

Hamilton Board of Health
Policy on Food Establishment Re-inspection Fees
and
Probationary Inspection Frequency
August 2016

Frequency of Food Establishment Inspections

Routine, unannounced inspections are typically conducted two (2) times per year, the minimum required for food establishments, unless there is a low threat to public health, in which case only one inspection is required per year.

When code violations are identified during an inspection they are written into the inspection report and a deadline for correction is provided (and written in the report). A re-inspection is conducted on or after that date to check for compliance.

Most establishments comply fully with the correction order by the time of the re-inspection. However, some establishments fail to correct violations by the given deadline, and the inspector must return for a subsequent re-inspection(s). In order to incentivize the timely correction of health code violations, **the Board of Health will charge a re-inspection fee** when violations are not corrected by the given deadline.

Re-inspection Fees

1. The first re-inspection to confirm that violations have been corrected does not have a fee. (Exception: A fee is charged when establishment is on probation...see next section.)
2. Fees would be charged for subsequent re-inspections until compliance is achieved.
3. Fees for re-inspections would be escalating: \$50 (for the 2nd re-inspection), \$100 (3rd), \$150 (4th).
4. The Food Inspector may issue a "warning" in lieu of each establishment's first "chargeable" re-inspection.

Probation and Quarterly Routine Inspections

Some establishments have multiple and/or repeated violations during routine inspections. In order to promote knowing and following the code, as well as "learning from one's mistakes" the Board of Health will have a policy of doubling the frequency of routine inspections (for most establishments this would be 4 quarterly inspections per year), under the following circumstances:

1. Establishments would be placed on probation after the Food Inspector alerts the Health Agent that the establishment either:
 - a. has three (3) or more "priority" or "priority foundation" violations on any routine inspection, or

- b. has the same “priority” or “priority foundation” violation during two (2) consecutive routine inspections, or
 - c. has a “priority” or “priority foundation” violation which it has had three (3) or more times before.
- 2. Establishments would be considered "on probation" and a letter sent to the establishment explaining the conditions of probation, including duration (up to one year, at the discretion of the Health Agent).
- 3. Establishments would be given an opportunity to be heard before the Board of Health if they believe that they are aggrieved by the conditions of probation, if they make their request in writing within 10 days of receipt of the written probation letter.
- 4. While on probation, all inspections (including routine inspections) will have a fee. \$50 for each routine inspection (typically 4 quarterly), and \$100 for any re-inspections.
- 5. The Food Inspector would strive for conducting the subsequent routine inspection 2-3 months after the prior inspection.
- 6. If there is insufficient improvement during the probationary period, then a hearing before the Board of Health will take place to discuss further corrective action.
- 7. After period of probation, the Food Inspector will recommend to the Board of Health whether probation should be lifted or continued.

Implementation Date

- 1. Implementation of these policies will begin July 1, 2017. Notification and information about the policies will be sent with the food permit in December 2016.
- 2. Additionally, the Food Inspector will verbally provide information during the 2016-2017 winter/spring inspections, prior to implementation.