

November 30, 2006

William W. Way, City Manager
City of California City
21000 Hacienda Blvd.
California City, CA 93505

RE: Food Grading Ordinance

As you requested, we have prepared the enclosed ordinance grading food establishments. This ordinance is nearly identical to an ordinance adopted by the County of Kern. There are two basic changes. First, references to the county are changed to the "city." Second, the provisions are numbered in accordance with the Municipal Code rather than the County Code.

I have communicated with the County Health Director. It is his intent to enforce this ordinance within the City in his role as *ex officio* City health official. In other words, this ordinance should not result in additional financial burden on the City.

Very truly yours,

LEMIEUX & O'NEILL


Wayne K. Lemieux

WKL/lms
Enclosure

ORDINANCE NO. 06- _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CALIFORNIA CITY AMENDING
THE CALIFORNIA CITY MUNICIPAL CODE
AS IT RELATES TO FOOD ESTABLISHMENT GRADING**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CALIFORNIA
CITY as follows:**

1. Purpose.

This ordinance amends the California City Municipal Code to establish regulations for the grading of food establishments.

2. Amendment.

Chapter 9 is hereby added to Title 6 of the California City Municipal Code to read as follows:

**"Chapter 9.
Food Establishment Grading**

Sec. 6-9.101. Purpose.

The purpose of this chapter is to establish standards for the issuance of a grading score which represents the compliance of food establishments with local ordinances and state law.

Sec. 6-9.102. Definitions.

As used in this chapter:

"Department" shall mean the Kern County Environmental Health Services Department, the *ex officio* health department of the City.

"Food Establishment" shall mean a food establishment as defined in the California Uniform Retail Food Facilities Law, Section 113780, of the California Health and Safety Code. These are commonly referred to as restaurants, take-out fast food, delis, markets or similar operations.

"Director" shall mean the Environmental Health Services Director or his/her designee, the *ex officio* health officer of the City.

"Inspection" shall mean an evaluation of the food establishment conducted on site by the Department.

"Inspection Report Form" shall mean the written report prepared and copy issued to a food establishment provided by the Department after conducting any inspection to determine compliance with all applicable federal, state, and local laws and regulations relating to the protection of public health.

"Inspection Summary Report" shall mean a card that is posted at the conclusion of the inspection which is based on the results from the Inspection Report Form. The Inspection Summary Report will indicate a letter grade or numeric score.

"Re-score Inspection" shall mean an evaluation of the food establishment conducted by the Department at the request of the permittee to reassess compliance with applicable laws and regulations.

Sec. 6-9.103. General Requirements.

All food establishments shall be inspected and graded uniformly using an Inspection Report Form. The grade of each food establishment shall be determined by the Director using the scoring method provided on the form. The Inspection Summary Report of each food establishment shall be posted.

The letter "A" shall indicate a final score of 90% or higher.

The letter "B" shall indicate a final score of less than 90% but not less than 80%.

The letter "C" shall indicate a final score of less than 80% but not less than 75%.

A numeric score shall be indicated for a final score of less than 75%. Establishments that score below 75% will be required to close immediately and the Environmental Health Permit will be suspended.

The Inspection Summary Report shall be posted at a food establishment by the Director upon completion of an inspection.

Sec. 6-9.104. Posting Requirements.

The Inspection Summary Report shall be posted at or near each entrance to the food establishment used by its patrons or in a conspicuous place selected by the Director.

The Inspection Summary Report shall not be defaced, marred, camouflaged, hidden or removed. It shall be unlawful to operate a food establishment unless the Inspection Summary Report is posted.

Sec. 6-9.105. Inspection Summary Report – Period of Validity.

An Inspection Summary Report shall remain valid until the Director completes the next inspection of the food establishment.

Sec. 6-9.106. Appeal Process.

If, after completion of an inspection, the permittee disagrees with the inspection findings or the resulting Inspection Summary Report, the permittee may request an appeal.

The permittee shall submit a written request for an appeal on a standardized form as determined by the Department within five business days following the inspection.

The appeal shall be heard within three business days following the written appeal request.

The appeal shall be heard by the Director, at which time the appeal shall be considered and a final determination issued within one business day.

The previously issued Inspection Summary Report shall remain posted until final resolution is obtained through the appeal process. After resolution of the appeal process, the new Inspection Summary Report shall be posted within one business day.

Sec. 6-9.107. Re-Score Inspection.

At the discretion of the permittee, a re-score inspection may be requested to reassess compliance.

A re-score inspection must be requested by the permittee on a standardized form as determined by the Department within seven days of the original inspection. Only one re-score inspection may be requested within each fiscal year.

The Director shall conduct a re-score inspection within seven days of receiving the request and submission of the inspection fee by the permittee.

At the conclusion of the re-score inspection, the Inspection Summary Report shall be issued, based upon the scoring method set forth in this chapter.

A requested re-score inspection is separate and independent of all inspections as determined by the Director.

Sec. 6-9.108. Enforcement and Penalties.

Removal of the Inspection Summary Report is a violation of this chapter and may result in the suspension or revocation of the Environmental Health Permit.

Any person who violates any provision of this chapter is guilty of a misdemeanor and subject to the provisions as specified in this title."

3. Other.

Except as provided herein, the California City Municipal Code is reaffirmed and readopted.

PASSED, APPROVED AND ADOPTED on _____, 2006, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

City Clerk

(SEAL)

