

ORDINANCE NO. 43-11

By: Mark Masser

An Ordinance to replace Ordinance 08-11, **Licensed Food Service Operation and Food Establishment Facility Public Health Signage Requirement** which requires the posting of a health inspection report sign by licensed facilities and specifically, the manner of the posting.

WHEREAS, the Ohio Revised Code authorizes a city to make such orders and regulations as are necessary for the prevention of restriction of disease; and

WHEREAS, the staff of Franklin County Public Health have researched the effects of similar requirements in other health jurisdictions and determined that a licensed food service operation and food establishment public health signage requirement will promote public health; and

WHEREAS, a licensed food service operation and food establishment public health signage requirement will provide the public with transparent and real-time information about the facility inspection reports; and

WHEREAS, the City of Bexley has not previously enacted facility signage requirements; and

WHEREAS, at the recommendation of the staff of Franklin County Public Health in order to continue efficient use of available resources.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF BEXLEY:

Section 1. That Ordinance 42-11 of the Bexley City Code, Licensed Food Service Operation and Food Establishment Public Health Signage Requirement be enacted and read as follows:

Bexley City Ordinance 42-11 Licensed Food Service Operation and Food Establishment Public Health Signage Requirement

Definitions For the Purpose of this chapter:

- (A) "Board of Health" or "Board" means the Board of Health of the Franklin County General Health District, Ohio.
- (B) "Public Health Sanitarian or Sanitarian" means the Registered Sanitarian or Registered Sanitarian-In-Training who is authorized by the Health Commissioner to conduct standard or non-standard health and safety inspections.

- (C) "Health Inspection Report" or "Inspection Report" means the "Standard Inspection Report", "Critical Control Point Inspection Report", and "Process Review Inspection Report" that is issued by Franklin County Public Health to the license holder or proprietor following a standard health or safety inspection.
- (D) "Health Commissioner" means the Health Commissioner of the Franklin County General Health District, Ohio, or the Commissioner's authorized representative.
- (E) "Health Department" or "Franklin County Public Health" means the Franklin County General Health District, Ohio.
- (F) "Food Service Operation and Food Establishment Licensed Facility" means any food service operation or retail food establishment licensed or approved to operate by Franklin Public Health. However, "Licensed Facility" does not include food service vending machine locations.
- (G) "License Holder" means the person, firm, association, corporation or entity to which the license for the operation of the licensed facility was issued.
- (H) "Proprietor" means the license holder, owner, manager, operator, or other person in charge or control of the licensed facility.
- (I) "Public Health Signage" means the placard that is issued by Franklin County Public Health to the license holder following a standard health or safety inspection. Said placard shall be five and one half inches by four and one quarter inches in size.

Public Health Signage Requirements:

- (A) The signage shall designate when the licensed facility was inspected, how to find the inspection report on the Franklin County Public Health website and a phone number to call for more information.

Posting Requirements

- (A) Upon receipt of the Public Health Signage, the proprietor shall post the signage so as to be clearly visible to the general public and to patrons entering the licensed facility.
- (B) The Public Health Signage shall be:
 - (1) Posted in the front window of the establishment so as to be visible from outside and located within five feet of the front door and not less than four (4) feet or more than six (6) feet from the floor; or
 - (2) Posted 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 (4) feet or more than six (6) feet from the floor; or
 - (3) Posted in a location as directed and determined at the discretion of Franklin County Public Health to ensure proper notice to the general public and to patrons.

- (C) In the event that the licensed facility is operated in the same building or space as another business, or in the event that a licensed facility shares a common patron entrance with another business, or in the event of both, the Public Health Signage shall, unless otherwise directed by the Franklin County Public Health Sanitarian, be posted in the initial patron contract area or in a location as directed and determined at the discretion of the Franklin County Public Health Sanitarian to ensure proper notice to the general public and to patrons.
- (D) No proprietor shall cause or allow the signage to be altered, defaced, marred, camouflaged, or hidden from view.
- (E) The proprietor shall display only the most recent Public Health Signage.

Public Health Signage Requirement – Period of validity

At the completion of each inspection of a licensed facility, Franklin County Public Health shall issue and deliver the health inspection report to the proprietor in accordance with the provisions of this chapter. The proprietor shall continually maintain and display the most recent public health signage issued by Franklin County Public Health, until a more recent signage is issued by Franklin County Public Health.

The proprietor shall make a copy of the inspection report available for review upon request, including any violations that were noted during the inspection, and any additional comments written by the sanitarian.

Availability of Inspection Reports

Proprietors are required to make their most recent FCPH health inspection report available for review immediately upon request by a patron.

Penalties

- (A) Pursuant to the Bexley City Code, whoever violates any provision of this chapter is guilty of the offense of failure to comply with the Franklin county Public Health Signage Requirements, a misdemeanor of the third degree. Each day of violation shall constitute a separate violation.
- (B) Strict liability is intended to be imposed for a violation of this chapter. No proprietor shall fail to display the Public Health Signage.
- (C) All fines and costs collected as a result of enforcement of the provisions of this chapter shall be paid directly to Franklin County Public Health to fund future enforcement and education.

Section 2. That this Ordinance shall go into effect and be in force one hundred and twenty (120) calendar days after adoption by the City of Bexley.

Passed _____, 2011

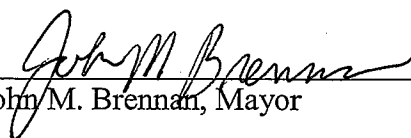


President of Council

Attest 

Clerk of Council

Approved: Dec. 13, 2011



John M. Brennan, Mayor

First Reading 11-7-11
Second Reading 11-29-11
Third Reading 12-13-11
PASSED 12-13-11