

Wythe County Ordinance 2021-05
Exemption of the Code of Virginia § 35.1-26
Exempted Food Service Activities

Authority; purpose.

- (a) Authority for the adoption of this article is granted to the Board of Supervisors by Code of Virginia, § 35.1-26.
- (b) The purpose of this article is to provide for the exemption of certain groups and organizations from the provisions of Code of Virginia, § 35.1-1 et seq., or any successor statute, due to the hardship of such provisions on such groups and organizations. No group or organization shall be exempt from the provisions of Code of Virginia, § 35.1-1 or any successor statute except as provided in this article.

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable Nonprofit Organizations shall mean any organization currently recognized by the Internal Revenue Code of the United States of America as a charitable nonprofit organization.

Fair shall mean a gathering of buyers and sellers for the purpose of exhibiting and selling goods, accompanied by amusements, contests, entertainment and the like, benefiting one or more recognized charitable nonprofit organizations.

Political Subdivision of the State shall mean Wythe County and all comprised departments; all incorporated towns within Wythe County; the Wythe County School Board; any County board, authority or commissions created under the Constitution of Virginia or by Act of the General Assembly of Virginia as described by statute; and/or all groups that operate on behalf of, under and through the political subdivisions referenced and described in this definition.

Exempted food service activities.

The provisions of Code of Virginia, § 35.1-1 et seq. or any successor statute shall not apply to:

- (1) Food booths at fairs, where such booths are promoted or sponsored by any political subdivision of the state or by any charitable nonprofit organization or group thereof.
- (2) All charitable organizations exempted from the provisions of the Code of Virginia, § 35.1-1 by Code of Virginia, § 35.1-25.
- (3) All those properly exempted from the provisions of the Code of Virginia, § 35.1-1 or any successor statute except as provided in this article, shall rely on the Virginia Department of Health to provide advice, consultation and expertise in the realm of food preparation and service activities for the purpose of ensuring the public’s health, safety and welfare.

Adopted this ___ day of _____, 2021, by a vote of:

<u>NAME</u>	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
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Brian W. Vaught				
Ryan M. Lawson				
Rolland R. Cook				
James D. Smith				
Coy L. McRoberts				
B.G. “Gene” Horney, Jr.				
Stacy A. Terry				

I certify that this is a true and correct copy taken from the _____, 2021, minutes of the Wythe County Board of Supervisors meeting.

Martha Collins, Clerk of the Board