

Introduced by: Mayor Pedro Segarra

HEADING AND PURPOSE

AN ORDINANCE AMENDING CHAPTER 14 ARTICLE 1 OF THE MUNICIPAL CODE OF THE CITY OF HARTFORD WITH THE PURPOSE OF ESTABLISHING A SYSTEM FOR GRADING AND CLASSIFYING INSPECTION RESULTS FOR FOOD ESTABLISHMENTS.

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

May 23, 2011

Be It Ordained by the Court of Common Council of the City of Hartford:

That Chapter 14 Article 1 of the Municipal Code be amended as follows:

Section 14-21. Food Establishment Inspection Grading

The Director of Health and Human Services shall establish and implement a system for grading and classifying inspection results for food establishments using letters to identify and represent an establishment's degree of compliance with the provisions of this Section, the Public Health Code and other applicable laws that require such establishments to operate in a sanitary manner so as to protect public health. The letter "A" shall be the grade representing the highest degree of compliance with such laws followed by the letter "B". Nothing in this provision shall prohibit the Director of Health and Human Services from any other actions or duties necessary to protect the public health.

(a) Definitions.

(1) "Inspection Report" means the Connecticut Department of Public Health Food Service Establishment written report prepared and issued by the Authorized Agent after conducting an inspection of a food establishment to determine compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations or directives relating to the public health.

(2) "Authorized Agent" means any individual certified by the Connecticut Department of Public Health and/or the Director of Health and Human Services (as applicable) to inspect food service establishments and enforce the provisions of section 19-13-B42 of the Regulations of Connecticut State Agencies under the supervision and/or authority of the Director of Health and Human Services.

(3) "Grading" means the letter grade issued by the Authorized Agent at the conclusion of the routine inspection of a food establishment. The grade shall be based upon the scoring method set forth in the following section resulting from the Inspection Report and shall reflect the food establishment's degree of compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations or directives relating to the public health.

(4) "Letter Grade Card" means a eight (8) inch by eleven and one half (11.5) inch card that shall be provided by the Authorized Agent and posted by the food establishment upon completion of a routine inspection; the card indicates the letter grade of the establishment as determined by the Authorized Agent using the scoring method set forth in the following section.

(b) Scope and applicability.

This section shall not apply to mobile or itinerant food vending units, temporary food establishments, food establishments operated in or by primary and secondary schools, hospital-operated cafeterias, licensed seasonal vendors, farmers markets, correctional facilities, or charitable organizations, including soup kitchens and other prepared food distribution programs, nor to food service establishments operated by not for profit membership organizations for service to their members only.

(c) Grading and Letter Grade Card.

(1) The letter grade shall be based upon the final numerical percentage score set forth in the Inspection Report, as follows:

(a) A grade of "A" shall indicate a final score of ninety percent (90%) or higher with no 4 point demerits as determined by the Authorized Agent;

(b) A grade of "B" shall indicate a final score of less than ninety percent (90%) but not less than eighty percent (80%) with no 4 point demerits as determined by the Authorized Agent.

(2) The letter grade card (the "Letter Grade Card") shall be provided by the Department of Health and Human Services.

(3) For any food establishment receiving an inspection score of less than eighty percent (80%) or with a four (4) point demerit, the Authorized Agent shall advise the establishment of its inspection grade and the findings upon which it was based. The Authorized Agent shall conduct a subsequent re-inspection in accordance with the Public Health Code. At the conclusion of the re-inspection, the Authorized Agent shall provide the establishment with a letter grade card indicating the inspection grade that the establishment received on that inspection or routine enforcement action if applicable.

(d) Posting Requirements – Penalty for non-compliance-documents available for public review.

