



LAW DEPARTMENT

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May 3, 2024

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit MI 48226

RE: Proposed Ordinance to Amend Chapter 19 of the 2019 Detroit City Code, *Food, Article II, City Licenses for Food Service Establishments and Vending Machines, Division 2, Food Services Establishments*, by adding Subdivision C, *Dining with Confidence*.

Honorable City Council:

Pursuant to the applicable provisions of the 2012 Detroit City Charter and at the request of Council Member Benson, the above-referenced proposed ordinance is being submitted to Your Honorable Body for consideration. The purpose of this proposed ordinance is to amend Chapter 19 of the 2019 Detroit City Code, *Food, Article II, City License for Food Service Establishments and Vending Machines, Division 2, Food Service Establishments*, by adding Subdivision C, *Dining With Confidence*; to include Section 19-2-51, *Purpose*; Section 19-2-52, *Definitions*; Section 19-2-53, *Issuance and contents of public information signs*; and Section 19-2-54, *Posting requirements, period of validity, removal prohibited*; to require the posting of the results of the most recent inspection and evaluation of licensed food service establishments by the Detroit Health Department

Thank you for your consideration.

Respectfully submitted,

/s/Sharon Blackmon

Sharon Blackmon
Senior Assistant Corporation Counsel

Attachment

SUMMARY

This ordinance amends Chapter 19 of the 2019 Detroit City Code, *Food*, Article II, *City License for Food Service Establishments and Vending Machines*, Division 2, *Food Service Establishments*, by adding Subdivision C, *Dining With Confidence*; to include Section 19-2-51, *Purpose*; Section 19-2-52, *Definitions*; Section 19-2-53, *Issuance and contents of public information signs*; and Section 19-2-54, *Posting requirements, period of validity, removal prohibited*; to require the posting of the results of the most recent inspection and evaluation of licensed food service establishments by the Detroit Health Department.

1 **BY COUNCILMEMBER** _____

2 **AN ORDINANCE** to amend Chapter 19 of the 2019 Detroit City Code, *Food*, Article II,
3 *City License for Food Service Establishments and Vending Machines*, Division 2, *Food Service*
4 *Establishments*, by adding Subdivision C, *Dining With Confidence*; to include Section 19-2-51,
5 *Purpose*; Section 19-2-52, *Definitions*; Section 19-2-53, *Issuance and contents of public*
6 *information signs*; and Section 19-2-54, *Posting requirements, period of validity, removal*
7 *prohibited*; to require the posting of the results of the most recent inspection and evaluation of
8 licensed food service establishments by the Detroit Health Department.

9 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
10 **THAT:**

11 **Section 1.** Chapter 19 of the 2019 Detroit City Code, *Food*, Article II, *City License for*
12 *Food Service Establishments and Vending Machines*, Division 2, *Food Service Establishments*, be
13 amended by adding Subdivision C, *Dining With Confidence*; which shall consist of Sections 19-2-
14 51 through 19-2-54, to read as follows:

15 **CHAPTER 19. FOOD**

16 **ARTICLE II. CITY LICENSE FOR FOOD SERVICE ESTABLISHMENTS**

17 **AND VENDING MACHINES**

18 **DIVISION 2. FOOD SERVICE ESTABLISHMENTS**

19 **Subdivision C. Dining With Confidence**

20 **Sec. 19-2-51. Purpose.**

21 The purpose of this subdivision is to protect the public health by requiring the posting or
22 accessibility of the results of the most recent inspection by the Detroit Health Department or
23 licensing status of a food service establishment.

1 **Sec. 19-2-52. Definitions.**

2 For purposes of this subdivision, the following words and phrases shall have the meaning
3 respectively ascribed to them by this section:

4 Closed means that a food service establishment is not permitted to operate by order of the
5 Department due to the following circumstances:

6 (1) The food service establishment's license has been suspended or revoked by order
7 of the Director; or

8 (2) The food service establishment has been ordered to close immediately by the
9 Director due to clear and present danger to the public health; or

10 (3) The food service establishment has failed to obtain a license; or

11 (4) The food service establishment has failed to renew its license and pay the required
12 state and local fees.

13 Compliance means that the licensed facility, based on the most recent inspection or follow-
14 up inspection, has met the minimum standards set forth by the Michigan Food Law, being MCL
15 289.1101 et seq., including the Food and Drug Administration's Model Food Code as adopted by
16 reference therein. The licensed facility is considered to be in compliance if:

17 (1) There were no priority or priority foundation violations; or

18 (2) There were no more than five priority or priority foundation violations, and all have
19 been corrected; and

20 (3) Such core violations as the Department has, in its discretion, required correction of
21 in order for a facility to achieve compliance have been corrected.

