

1 [Grading of food preparation and service establishments by Department of Public Health and
2 posting of letter grade and inspection score cards at food preparation and service
3 establishments.]

4 **Ordinance amending the San Francisco Health Code by adding a new section 456 et**
5 **seq. to establish letter grading system by Department of Public Health for inspection of**
6 **food preparation and service establishments, requiring posting of letter grade and**
7 **inspection score cards by food preparation and service establishments, and providing**
8 **penalties for lack of compliance.**

9 Note: Additions are single-underline italics Times New Roman;
10 deletions are ~~strikethrough italics Times New Roman~~.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough normal~~.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The San Francisco Health Code is hereby amended by adding Section 456
15 et seq., to read as follows:

16 Section 456. Food inspection report.

17 "Food inspection report" means the written notice prepared and issued by a county
18 environmental health inspector after conducting an inspection of a "food preparation and service
19 establishment" (as defined in Section 451) to determine compliance with all applicable federal, state
20 and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the
21 public health.

22 Section 456.1. Grading and letter grade card.

23 A. "Grading" means the letter grade issued by a county environmental health inspector at the
24 conclusion of the routine inspection of a food preparation and service establishment. The grade shall
25 be based upon the scoring method set forth in this section resulting from the food inspection report and
shall reflect the food preparation and service establishment's degree of compliance with all applicable

1 federal, state and local statutes, orders, ordinances, quarantines, rules, regulations, or directives
2 relating to the public health.

3 B. "Letter grade card" means a card that may be posted by a county environmental health
4 inspector at a food preparation and service establishment upon completion of a routine inspection that
5 indicates the letter grade of the establishment as determined by a county environmental health
6 inspector using the scoring method set forth in this section. For the purposes of this provision, a food
7 preparation and service establishment shall include a food preparation and service establishment
8 operating in conjunction with a "food product and marketing establishment" (as defined in Section
9 440). Nothing in section 456 et seq. shall prohibit the Department of Public Health from creating and
10 using a letter grade card in combination with an inspection score card. A county environmental health
11 inspector, in his or her discretion, shall determine whether to post the letter grade card, the inspection
12 score card, or both.

13 C. A county environmental health inspector, in his or her discretion, may immediately close any
14 food preparation and service establishment which, upon completion of the routine inspection, does not
15 achieve a "C" grade as defined herein. Nothing in this provision shall prohibit a county environmental
16 health inspector from immediately closing any food preparation and service establishment if, in his or
17 her discretion, immediate closure is necessary to protect the public health.

18 D. The letter grade shall be based upon the final numerical percentage score set forth in the
19 food inspection report, as follows:

20 1. A grade of "A" shall indicate a final score of 90 percent or higher as determined by a county
21 environmental health inspector;

22 2. A grade of "B" shall indicate a final score less than 90 percent but not less than 80 percent
23 as determined by a county environmental health inspector;

24 3. A grade of "C" shall indicate a final score less than 80 percent but not less than 70 percent
25 as determined by a county environmental health inspector.

1 Section 456.2. Inspection Scorecard.

2 A. "Inspection score card" means a card that may be posted by a county environmental health
3 inspector at a food preparation and service establishment, upon completion of a routine inspection,
4 that indicates the total numerical percentage score for the establishment as determined by a county
5 environmental health inspector and as set forth in the food inspection report. For the purposes of this
6 provision, a food preparation and service establishment shall include a food preparation and service
7 establishment operating in conjunction with a food product and marketing establishment. Nothing in
8 section 456 et seq. shall prohibit the Department of Public Health from creating and using an
9 inspection score card in combination with a letter grade card. A county environmental health
10 inspector, in his or her discretion, shall determine whether to post the inspection score card, the letter
11 grade card, or both.

12 B. A county environmental health inspector, in his or her discretion, may immediately close any
13 food preparation and service establishment which, upon completion of the routine inspection, achieves
14 a total numerical percentage score less than 70 percent as set forth in Section 456.1. Nothing in this
15 provision shall prohibit a county environmental health inspector from immediately closing any food
16 preparation and service establishment if, in his or her discretion, immediate closure is necessary to
17 protect the public health.

18 Section 456.3. Notice of Closure.

19 "Notice of closure" means a public notice that may be posted by a county environmental health
20 inspector at a food preparation and service establishment upon suspension or revocation of the
21 establishment's public health permit to operate and that results in the immediate closure of the
22 establishment and the discontinuance of all operations of the food preparation and service
23 establishment, by order of a county environmental health inspector, because of violations of applicable
24 federal, state and local statutes, orders, ordinances, quarantines, rules, regulations, or directives
25 relating to the public health.

