

# Ordinance Fact Sheet

TO: CITY COUNCIL DATE: November 24, 2003  
FROM: CITY ATTORNEY  
SUBJECT: ORDINANCE TO MANDATE POSTING OF HEALTH INSPECTION REPORTS

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 8.13 TO THE PASADENA MUNICIPAL CODE TO MANDATE THE POSTING OF CURRENT HEALTH INSPECTION SUMMARY REPORTS IN RETAIL FOOD ESTABLISHMENTS

PURPOSE OF THIS ORDINANCE:

The purpose of this ordinance is to implement a mandatory health inspection report posting requirement for retail food establishments in the City.

REASON WHY THIS LEGISLATION IS NEEDED:

At its meeting of October 20, 2003, the City Council directed the City Attorney to prepare an ordinance imposing a health inspection report posting requirement on retail food establishments in the City. This ordinance is also in response to a Fiscal Year 2002 Citizens' Survey strongly supporting the enactment of a restaurant grading program for Pasadena restaurants, similar to the grading program of Los Angeles County.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Public Health Department administers this Ordinance and therefore will be primarily affected by its enactment. All retail food establishments in the City will also be affected. This

group includes, but is not limited to, restaurants, delicatessens, fast food outlets, bars, bakeries and retail food markets.

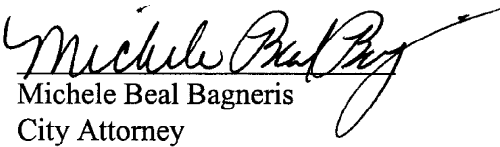
FISCAL IMPLICATIONS:

Staff estimates that implementing this posting program will require funds totaling \$104,330. The General Fee Schedule will be amended to increase health permit fees to cover these costs.

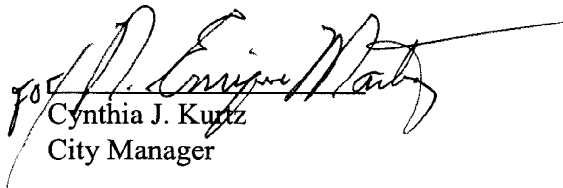
POLICY CHANGE:

This is a new ordinance which reflects the city's continuing efforts to respond to the public interest, and mitigate conditions that threaten the health and safety of patrons of retail food establishments in the city.

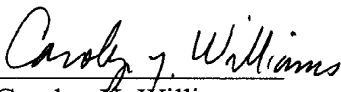
Respectfully submitted,

  
Michele Beal Bagneris  
City Attorney

Concurrence:

  
Cynthia J. Kurtz  
City Manager

Prepared by:

  
Carolyn Y. Williams  
Asst. City Attorney

Introduced by \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PASADENA ADDING A  
NEW CHAPTER 8.13 TO THE PASADENA MUNICIPAL CODE  
TO MANDATE THE POSTING OF CURRENT HEALTH INSPECTION  
SUMMARY REPORTS IN RETAIL FOOD ESTABLISHMENTS**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the City Charter. The approved summary of this ordinance reads as follows:

“SUMMARY

The subject ordinance, Ordinance No. \_\_\_\_\_, adds a new chapter to Title 8 (“Health and Safety”) of the Pasadena Municipal Code, requiring the conspicuous posting of current health inspection summary reports in retail food establishments. Specifically, this ordinance requires retail food establishments such as restaurants, delicatessens, fast food outlets, bars, bakeries and retail food markets, to post their most current public health inspection summary report in a conspicuous public location. The summary report shall show the date of the last inspection, the results of that inspection, and the patrons’ right to review the full report and file a complaint with the City’s Public Health Department. The ordinance shall require that the summary report indicate whether ‘immediate corrective action was required in one or more major critical areas related to food handling, food preparation, personal hygiene and equipment sanitation that may cause a food borne illness.’ Violation of this ordinance shall be punished as a misdemeanor.

Ordinance No. \_\_\_\_\_ shall take effect thirty (30) days after its publication.”

**SECTION 2.** The Pasadena Municipal Code is amended to add a new Chapter 8.13 to

read:

**“Chapter 8.13**

**HEALTH INSPECTION REPORT POSTING ORDINANCE**

**Sections:**

- 8.13.010 Short title.**
- 8.13.020 Purpose.**
- 8.13.030 Definitions.**
- 8.13.040 Posting requirements.**
- 8.13.050 Prohibition of removal of posted health inspection summary reports.**
- 8.13.060 Period of validity of inspection summary report.**
- 8.13.070 Enforcement officials.**
- 8.13.080 Violation and penalty.**
- 8.13.090 Severability.**

**8.13.010 Short title.**

This chapter shall be known as the “health inspection report posting” ordinance.

