

Order 63-10/11
Given first reading on 10/18/10
Public Hearing and Passage 11/1/10 8-0 (Skolnik absent)

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
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CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
JILL C. DUSON (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 11 FOOD AND FOOD HANDLERS
ARTICLE II. FOOD SERVICE ESTABLISHMENTS
SECTIONS 11-16 & 11-38**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*1. That Section 11-16 of the Portland City Code is hereby
amended to read as follows:*

Sec. 11-16. Definitions.

. . . .

Certified Food Protection Manager shall mean a person who is at least 18 years of age and a full-time employee of a permanent food service establishment who holds a valid certification necessary to meet the requirements of section 11-38(c) of this chapter.

. . . .

2. That Section 11-38 of the Portland City Code is hereby enacted to read as follows:

Sec. 11-38. Certified Food Protection Manager.

(a) General Requirement. All permanent food service establishments that sell potentially hazardous foods (time/temperature controlled for safety foods) must have at least one certified food protection manager (CFPM) employed by the establishment.

(b) Person in Charge. A CFPM is not required to be on-site at all times during operating hours. When the CFPM is on-site, he or she shall be designated as the person in charge of food protection measures. When the CFPM is not on-site then the CFPM or food establishment owner or his or her designee shall designate a knowledgeable person in

charge of food protection measures while the CFPM is off site.

(c) *Criteria for Meeting CFPM standard.* All permanent food service establishments shall employ a CFPM that is certified by a food protection manager certification program evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs. All establishments shall provide written proof to a City Inspector upon request that demonstrates the employment of a currently certified CFPM.

(d) *Duties of the Certified Food Protection Manager.* The CFPM shall be employed as a CFPM for only one licensed food service establishment within the City of Portland at a given time. The CFPM shall also:

- (1) Be responsible for ensuring compliance with food protection measures in the establishment, and
- (2) Be responsible for training the establishment's food service workers on proper food handling, general sanitation practices, and personal hygiene; and
- (3) Immediately report to the Maine CDC 24/7 disease reporting line 1-800-821-5821 and to the food facility operator the occurrence of any group expression of illness or disease among patrons and/or food service workers.

(e) *Duties of the food service establishment owner regarding a Certified Food Protection Manager.* The owner or his or her designee shall employ at least one CFPM as a regular, full-time employee. The CFPM shall be employed within sixty (60) days of the effective date of this section or the date of the establishment's food service license, whichever is earlier. A replacement CFPM shall be employed within sixty (60) days after a CFPM is no longer employed by an establishment.

(f) *Penalties for Non-Compliance.* Permanent food service establishments operating without a CFPM in violation of this section shall be cited for a 10 point critical violation.

