

ORDINANCE NO. 2024-27
CHAPTER 19
ARTICLE II

AN 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, *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.

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

Section 1. 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*, be amended by adding Subdivision C, *Dining With Confidence*; which shall consist of Sections 19-2-51 through 19-2-54, to read as follows:

**CHAPTER 19. FOOD
ARTICLE II. CITY LICENSE FOR
FOOD SERVICE ESTABLISHMENTS
AND VENDING MACHINES
DIVISION 2. FOOD
SERVICE ESTABLISHMENTS
Subdivision C. Dining With Confidence**

Sec. 19-2-51. Purpose.

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

Sec. 19-2-52. Definitions.

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

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

- (1) The food service establishment's license has been suspended or revoked by order of the Director; or
- (2) The food service establishment has been ordered to close immediately by the Director due to clear and present danger to the public health; or
- (3) The food service establishment has failed to obtain a license; or
- (4) The food service establishment has

failed to renew its license and pay the required state and City fees.

Compliance means that the licensed facility, based on the most recent inspection or follow-up inspection, has met the minimum standards set forth by the Michigan Food Law, being MCL 289.1101 *et seq.*, which is adopted by reference through Section 19-1-1 of this Code, and the Food and Drug Administration's Food Code, which is contained in Article III of this chapter. The licensed facility is considered to be in compliance where:

- (1) There were no priority or priority foundation violations; or
- (2) There were no more than five priority or priority foundation violations and all have been corrected; and
- (3) Such core violations as the Department has required, in its discretion, correction of in order for a facility to achieve compliance have been corrected.

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 enforcement proceedings administered by the Detroit Health Department.

Inspection means the compliance evaluations as required by Section 3125 of the Michigan Food Law, being MCL 289.3125, and any follow-up evaluations resulting therefrom.

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

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

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

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

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

(b) If the food service establishment has been inspected, but is not in compliance, the Detroit Health Department shall remove any color-coded sign from the previous inspection and schedule a follow-up inspection no later than 30 days after the

inspection. Failure to achieve compliance at the follow-up inspection shall result in the food service establishment being placed in the Department's enforcement process. Until the Department issues a color-coded public information sign, the food service establishment shall post a sign providing a Quick Response Code, which, when scanned, directs the user to a Department maintained website providing additional information or links to additional information regarding the Department's food grading system and the results of the most recent inspection of the food service establishment.

(c) The color-coded 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 Detroit Health Department shall issue a green sign, which shall contain the words "INSPECTED" and "IN COMPLIANCE" and provide the date of the inspection.

(2) If the food service establishment is closed as a result of the inspection or as ordered by the Detroit Health Department, the Department shall issue a red sign, which shall contain the words "CLOSED BY ORDER OF THE DETROIT HEALTH DEPARTMENT" and provide the date the establishment was closed.

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

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

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

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

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

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

(3) Posted in a location as determined by the Detroit Health Department.

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

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

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

Secs. 19-2-55 — 19-2-70. Reserved.

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

Section 3. This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

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

(J.C.C. pp.	:	May 14, 2024)
Passed:		June 11, 2024
Approved:		June 13, 2024
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Effective:		October 1, 2024

JANICE M. WINFREY
City Clerk