(1) Upon completion of the routine inspection and issuance of a percentage score, the food establishment shall post the applicable Letter Grade Card so as to be visible to the general public and to patrons entering the establishment. "Clearly visible to the general public and to patrons" shall mean:

(a) Posted in the front window of the establishment within five (5) feet of the front door;

(b) Posted in a display case mounted on the outside front wall of the establishment within five (5) feet of the front door;

(c) Posted on the drive-through menu board of a drive-through establishment, in addition to posting in locations (a) or (b) of this section;

(2) In the event that a food establishment is operated in the same building or space as a separately licensed or permitted business, or in the event that a food establishment shares a common patron entrance with such a separately licensed or permitted business, such as a shopping mall food court, the Authorized Agent shall post the Letter Grade Card in the initial patron contact area, on the menu board or counter of the establishment, or in a location as determined in the discretion of the Director of Health and Human Services to ensure proper notice to the general public and to patrons.

(3) The Letter Grade Card shall not be defaced, marred, camouflaged, hidden, or removed. It shall be unlawful to operate a food establishment unless the Letter Grade Card is in place as set forth hereunder. Removal of the Letter Grade Card is a violation of this chapter and may result in the suspension or revocation of the license and shall be punishable as specified in Section 14-9, 14-11 and 14-12.

(4) In the event that the Letter Grade Card is stolen or damaged, the food establishment shall notify the Environmental Health Division of the Department of Health and Human Services immediately. A replacement Letter Grade Card will be available within one business day from the date of a request for a twenty-five dollar (\$25.00) fee. Failure to request a replacement card within 24 hours of the theft of the Letter Grade Card is a violation of this chapter and may result in the suspension or revocation of the food establishment's permit and shall be punishable as specified in Sections 14-9, 14-11 and 14-12.

(5) The Inspection Report upon which the Letter Grade Card is based and all subsequent reports issued by the Authorized Agent shall be maintained at the food establishment and shall be available to the general public and to patrons for review upon request. The food establishment shall keep the Inspection Report until such time as the Authorized Agent completes the next routine inspection of the establishment and issues a new Inspection Report.

(e) Period of Validity-Authority.

A Letter Grade Card shall remain valid until such time as the Authorized Agent completes the next routine inspection of the establishment and issues a new Letter Grade Card if applicable.

(f) Letter Grade Card – Right to Appeal.

(1) Any food establishment wishing to contest the results of an Inspection Report that has led to a Letter Grade Card lower than the establishment believes is warranted may make a written request for re-inspection, within seven (7) calendar days after receipt of the Letter Grade Card, to the Director of Health and Human Services. The written request for re-inspection must show cause why the Letter Grade Card awarded is inappropriate. Failure to request a re-inspection within seven (7) calendar days after receipt of the Letter Grade Card shall be deemed a waiver of the right to re-inspection.

(2) A re-inspection granted under this chapter shall be performed within fifteen (15) calendar days of the receipt of a written request for re-inspection for a fee of one hundred dollars (\$100.00).

(3) Re-inspections will not be granted for food establishments receiving an "A" grade, but for which the numerical score on the Food Official Inspection Report is lower than desired:

(a) For example, a food establishment receiving a Letter Grade Card of "A" with a numerical score of 92 is not eligible for re-inspection.

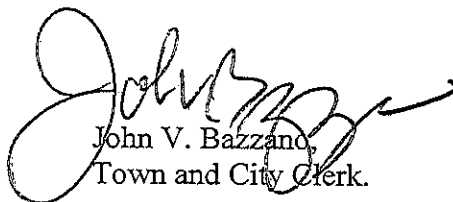
(g) No effect on other enforcement.

Nothing in this section shall affect the Director of Health and Human Services's authority to take any other action necessary to protect the public health or to enforce the provisions of this Code or any other law or rule applicable to operation of a food establishment.

This ordinance shall take effect immediately upon passage.

The ordinance was adopted by the Court of Common Council at a regular meeting held June 27, 2011 by roll-call vote 8 to 0, and approved by the Mayor, June 28, 2011.

Attest:


John V. Bazzano,
Town and City Clerk.

Copies to: Mayor, Chief Operating Officer, Corporation Counsel, Director of Finance, Director of Management and Budget, Director of Health and Human Services, and Municipal Code.