1 Section 456.4. Routine Inspection.

2 “Routine inspection” means a periodic, unannounced inspection of a food preparation and
3 service establishment to determine compliance with all applicable federal, state and local statutes,
4 orders, ordinances, quarantines, rules, regulations, or directives relating to the public health. A routine
5 inspection shall not mean an inspection conducted by a county environmental health inspector to
6 determine compliance with a previously issued food inspection report or any interim inspection
7 conducted to determine compliance with specific regulations or legal requirements.

8 Section 456.5. Posting requirements -- Penalty for noncompliance -- Documents available for
9 public review.

10 A. Upon issuance by a county environmental health inspector, he or she may post at a food
11 preparation and service establishment the letter grade card, the inspection score card, or both, as
12 determined by him or her, so as to be clearly visible to the general public and to patrons entering the
13 establishment. “Clearly visible to the general public and to patrons” means:

14 1. Posted in the front window of the establishment within five feet of the front door;

15 2. Posted in a display case mounted on the outside front wall of the establishment within five
16 feet of the front door; or

17 3. Posted in a location as directed and determined in the discretion of a county environmental
18 health inspector to ensure proper notice to the general public and to patrons.

19 B. In the event that a food preparation and service establishment is operated in the same
20 building or space as a separately licensed or permitted business, or in the event that a food preparation
21 and service establishment shares a common patron entrance with such a separately licensed or
22 permitted business, or in the event of both, a county environmental health inspector shall post the letter
23 grade card, the inspection score card, or both, in the initial patron contact area, or in a location as
24 determined in the discretion of a county environmental health inspector.

1 C. The letter grade card and the inspection score card shall not be defaced, marred,
2 camouflaged, hidden or removed. It is unlawful to operate a food preparation and service
3 establishment unless the letter grade card, the inspection score card, or both, as determined by a
4 county environmental health inspector, is or are in place as set forth hereunder. Removal of the letter
5 grade card, the inspection score card, or both, is a violation of section 456 et seq. and may result in the
6 suspension or revocation of the public health permit to operate and shall be punishable as specified in
7 Section 456.8.

8 D. Every food preparation and service establishment shall post a legibly lettered sign which
9 displays the following information so as to be clearly visible to the general public and to patrons
10 entering the establishment: Any public health concerns regarding this establishment should be directed
11 to the City and County of San Francisco Department of Public Health, Environmental Health Section
12 located at: (local office address and telephone number to be provided by a county environmental health
13 inspector).

14 E. The food inspection report upon which the letter grade card, the inspection score card, or
15 both, are based and all subsequent reports issued by a county environmental health inspector shall be
16 maintained at the food preparation and service establishment and shall be available to the general
17 public and to patrons for review upon request. The food preparation and service establishment shall
18 keep the food inspection report and all subsequent reports until such time as a county environmental
19 health inspector completes the next routine inspection of the establishment and issues a new food
20 inspection report.

21 Section 456.6. Letter grade card and inspection score card -- Period of validity.

22 A letter grade card, an inspection score card, or both, shall remain valid until a county
23 environmental health inspector completes the next routine inspection of the food preparation and
24 service establishment.

25 Section 456.7. Public health permit suspension or revocation -- Notice of closure.

1 A. Upon issuance of a written notice of suspension or revocation of the public health permit to
2 operate by a county environmental health inspector, he or she shall post a notice of closure at the food
3 preparation and service establishment so as to be clearly visible to the general public and to patrons.

4 B. Upon issuance of the written notice of suspension or revocation of the public health permit to
5 operate by a county environmental health inspector, the food preparation and service establishment
6 shall immediately close to the general public and to patrons and shall discontinue all operations until
7 the public health permit to operate has been reissued or reinstated by order of a county environmental
8 health inspector or until the establishment no longer operates as a food preparation and service
9 establishment.

10 C. The notice of closure shall remain posted until removed by a county environmental health
11 inspector. Removal of the notice of closure by any person other than a county environmental health
12 inspector or the refusal of a food preparation and service establishment to close upon issuance of the
13 written notice of suspension of the public health permit to operate is a violation of section 456 et seq.
14 and may result in the suspension or revocation of the food preparation and service establishment's
15 public health permit to operate and shall be punishable as specified in Section 456.8.

16 Section 456.8. Penalty.

17 Any person, firm, association, company or corporation violating any of the provisions of
18 Section 456 et seq., inclusive, of this Article, shall be guilty of a misdemeanor and shall be punished by
19 a fine of not less than \$10 and not in excess of \$500, or by imprisonment in the County Jail for a term
20 not exceeding 100 days, or by both such fine and imprisonment.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 Frederick P. Sheinfeld
25 Deputy City Attorney