

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF REDLANDS ADDING CHAPTER 8.26 TO THE REDLANDS MUNICIPAL CODE, AND ADOPTING BY REFERENCE SAN BERNARDINO COUNTY ORDINANCE NO. 3930, ADDING CHAPTER 14 TO DIVISION 3 OF TITLE 3, AND ADDING SUBSECTION 16.0213B(b)(17) TO CHAPTER 2 OF DIVISION 6 OF TITLE 1, ALL OF THE SAN BERNARDINO COUNTY CODE, RELATING TO INSPECTION GRADING OF FOOD ESTABLISHMENTS

WHEREAS, on June 22, 2004, the San Bernardino County Board of Supervisors enacted Ordinance No. 3930 to adopt certain amendments to the San Bernardino County Code to establish a program relating to the Inspection Grading of Food Establishments (the "Program"); and

WHEREAS, the Program became operative in the unincorporated areas of the County of San Bernardino on October 1, 2004, but for the San Bernardino County Department of Public Health to fully enforce the Program in the City, it is necessary to adopt by reference Ordinance No. 3930; and

WHEREAS, inspections of food establishments are a means of protecting public health, and the display of the Inspection Grading Summary Report provides consumers with important information regarding health and sanitary conditions in food establishments; and

WHEREAS, to promote the health, safety, and welfare of residents, consumers and visitors to the City, the City Council of the City of Redlands ("this City Council") desires to have the Program become operative within the corporate boundaries of the City; and

WHEREAS, California Government Code Sections 50022.2 and 50022.9 authorize local agencies to enact ordinances that adopt any County Code, ordinance or part thereof by reference; and

WHEREAS, this City Council finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this ordinance will have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA") and the City's Guidelines for Implementation of CEQA;

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 8.26 entitled "Inspection Grading of Food Establishments" is hereby added to the Redlands Municipal Code to read as follows:

“Chapter 8.26

INSPECTION GRADING OF FOOD ESTABLISHMENTS

Sections:

- | | |
|----------|--|
| 8.26.010 | Purpose, Intent and Scope |
| 8.26.020 | Adoption of the San Bernardino County Code |
| 8.26.030 | Enforcement Agency Designated |
| 8.26.040 | Schedule and Collection of Fees |
| 8.26.050 | Violations - Penalty |

8.26.010 Purpose, Intent and Scope. The purpose and intent of this Chapter is to protect the health, safety and welfare of the public by providing consumers with important information regarding health and sanitary conditions in food establishments. The provisions of this Chapter for the Inspection Grading of Food Establishments shall apply at all times, or at those times herein specified, anywhere within the City that any food and/or beverage products are sold or served.

8.26.020 Adoption of the San Bernardino County Code.

A. The City adopts by reference, and makes a part of this Chapter, by reference, San Bernardino County Ordinance No. 3930 entitled:

“An Ordinance of the County of San Bernardino, State of California, Adding Chapter 14 to Division 3 of Title 3 and Adding Subsection 16.0213B(b)(17) to Chapter 2 of Division 6 of Title 1, All of the San Bernardino County Code, Relating to Inspection Grading of Food Establishments.”

B. The aforementioned sections of the San Bernardino County Code, adopted by San Bernardino County Ordinance No. 3930, are adopted as the Inspection Grading of Food Establishments Program of the City (the “Program”).

8.26.030 Enforcement Agency Designated. The County of San Bernardino Department of Environmental Health Services is designated as the enforcement agency for the City and is authorized to provide the qualified personnel necessary to enforce the provisions of this Chapter.

8.26.040 Schedule and Collection of Fees. The schedule of fees contained within San Bernardino County Ordinance No. 3930, adopted herein by reference, is hereby adopted as the fees in effect in the City, and shall be applicable within the City to provide for the costs of administration and enforcement of this Chapter. The City Council of Redlands finds and determines that the fees adopted herein are reasonably related to the actual cost of administration and enforcement of the Program. The San Bernardino County Department of Environmental Health Services shall administer and collect these fees for deposit with the County Treasurer to offset the costs incurred by the County in administering and enforcing this Program for and within the City.