**8.13.020 Finding and purpose.**

The city council finds that the Los Angeles County Department of Health Services has recommended the adoption of a grading system for all retail food establishments. The results of a Pasadena Public Health Department Citizens Survey in 2002 showed strong community interest in a restaurant grading program similar to Los Angeles County’s grading program. The purpose of this ordinance is to implement an alternative retail food establishment inspection

reporting program to provide to patrons relevant information regarding the sanitation and safety of such businesses in the city.

**8.13.030 Definitions.**

As used in this chapter, the following terms have the meanings set forth below:

A. "Conspicuous to the general public" shall mean visible to the public in any of the following manners: posted on the front door or in the front window of the establishment within five feet of the front door; posted in a display case mounted on the outside front wall of the establishment within five feet of the front door; or posted in a location as directed and determined in the discretion of the Health Officer or his/her designee to ensure proper notice to the general public and to patrons.

B. "Public Health Inspection Summary Report" shall mean a report that shall be posted by the business owner or his/her designee at a retail food establishment upon completion of a routine inspection that details a summary of the findings contained in the Public Health Department Inspection Report as determined by the City Health Officer or his/her designee. For purposes of this ordinance, a retail food establishment shall include, but not be limited to, restaurants, delicatessens, fast food outlets, bars, bakeries and retail food markets.

C. "Retail food establishment" shall mean any building or portion of a building where any food is cooked, prepared, handled, served, stored and/or sold to the public, or whose patrons normally consume the food on the premises.

D. "Routine inspection" shall mean shall mean a periodic, unannounced inspection of a retail food establishment to determine compliance with all applicable federal, state and local ordinances, rules, regulations or directives relating to public health. A routine inspection shall

not mean an inspection conducted by the City Health Officer or his/her designee to determine compliance with a previously issued inspection report or any interim inspection conducted to determine compliance with specific regulations or legal requirements.

**8.13.040 Posting requirements.**

All retail food establishments shall implement the following requirements:

A. Upon completion of a routine inspection by the Health Officer or his/her designee, the City shall issue to the retail food establishment an inspection summary report which the business owner or representative shall cause to be posted inside the site so as to be conspicuous to the general public and to patrons entering or using the establishment.

B. If a retail food establishment is operated in the same building or space as a separately licensed or permitted business, or if the establishment shares a common patron entrance with a separately licensed or permitted business, or in the event of both, the Health Officer or his/her designee shall post the inspection summary report in the initial patron contact area, or in a location as determined in the discretion of the Health Officer or his/her designee.

C. The inspection summary report shall not be defaced, marred, camouflaged, hidden or removed.

D. The Public Health Department Inspection Report upon which the inspection summary report is based and all subsequent reports issued by the Health Officer or his/her designee shall be maintained at the retail food establishment and shall be available to the general public and to patrons for review upon an oral request. The retail food establishment shall keep the Public Health Department Inspection Report and all subsequent Reports until such time as the Health Officer or his/her designee completes the next routine inspection of the establishment

and issues a new Public Health Department Inspection Report.

D. Nothing in this ordinance shall prohibit the City's Health Officer or designee from immediately closing any retail food establishment if, in his/her discretion, immediate closure is necessary to protect the public health.

**8.13.050 Prohibition of removal of posted health inspection summary reports.**

It shall be unlawful for an establishment to operate unless the inspection summary report is posted as set forth in this Section. Removal of the inspection summary report is prohibited and may result in the suspension or revocation of the establishment's public health permit.

**8.13.060 Period of validity of inspection summary report.**

The inspection summary report shall remain valid and posted until the Health Officer or his/her designee completes the next routine inspection of the retail food establishment.

**8.13.070 Enforcement officials.**

The provisions of this chapter shall be enforced by the Health Officer and the Environmental Health Division Manager. The Health Officer's authorized representatives are hereby authorized to make such inspections and take such actions, including lawful entry upon such premises, as may be required to enforce the provisions of this chapter.

**8.13.080 Violation and penalty.**

A. It is declared unlawful and a misdemeanor for the owner, manager or other responsible person of a retail food establishment to violate any of the provisions of this chapter. Alternatively, the city may address violations of this chapter through the administrative citation process outlined in Chapter 1.26 of the code. The city manager shall appoint an administrative hearing officer regarding any disputed administrative citations issued pursuant to Chapter 1.26.

**8.13.090 Severability.**

If any provision of this chapter or the application thereof to any person or circumstances is held to be invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.”

**SECTION 3.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by number, title and summary, and the City Clerk’s certification.

**SECTION 4.** This ordinance shall take effect upon the expiration of 30 days from its publication by title and summary.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2003.

\_\_\_\_\_  
Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting of \_\_\_\_\_, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Published:

\_\_\_\_\_  
Jane Rodriguez, CMC  
City Clerk

APPROVED AS TO FORM:

Carolyn Y. Williams  
Carolyn Y. Williams  
Assistant City Attorney