

FORMAL SESSION/NEW BUSINESS – TUESDAY, OCTOBER 11, 2022

LAW DEPARTMENT

An 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*; which shall consist of Section 19-2-51, *Purpose*; Section 19-2-52, *Definitions*; Section 19-2-53, *Issuance and contents of public information signs*; Section 19-2-54, *Exceptions*; and Section 19-2-24, *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.

INTRODUCE.

ROLL CALL

Benson, resolution setting public hearing on _____ at _____ on foregoing ordinance amendment.

USE!

Introduced
10/11/2022
(mgw)

1 BY COUNCILMEMBER Benson

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*; which shall consist of Section 19-2-51,
5 *Purpose*; Section 19-2-52, *Definitions*; Section 19-2-53, *Issuance and contents of public*
6 *information signs*; Section 19-2-54, *Exceptions*; and Section 19-5-24, *Posting requirements,*
7 *period of validity, removal prohibited*; to require the posting of the results of the most recent
8 inspection and evaluation of licensed food service establishments by the Detroit Health
9 Department.

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

12 Section 1. Chapter 19 of the 2019 Detroit City Code, *Food*, Article II, *City License for*
13 *Food Service Establishments and Vending Machines*, Division 2, *Food Service Establishments*, be
14 amended by adding Subdivision C, *Food Grading*; which shall consist of Sections 19-2-51 through
15 19-2-55, to read as follows:

16 **CHAPTER 19. FOOD**

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

18 **AND VENDING MACHINES**

19 **DIVISION 2. FOOD SERVICE ESTABLISHMENTS**

20 **Subdivision C. Food Grading**

21
22
23

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

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

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

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

8 *Chronic violation* means a violation which has been cited on three or more consecutive
9 routine inspections

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

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

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

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

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

19 *Compliance* means that the licensed facility, based on the most recent inspection or follow-
20 up inspection, has met the minimum standards set forth by the Michigan Food Law, being MCL
21 289.1101 et seq., including the Food and Drug Administration's Model Food Code as adopted by
22 reference therein. The licensed facility is considered to be in compliance if there were no priority
23 or priority foundation violations, or all such violations have been corrected prior to the issuance

1 of the public information sign. The Department may, in its discretion, require chronic core
2 violations to be corrected in order for a facility to achieve compliance.

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

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

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

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

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

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

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

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

20 (a) Except as provided in Section 19-2-54 of this Code, at the completion of each
21 inspection or whenever a food establishment is closed by order of the Department, the Department
22 shall issue and deliver a color-coded public information sign to the owner or operator of the food
23 service establishment immediately following an inspection.

1 **(b) The color-coded public information sign must provide the results of the inspection**

2 **as follows:**

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

7 **(2) If the food service establishment has been inspected, or fails to achieve**
8 **compliance in a follow-up inspection, and is placed in the Department’s**
9 **enforcement process as a result of the inspection, the Department shall issue**
10 **a yellow sign which shall contain the words, “INSPECTED” and**
11 **“ENFORCEMENT PROCESS” and state the date of the inspection.**

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

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

1 **Section 19-2-54. Exceptions.**

2 (a) If the food service establishment has been inspected, and has uncorrected priority
3 or priority foundation violations, or uncorrected chronic core violations, the Department shall
4 remove the color-coded sign from any previous inspection and shall conduct a follow-up
5 inspection within 30 days. Failure to achieve compliance at the follow-up inspection may result
6 in the food service establishment being placed in the Department's enforcement process.

7 (b) Prior to the follow-up inspection, the food service establishment shall post a sign
8 providing a Quick Response Code, which, when scanned, directs the user to a Department
9 maintained website providing additional information or links to additional information regarding
10 the Department's food grading system and the results of the most recent inspection of the food
11 service establishment.

12 **Sec. 19-2-55. Posting requirements, period of validity; removal prohibited.**

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

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

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

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

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

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

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

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

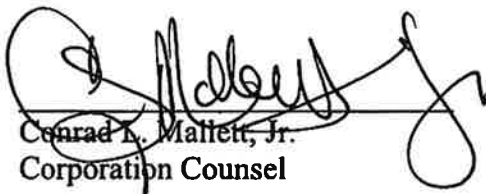
11 **Sections 19-2-56 – 19-2-70. Reserved.**

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

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

16 **Section 4.** This ordinance shall become effective on October 2, 2023, in accordance with
17 Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:


Conrad L. Mallett, Jr.
Corporation Counsel

RESOLUTION SETTING HEARING

By Council Member Benson:

Resolved, That a public hearing will be held by this body on _____ at _____ virtually using videoconferencing for Public Health and Safety Standing Committee, for the purpose of considering the advisability of adopting the foregoing, An Proposed Ordinance to amend Chapter 19 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*; which shall consist of Section 19-2-51, *Purpose*; Section 19-2-52, *Definitions*; Section 19-2-53, *Issuance and contents of public information signs*; Section 19-2-54, *Exceptions*; and Section 19-2-24, *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.

All interested persons are invited to be present to be heard as to their views.