8.26.050 Violations - Penalty.

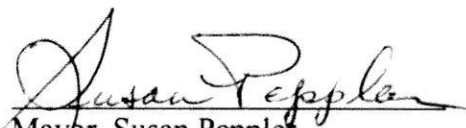
A. In accordance with Section 33.1406(c) of the San Bernardino County Code, adopted by reference herein and applicable to this Chapter, the letter grade card posted in accordance with the Program shall not be defaced, marred, camouflaged, hidden or removed. It shall be unlawful to operate a food establishment unless the letter grade is posted. Removal of the letter grade card is a violation of this Chapter and may result in the suspension or revocation of the Public Health Permit and shall be punishable as specified in Section 33.0112 of the San Bernardino County Code, which is adopted by reference herein and applicable to this Chapter.

B. In addition, any violation of this Section may be punishable in accordance with Chapter 1.20 of this Code.”

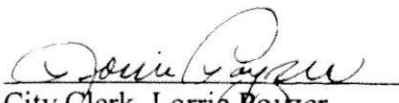
Section 2. San Bernardino County Code Availability. In accordance with Government Code Section 50022.6, at least one (1) copy of the San Bernardino County Code provisions adopted by this ordinance shall be filed in the office of the Redlands City Clerk at least fifteen (15) days preceding the City’s public hearing concerning the adoption of this ordinance, and it shall be kept there for public inspection while the ordinance is enforced. The portions of the San Bernardino County Code that are adopted by reference in this ordinance are attached hereto as Exhibit “A.”

Section 3. Severability. This City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion hereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions hereof be declared invalid or unconstitutional. If for any reason any portion of this ordinance shall be declared invalid or unconstitutional, then all other provisions hereof shall remain valid and enforceable.

Section 4. Notice of Adoption. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in the City; and thereafter, this ordinance shall take effect in accordance with law.

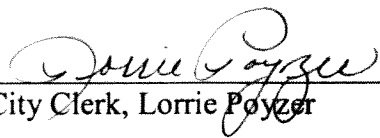

Mayor, Susan Pepler

ATTEST:


City Clerk, Lorrie Poyzer

I, Lorrie Poyzer, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 7th day of June, 2005, by the following vote:

AYES:	Councilmembers Gil, Gilbreath, George, Harrison; Mayor Peppler
NOES:	None
ABSENT:	None
ABSTAINED:	None



City Clerk, Lorrie Poyzer

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Inspection Summary Report

For: _____
Address: _____



GRADE

C

RED

☐ NO CORRECTIVE ACTION REQUIRED

☐ CORRECTIVE ACTION REQUIRED IN THE FOLLOWING AREAS:

☐ Food Handling ☐ Food Temperature ☐ Food Storage ☐ Food Safety & Hygiene ☐ Water Supply & Treatment ☐ Linens, Utensils & Equipment ☐ Employee Practices	☐ Sanitation Standards ☐ Sanitary Maintenance ☐ Facility Cleanliness ☐ Facility Maintenance ☐ Repairs ☐ Pest Control ☐ Other Matters
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Date/Time: _____

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY, UPON REQUEST, AND IS AVAILABLE AT THE HEALTH DEPARTMENT

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF S.B.C.C. § 33-1408(c)

San Bernardino County Department of Public Health, Division of Environmental Hygiene
300 North San Bernardino Avenue, 1st Floor
San Bernardino, CA 92410
(909) 376-1311

FIGURE 3

FIGURE 3

(c) Any food establishment that fails to attain at least a "B" grade, as defined herein, shall be issued written notice, through an OIR, by the health official. The food establishment must correct the deficiencies listed in the OIR and must file a written request for a re-score inspection with the health official within 30 days of the OIR. A re-score inspection shall be conducted by the health official and be subject to a re-score inspection fee as provided in the Code, Schedule of Fees. The health official will complete the re-score inspection within ten (10) County business days of food establishment's filing of a written request for a re-score inspection. A food establishment failing to comply with the OIR, or failing to attain at least a "B" grade on

1 the re-score inspection, may be immediately closed by the health official and remain
2 closed until at least a "B" grade is achieved on a re-score inspection. Nothing in this
3 provision shall prohibit the health official from immediately closing any food
4 establishment if, at his discretion, immediate closure is necessary to protect the public
5 health.

