



Resolution
December 14, 2011

Cease Use Powers

A RESOLUTION authorizing the health commissioner and/or those registered sanitarians authority to cease use equipment under section 901:3-4 -12 of the Ohio Administrative Code

WHEREAS, Section 901:3-4-12 of the Ohio Administrative code stipulates (A) Any article such as a utensil, material, or piece of equipment may be removed from use in a retail food establishment by the licensor if it presents a public health hazard. For the purposes of this rule, a public health hazard is presented by any article whose use can reasonably be expected to result in the contamination or adulteration of a food product based upon its state of repair, cleanliness, location, or construction.

WHEREAS, Section 901:3-4-12 (A)of the Ohio Administrative Code stipulates the licensor may tag any such article and prohibit its use by the license holder.

(B) A tag removing an article from use shall state the reason for the article’s removal from use, and;

(1) The provisions for returning the article to use, or

(2) The disposition of the article if the article can not be satisfactorily reconditioned.

(C) No license holder shall remove or permit to be removed, a tag without the permission of the licensor.

WHEREAS, Section 901:3-4-12 of the Ohio Administrative Code stipulates that any action that may be taken by a licensor under paragraphs (A) to (D) of this rule may be taken by a health commissioner or other person employed by the licensor if the person or health commissioner is authorized by the licensor take the action;

THEREFORE, BE IT RESOLVED that the Board of Health of the Columbiana County Health Department adopts this resolution effective December 15, 2011.

GARY DAILEY moved and DAVID ROSE seconded this resolution.

Shawn Apple
President

Dr. Jack Amato
Vice President

Gary Dailey

Thomas Haugh

Dave Rose