



LAW DEPARTMENT

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May 5, 2022

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 License for Food Service Establishments and Vending Machines*, Division 2, *Food Service Establishments*, by adding Subdivision C, *Food Grading*.

Honorable City Council:

Pursuant to the applicable provisions of the 2012 Detroit City Charter, the above-referenced proposed ordinance is being submitted to Your Honorable Body for consideration. The purpose of this proposed ordinance is to protect the public health by requiring food service establishments to prominently post the results of the most recent inspection by the Detroit Health Department. The proposed 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, *Food Grading*; to include Section 19-2-51, *Purpose*; Section 19-2-52, *Definitions*; Section 19-2-53, *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, *Food Grading*; to include Section 19-2-51, *Purpose*; Section 19-2-52, *Definitions*; Section 19-2-53, *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, *Food Grading*; to include Section 19-2-51, *Purpose*;
5 Section 19-2-52, *Definitions*; Section 19-2-53, *Contents of public information signs*; and Section
6 19-2-54, *Posting requirements, period of validity, removal prohibited*; to require the posting of the
7 results of the most recent inspection and evaluation of licensed food service establishments by the
8 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, *Food Grading*; which shall consist of Sections 19-2-51 through
14 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. Food Grading**

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

21 The purpose of this ordinance is to protect the public health by requiring the posting of the
22 results of the most recent inspection by the Detroit Health Department or licensing status of a food
23 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 *Chronic violation* means a violation which has been cited on three or more consecutive
5 routine inspections

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

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

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

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

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

15 *Compliance* means that the licensed facility, based on the most recent inspection or follow-
16 up inspection, has met the minimum standards set forth by the Michigan Food Law, being MCL
17 289.1101 et seq., including the Food and Drug Administration's Model Food Code as adopted by
18 reference therein. The licensed facility is considered to be in compliance if there were no priority
19 or priority foundation violations, or all such violations have been corrected prior to the issuance
20 of the public information sign. The Department may, in its discretion, require chronic core
21 violations to be corrected in order for a facility to achieve compliance.

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

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

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

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

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

Public information sign means a sign issued by the Health Department providing the food inspection status of a food service establishment as of the date of that establishment's last inspection.

Quick response code (QR code) means a matrix of squares that when scanned by a smartphone provides access to additional content or information through the internet.

Sec. 19-2-53. Contents of public information signs.

(a) At the completion of each inspection of a food service establishment or whenever a food service establishment is closed by order of the Department, the Department shall issue and deliver a public information sign to the owner or operator of the food service establishment.

(b) The public information sign must provide the results of the inspection as follows:

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

(2) If the food service establishment has been inspected, but has uncorrected priority or priority foundation violations, the Department shall issue a white

1 sign which shall contain the words “INSPECTED - FOLLOW-UP
2 INSPECTION REQUIRED” and state the date of the inspection. The
3 Department may, in its discretion, issue an “INSPECTED – FOLLOW-UP
4 INSPECTION REQUIRED” sign for uncorrected chronic core violations.

5 (3) If the food service establishment has been inspected and is placed in the
6 Department’s enforcement process as a result of the inspection, the
7 Department shall issue a yellow sign which shall contain the words,
8 “INSPECTED” and “ENFORCEMENT PROCESS” and state the date of
9 the inspection.

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

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

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

20 (a) Upon receipt of a public information sign, the owner or operator of the food service
21 establishment shall immediately post the sign so as to be clearly visible to the general public and
22 any person entering the establishment. The sign shall be no smaller than 7 inches by 9 inches in
23 size.

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

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

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

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

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

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

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

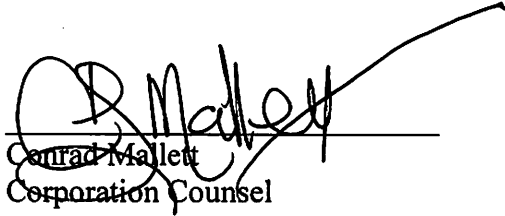
18 **Sections 19-2-55 – 19-2-70. Reserved.**

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

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

- 1 **Section 4.** This ordinance shall become effective on January 1, 2023, or on the first
2 business day thereafter, in accordance with Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:


Conrad Mallett
Corporation Counsel