6 (d) The letter grade shall be based upon the final numerical percentage
7 score set forth in the OIR as follows:

8 (1) A grade of "A" shall indicate a final score of ninety percent (90%)
9 or higher, as determined by the health official;

10 (2) A grade of "B" shall indicated a final score of eighty-nine percent
11 (89%) but not less than eighty percent (80%), as determined by the health official;

12 (3) A grade of "C" shall indicate a final score of seventy-nine percent
13 (79%) but not less than seventy percent (70%), as determined by the health official.
14

15 **33.1404 Notice of Closure.**

16 "Notice of Closure" means a public notice that shall be posted by the health
17 official at a food establishment upon suspension or revocation of the food
18 establishment's public health permit and that results in the closure of the food
19 establishment and the discontinuance of all operations of the food establishment, by
20 order of the health official, because of violations of applicable federal, state, and local
21 laws and regulations relating to the protection of public health. The Notice of Closure
22 shall remain posted until removed by the health official. Removal of the Notice of
23 Closure by any person other than the health official or the refusal of a food
24 establishment to close upon issuance of the written notice of suspension of the public
25 health permit is a violation of this Chapter and may result in the revocation of the food
26 establishment's public health permit and shall be punishable as specified in section
27 33.0112 of this Code.
28

1 **33.1405 Routine Inspection.**

2 "Routine Inspection" means an unannounced inspection of any food
3 establishment to determine compliance with all applicable federal, state, and local
4 laws and regulations relating to the protection of public health. A Routine Inspection
5 shall not mean an inspection conducted by the health official to determine compliance
6 with a previously issued OIR or any interim inspection conducted to determine
7 compliance with specific regulations or legal requirements.
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9 **33.1406 Posting Requirements – Penalty for Non-Compliance – Documents**
10 **Available for Public Review.**

11 (a) Upon completion of the Routine Inspection, the health official shall post
12 at every food establishment the Letter Grade Card, so as to be clearly visible to the
13 general public and to patrons entering the food establishment. "Clearly visible to the
14 general public and to patrons" shall mean:

15 (1) Posted in the front window of the food establishment within five
16 (5) feet of the front door;

17 (2) Posted in a display case mounted on the outside front wall of the
18 food establishment within five (5) feet of the front door; or

19 (3) Posted in a location approved by the health official to ensure
20 proper notice to the general public and to patrons.

21 (b) In the event that a food establishment is operated in the same building
22 or space as a separately licensed or permitted business, or in the event that a food
23 establishment shares a common patron entrance with a separately licensed or
24 permitted business, or in the event of both, the health official shall post the Letter
25 Grade Card, in the initial patron contact area, or in a location approved by the health
26 official.

27 (c) The Letter Grade Card shall not be defaced, marred, camouflaged,
28 hidden or removed. It shall be unlawful to operate a food establishment unless the

1 Letter Grade Card is posted. Removal of the Letter Grade Card is a violation of this
2 Chapter and may result in the suspension or revocation of the public health permit
3 and shall be punishable as specified in section 33.0112 of this Code.

4 (d) The OIR upon which the Letter Grade Card is based shall be maintained
5 at the food establishment and shall be available to the general public and to patrons
6 for review upon request. The food establishment shall keep the OIR until such time
7 as the health official completes the next Routine Inspection of the food establishment
8 and issues a new OIR.

9
10 **33.1407 Letter Grade Card – Period of Validity.**

11 A Letter Grade Card shall remain valid until the health official completes the
12 next Routine Inspection of the food establishment. A re-score inspection is a
13 complete Routine Inspection that may be required of (as provided in subsection
14 33.1403(c)), or requested by, the food establishment.

15 (a) A re-score inspection shall be conducted by the health official following
16 the filing of a re-score inspection request form. In accordance with the Code,
17 Schedule of Fees, the re-score inspection fee must be paid by the food establishment
18 upon demand by the health official.

19 (b) At the conclusion of the re-score inspection of the food establishment
20 the Letter Grade Card shall be issued based upon the scoring method set forth in this
21 Chapter resulting from the OIR.

