



AGENDA ITEMS #: 20-119
COUNCIL MTG OF: December 1, 2020
FROM: David Caron, Town Administrator
OFFERED BY: Town of Derry Public Health Dept.
PREPARED BY: Courtney J Provencher, HO
SUBJECT: Amendments to Chapter 55. Food Service Establishments

STAFF REPORT
Public Hearing 12-15-20

PURPOSE: To adopt minor changes to the Health Ordinance, Chapter 55, clarifying temporary and annual licensure requirements for Mobile Food Unit (MFU) operations.

TOWN ADMINISTRATOR COMMENTS: Currently, the Town lacks enforcement guidance for Mobile Food Unit operations, currently referred to as Food Trucks. The proposed amendments to Chapter 55 create guidance and expectations for both the MFU operators and the Town regarding location, operation, taxation and other safety requirements.

BACKGROUND: The Town adopted Chapter 55. Food Service Establishments, in 1982, which, for the most part, adopted by reference the State of NH Chapter He-P 2300 Sanitary Production and Distribution of Food. The last adoption by Town Council occurred July 2020, with an addition of a dog-friendly outdoor dining variance option for license holders.

DISCUSSION: The Public Health Department seeks to propose the following amendments to Chapter 55. Food Service Establishments:

1. Classification of Type 7 and Type 8 added to simplify licensing MFUs.
2. Inclusion of a summary provided for those persons desiring to operate MFUs in Town of Derry, NH which outlines perimeters for the business owner(s) in regard to Zoning, Code Enforcement, Health and Fire and Life Safety Codes.

FISCAL IMPACT: There is no fiscal impact to Health Department with the addition to the Code.

RECOMMENDATIONS: The Health Department recommends reclassifying the food service schedule, adding a Type 7 [Annual Mobile Food Unit offering packaged and/or non-*TCS foods] and Type 8 (Annual Mobile Food Unit offering *TCS foods). Addition includes a summary outlining Zoning, Code Enforcement, Health and Fire and Life Safety Codes.

RECOMMENDED MOTION: See Ordinance #2020-010

**TCS = Time/Temperature Control for Safety*