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POLICY AND PROCEDURE	
SUBJECT/TITLE:	FOOD: EMERGENCY ENFORCEMENT PROCEDURE/CLOSURE
APPLICABILITY:	SCHD ENVIRONMENTAL SANITARIANS
ORIGINALLY PREPARED BY:	Melissa Spears, R.S. 6-18-2019
REVISION PREPARED BY:	Melissa Spears, R.S., Environmental Health Director
EFFECTIVE DATE:	
REVIEW FREQUENCY:	3 years
REFERENCE NUMBER:	E- 3

Purpose:

The closure or food service operations and/or retail food establishments that pose an immediate danger or threat to public health.

Policy:

This policy describes the standard operating procedures for the emergency enforcement and/or closure or food service operations and/or retail food establishments that pose an immediate danger or threat to public health.

Legal Authority:

Ohio Revised Code Chapters 3717.29 and 3717.49 (C)

Procedure:

- 1) On determining that a licensed facility poses an immediate danger to the public health due to the conditions of the facility, the Scioto County Health Commissioner or their designee may immediately suspend the license of the food service operation or retail food establishment without giving written notice or affording the license holder the opportunity to correct the violation.
- 2) The health commissioner or their designee will post the approved closure sign at the facility stating that the facility is closed until further notice by order of the Scioto County Health Commissioner.
 - a) The health commissioner or his or her designee may give the facility the option of voluntarily closing without posting the approved closure sign. The health commissioner or their designee will then give the license holder the date the follow-up



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inspection will be conducted to determine if the immediate danger still exists. The facility is to remain closed until permission is given by the health commissioner or their designee to resume operation of the facility.

- b) If the license holder is operating a mobile or catering food service operation, either the licenser that issued the license or the licenser for the health district in which the operation is being operated in may suspend the license.
- 3) A suspension under this section takes effect immediately. The health commissioner may suspend the license without an appeal to the Board of Health. When a mobile food service operation license is suspended, the licenser that suspended the license shall hold the license until the suspension is lifted. The health commissioner who suspends a license may on determining that there is no longer an immediate danger to the public health, lift the suspension without consulting the Board of Health.
- 4) The license holder may appeal a suspension to the Board of Health. The Board of Health shall determine whether the immediate danger to the public health exists as follows:
 - a) By majority vote of the members of the Board of Health at a meeting at which there is a quorum. If the Board of Health determines that there is no immediate danger to the public health, the suspension shall be lifted. If the Board of Health determines that the immediate danger exists, the Board of Health shall issue an order continuing the suspension.
 - b) A license holder may appeal an order issued by the Board of Health to the court of common pleas of the county in which the licenser is located.

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Board Approval:

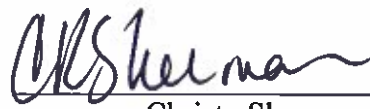


Laura Miller,
Board President

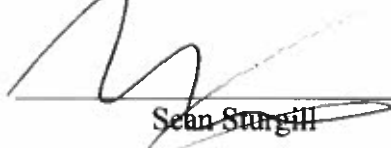
Dr. Jerod Walker



J.B. Marshall



Christy Sherman



Sean Sargill



Dr. Michael Martin,
Health Commissioner