22 (c) A requested re-score inspection is separate and independent of all re-
23 inspections of critical violations as determined by the health official.

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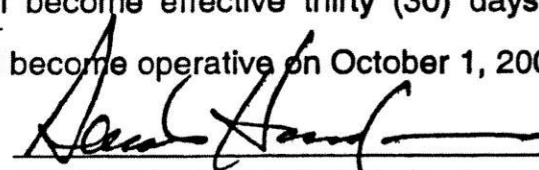
1 SECTION 2. Subsection 16.0213B(b)(17) is added to Chapter 2 of Division 6 of
2 Title 1 of the San Bernardino County Code, to read:

3
4 **16.0213B Health Services - Environmental.**

5 (b) Food/Recreational Health Program Fee:

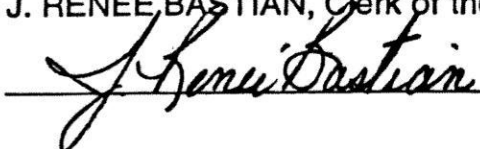
6
7 (17) Re-score Inspection\$52.00/hr.
8

9 SECTION 3. This ordinance shall become effective thirty (30) days from the
10 date of adoption and its provisions shall become operative on October 1, 2004.

11
12 
13 DENNIS HANSBERGER, Chairman
14 Board of Supervisors

15 SIGNED AND CERTIFIED THAT A COPY
16 OF THIS DOCUMENT HAS BEEN DELIVERED
17 TO THE CHAIRMAN OF THE BOARD

18 J. RENEE BASTIAN, Clerk of the Board of Supervisors

19 
20

21 STATE OF CALIFORNIA)
22)ss.
23 COUNTY OF SAN BERNARDINO)

24 I, J. RENEE BASTIAN, Clerk of the Board of Supervisors of the County of San
25 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
26 Supervisors of said County and State, held on the 22nd day of June,
27 2004, at which meeting were present Supervisors: _____

28 Postmus, Biane, Aguiar, Young, Hansberger.

and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
to wit:

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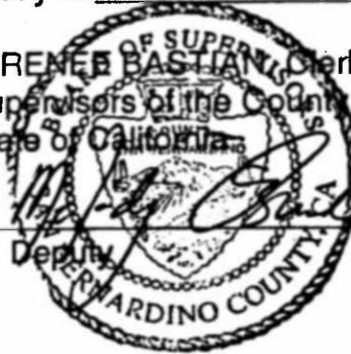
AYES: SUPERVISORS: Biane, Aguilar, Young, Hansberger

NOES: SUPERVISORS: Postmus

ABSENT: SUPERVISORS: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this 22nd day of June, 2004.

J. RENE BASTIAN, Clerk of the Board of Supervisors of the County of San Bernardino, State of California.



Approved as to Form
Ronald D. Reitz, County Counsel

By: Ronald D. Reitz
Deputy

Date: 6/14/04

ENVIRONMENTAL
HEALTH SERVICES
04 JUL 23 PM 3:38

ORDINANCE NO. 3930

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADDING CHAPTER 14 TO DIVISION 3 OF TITLE 3 AND ADDING SUBSECTION 16.0213B(b)(17) TO CHAPTER 2 OF DIVISION 6 OF TITLE 1, ALL OF THE SAN BERNARDINO COUNTY CODE, RELATING TO INSPECTION GRADING OF FOOD ESTABLISHMENTS.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Chapter 14 is added to Division 3 of Title 3 of the San Bernardino County Code, to read:

CHAPTER 14

INSPECTION GRADING OF FOOD ESTABLISHMENTS

Sections:

- | | |
|---------|--|
| 33.1401 | Authority. |
| 33.1402 | Food Program Official Inspection Report. |
| 33.1403 | Grading. |
| 33.1404 | Notice of Closure. |
| 33.1405 | Routine Inspection. |
| 33.1406 | Posting Requirements – Penalty for Non-Compliance – Documents Available for Public Review. |
| 33.1407 | Letter Grade Card – Period of Validity. |

33.1401 Authority.

Pursuant to the authority cited in Chapter 1 (Authority and Administration) and Chapter 4 (Food Protection) of Division 3 of Title 3 of the San Bernardino County Code (hereinafter referred to as the "Code"), as well as Health and Safety Code section 113715, food establishments shall be subject to a grading system as provided in this Chapter. All provisions of Chapters 1, 2, and 3 of this Division shall apply to this Chapter except as otherwise provided herein.