22 Department means the Detroit Health Department and its authorized representatives.

23 Director means the Public Health Director of the Detroit Health Department.

1 Enforcement process means that the licensed facility, after supervisory review, is currently
2 involved in enforcement proceedings administered by the Detroit Health Department.

3 Inspection means the compliance evaluations as required by MCL 289.3125 and any
4 follow-up evaluations resulting therefrom.

5 Licensed facility means a licensed food service establishment approved to operate by the
6 Department.

7 Public information sign means a color-coded sign issued by the Health Department
8 providing the food inspection status of a food service establishment as of the date of that
9 establishment's last inspection or, if no color-coded sign is issued, a sign containing the last
10 inspection date and a Quick Response Code.

11 Quick response code means a matrix of squares, commonly referred to as a QR Code, that
12 when scanned by a smartphone provides access to additional content or information through the
13 internet.

14 **Sec. 19-2-53. Issuance and contents of public information signs.**

15 (a) Except where a follow-up inspection or placement in the enforcement process is
16 required, at the completion of each inspection or whenever a food establishment is closed by order
17 of the Department, the Department shall issue and deliver a color-coded public information sign
18 to the owner or operator of the food service establishment immediately following an inspection.

19 (b) If the food service establishment has been inspected, but is not in compliance, the
20 Department shall remove any color-coded sign from the previous inspection and schedule a follow-
21 up inspection no later than 30 days after the inspection. Failure to achieve compliance at the
22 follow-up inspection shall result in the food service establishment being placed in the
23 Department's enforcement process. Until the Department issues a color-coded public information

1 sign, the food service establishment shall post a sign providing a Quick Response Code, which,
2 when scanned, directs the user to a Department maintained website providing additional
3 information or links to additional information regarding the Department’s food grading system
4 and the results of the most recent inspection of the food service establishment.

5 (c) The color-coded public information sign must provide the results of the inspection
6 as follows:

7 (1) If the food service establishment has been inspected and is in compliance as
8 defined in this section, the Department shall issue a green sign which shall
9 contain the words “INSPECTED” and “IN COMPLIANCE” and state the
10 date of the inspection.

11 (2) If the food service establishment is closed as a result of the inspection or as
12 ordered by the Department, the Department shall issue a red sign which
13 shall contain the words “CLOSED BY ORDER OF THE DETROIT
14 HEALTH DEPARTMENT” and stating the date the establishment was
15 closed.

16 (3) The color-coded sign must also include a Quick Response Code which,
17 when scanned, directs the user to a Department maintained website
18 providing additional information or links to additional information
19 regarding the Department’s food grading system and the results of the most
20 recent inspection of the food service establishment.

21 **Sec. 19-2-54. Posting requirements, period of validity; removal prohibited.**

22 (a) Upon receipt of a public information sign, the owner or operator of the food service
23 establishment shall immediately post the sign so as to be clearly visible to the general public and

1 any person entering the establishment. The sign shall be no smaller than 7 inches by 9 inches in
2 size.

3 (b) The public information sign shall be posted in one of the following locations:

4 (1) The front window of the establishment so as to be visible from the exterior
5 of the establishment and located not less than four feet and no more than six
6 feet from the ground or floor;

7 (2) In a display case which is mounted on the outside front wall of the
8 establishment and located within five feet of the front door and not less than
9 four feet or more than six feet from the ground or floor; or,

10 (3) Posted in a location as determined the Department.

11 (c) If the food service establishment is operated in the same building or space as
12 another business, shares a common patron entrance with another business, or other factors interfere
13 with the visibility of the sign, the sign shall be posted in the initial patron contact area or in a
14 location determined by the Department to ensure proper notice to the general public and patrons.

15 (d) The owner or operator of the food service establishment shall continually maintain
16 and display the most recent public information sign until a new sign is issued by the Department
17 following inspection or re-inspection of the establishment.

18 (e) No owner or operator may cause or permit the sign to be removed, altered, defaced,
19 marred, camouflaged, or hidden from view.

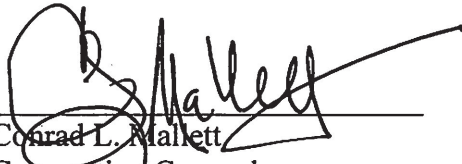
20 **Sections 19-2-55 – 19-2-70. Reserved.**

21 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace,
22 health, safety, and welfare of the People of the City of Detroit.

1 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
2 repealed.

3 **Section 4.** This ordinance shall become effective on October 1, 2024 in accordance with
4 Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Conrad L. Mallett
Corporation Counsel