-Guelph Public Health