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3 **33.1402 Food Program Official Inspection Report.**

4 Food Program Official Inspection Report ("OIR") means the written report
5 prepared and copy issued to a food establishment by the "Director" of the Division of
6 Environmental Health Services, Department of Public Health, as defined in subsection
7 33.0115(c), or his designee, ("health official") after conducting a Routine Inspection of
8 a food establishment to determine compliance with all applicable federal, state, and
9 local laws and regulations relating to the protection of public health. For purposes of
10 this Chapter only, "food establishment" [as defined in subsection 33.042(c)] shall
11 mean only a retail food establishment at a permanent location.

12 **33.1403 Grading.**

13 (a) "Grade" means the letter grade issued by the health official at the
14 conclusion of the Routine Inspection of a food establishment. The grade shall be
15 based upon the scoring method set forth in this section resulting from the OIR and
16 shall reflect the food establishment's degree of compliance with all applicable federal,
17 state, and local laws and regulations relating to the protection of public health.

18 (b) "Letter Grade Card" means a card that shall be posted by the health
19 official at a food establishment upon completion of a Routine Inspection that indicates
20 the letter grade of the food establishment as determined by the health official using
21 the scoring method set forth in this section and includes an Inspection Summary
22 Report, as shown by Figures 1 through 3. An Inspection Summary Report is a
23 summary of the OIR as defined in section 33.1402.

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Inspection Summary Report

For _____
Address: _____



GRADE

A
D.E.E.

☐ NO CORRECTIVE ACTION REQUIRED
CORRECTIVE ACTION REQUIRED IN THE FOLLOWING AREAS:

- | | |
|---|---|
| ☐ Food Handling | ☐ Equipment Sanitation |
| ☐ Food Temperature | ☐ Employee Hygiene |
| ☐ Food Storage | ☐ Facility Sanitation |
| ☐ Food Sources & Labeling | ☐ Facility Maintenance |
| ☐ Water Supply & Temperature | ☐ Restrooms |
| ☐ Utensil Washing & Sanitation | ☐ Pest Control |
| ☐ Employee Hygiene | ☐ Waste Management |

Comments: _____

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY, UPON REQUEST, AND IS AVAILABLE AT THE HEALTH DEPARTMENT

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF S.A.C.C. § 83.1804(c)

San Bernardino County Department of Public Health, Division of Environmental Health Services
160 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92410
(951) 387-0336

FIGURE 1

11-10-04

FIGURE 1

Inspection Summary Report

For _____
Address: _____



B
GREEN

☐ NO CORRECTIVE ACTION REQUIRED
☐ CORRECTIVE ACTION REQUIRED IN THE FOLLOWING AREAS:

- | | |
|---|--|
| ☐ Food Handling | ☐ Employee Sanitation |
| ☐ Food Transportation | ☐ Employee Hand Hygiene |
| ☐ Food Storage | ☐ Facility Sanitation |
| ☐ Food Display & Labeling | ☐ Facility Maintenance |
| ☐ Water Supply & Temperature | ☐ Plumbing |
| ☐ Wastewater Disposal & Sewerage | ☐ Pest Control |
| ☐ Employee Hygiene | ☐ Other: _____ |

Comments: _____

A COMPLETE INSPECTION REPORT CAN BE VIEWED AT THIS FACILITY, UPON
REQUEST AND IS AVAILABLE AT THE HEALTH DEPARTMENT

TAMPERING OR REMOVAL OF THIS REPORT IS A VIOLATION OF P.C. 26100(a)

San Joaquin County Department of Public Health, Division of Environmental Health Services
200 North Fremont Street, Suite 100
San Joaquin, CA 95330
(916) 924-1100

FIGURE 1

16-71001

FIGURE 2