

ORDINANCE NO. ____
Series of 2012

AN ORDINANCE REGULATING THE SALE OF FOOD IN THE STREETS OF DAVAO CITY.

Be it Ordained by the Sangguniang Panlungsod of Davao City in session assembled, that;

SECTION 1. TITLE

This Ordinance shall be known as "*AN ORDINANCE REGULATING THE SALE OF FOOD IN THE STREETS OF DAVAO CITY OTHERWISE KNOWN AS "THE STREET FOOD ORDINANCE OF DAVAO CITY."*

SECTION 2. DECLARATION OF POLICY

Under the General Clause or Section 16 of the Local Government Code, "Every Local government Unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of the general welfare;

SECTION 3. DEFINITION OF TERMS

The following terms as used in this Ordinance shall mean as follows:

- 1) **Food Safety Certificate** – attestation from the City Health Office that a Food Handler has undergone the Food Safety Training and their respective carts have passed the standards as recommended by the Department of Science and Technology required by this ordinance;
- 2) **Street Food** – means any food prepared, cooked, and served in the sidewalks or any open spaced near or adjacent to public roads, and is prepared or sold or both either in mobile carts, tablets or anything of the same import;
- 3) **Food Safety Team** - ****
- 4) **Food** – any processed substance which is intended for human consumption and includes drink for man, and any substances which have been used as an ingredient in the manufacture, preparation and service of food;

- 5) **Food Safety** – condition and level of security of food in relation to health and hygiene for consumers as brought about by the manner that the same is prepared, cooked and served;
- 6) **Food Handler/Vendor** – any person engaged and employed in preparing, cooking and serving street food;
- 7) **Business Owner** – any person who owns and/or operates a Street Food Business;

SECTION 4. MANDATORY REGISTRATION

Any person engaged in the sale of street food shall register his/her business or renew an expired license shall file with the City Health Office and application containing the following:

- a) Applicant's full legal name;
- b) Applicant's mailing address and telephone number;
- c) Kind/Type of Street Food served;
- d) Area sale or location of business
- e) Health Certificate of Food Handler;
- f) Certificate of Training on Food Safety;
- g) Any other information deemed necessary for the proper review of the application by the CHO

SECTION 5. SCOPE OF REGISTRATION

All persons or group of persons engaged in the sale of food, prepared cooked and served in the streets shall submit to the procedures and protocols provided in this ordinance. Only the persons that has complied with the provisions of this ordinance and has been duly granted a food safety certificate shall be permitted to operate, produce, and market food products to the public. The Food Safety Certificate shall not be transferable from one person to another person, business, or location. The awarded license shall be posted in the food establishment in areas that are clear and readable to the customers. A valid Food Safety Certificate is one that is not suspended, revoked, or expired.

SECTION 6. TERM OF FOOD SAFETY CERTIFICATE

The Food Safety Certificate shall be valid only for one year from the date of issuance. Annual renewal of certificates shall be required for the continued operations of the facilities being applied for. Renewal of Food Safety Certificate should be carried within 30 days after the expiration of the same.

SECTION 7. CERTIFICATE SUSPENSION AND REVOCATION

At any time the CHO determines that a certificate holder is not in compliance with the provisions of this ordinance the same shall issue a notice under the provisions of this ordinance to the certificate holder stating the nature of violation/s committed and reasonable time in which corrective action must be taken.

In the event that such violation constitutes an immediate hazard to the health of the general public, the aforesaid notice may also contain an immediate suspension of the certificate. The certificate holder must correct the non-conformities at the soonest possible time.

The certificate holder shall file for re-inspection within 7 working days after the suspension notice was issued. Operations shall only be permitted to carry on when the CHO finds and approves the necessary corrections and corrective actions implemented.

Moreover, the certificate may be permanently revoked for repeated violations of the provisions of this ordinance, which in the thorough evaluation of the CHO, creates the possibility of a direct health hazard to the general public of Davao City.

Prior to such action, the certificate holder shall be notified that the certificate is subject to revocation. The certificate shall be considered formally revoked (10) days after the service of such notice via certified mail or hand delivered.

SECTION 8. TRAINER'S TRAINING ON FOOD SAFETY

The Davao Food Safety Team, in the commencement stage of the implementation of this ordinance, shall undertake to train the Sanitation Officers of the City Health Office of Davao city, in order to equip the latter with necessary knowledge and skills to be capacitated to conduct Food Safety Trainings to Street Food Vendors.

SECTION 9. MANDATORY TRAINING ON FOOD SAFETY

Any Business owner and food handler/vendor shall be required to undergo Training on Food Safety which will be conducted by the Sanitation Division of the City Health Office of Davao City;

The training shall include theoretical and actual food handling instruction. There shall be a module prepared by the DOST relative to Training on Food Safety.

A Food Safety Certificate shall be issued by the above agencies as part of the monitoring process on Food Safety. Upon completion of training, the vendors shall be given these certificates indicating that they are registered with the City Health Office.

SECTION 10. MANDATORY POSTING OF CERTIFICATE

Any Business Owner and Food Handler/Vendor who has completed the Training on Food Safety shall be required to post the Certificates issued to them by the City Health Office on their food carts clearly visible to the public.

SECTION 11. MANDATORY WEARING OF IDENTIFICATION CARDS AND PRESCRIBED ATTIRE

Any Business Owner and Food Handler/Vendor, upon completion of the Mandatory Training on Food Safety, shall be issued an Identification Card, and shall be required to wear the same.

A Prescribed Attire for a particular street food business, as recommended by the Department of Science and Technology, shall be worn by the said Business Owner and Food Handler/Vendor.

SECTION 12. FOOD SAFETY TRAINING CENTER

There shall be a Food Safety Training Center provided by the City Government, to be a venue of the Mandatory Food Safety Training as provided in Section 9 herein.

SECTION 13. ROLE OF THE BARANGAY

The Barangay shall:

- 1) Designate a specific area and time for street vending within their territorial jurisdiction, in coordination with the City Government of Davao through the City Health Office;
- 2) Determine the allowable number of street carts in every designated area; and
- 3) Ensure the orderly display of street carts.

SECTION 14. MONITORING

The City Health Office, through the Sanitation Division, shall conduct regular monitoring and inspection of Street Food Carts to ensure compliance with this Ordinance.

The Department of Science and Technology, through the Davao Food Safety Team, shall undertake to monitor the level of Food Safety among street food in Davao City.

SECTION 15. ENFORCEMENT

Any street food vendor not in possession or who shall fail to post the sticker mandated by this Ordinance shall not be allowed to sell and barangay officials or their designated personels may remove the food cart or cause it to be removed.

In case of unjustified and persistent refusal on the part of the street food vendor to comply with the requirements of this Ordinance, they shall be subject to a fine of not more than Five Hundred Pesos (P500.00) and shall be required to undergo the Training on Food Safety or a Refresher's Training to those who have already taken the same.

SECTION 16. REPEALING CLAUSE

All other ordinances and executive orders, or parts thereof previously enacted which are inconsistent, herewith are deemed amended, repealed or modified accordingly;

SECTION 17. SEPARABILITY CLAUSE

If, for any reason, any section of the Ordinance is declared unconstitutional or invalid, other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect;

SECTION 18. EFFECTIVITY

This Ordinance shall take effect upon publication in a newspaper of general circulation in Davao City.