

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.

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

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

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

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

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

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

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

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

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

22 (2) If the food service establishment has been inspected, but has uncorrected
23 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.

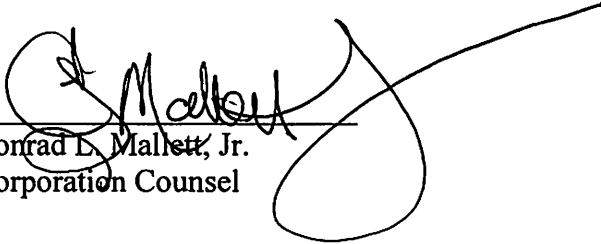
15 (c) The Department issued sign must also include a Quick Response Code which, when
16 scanned, directs the user to a Department maintained website providing additional information or
17 links to additional information regarding the Department’s food grading system and the results of
18 the most recent 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 **Section 4.** This ordinance shall become effective on May 1, 2023 in accordance with
- 2 Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:



Conrad L. Mallett, Jr.
Corporation Counsel