

Background/Purpose:

To amend Section 241.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by **Ordinance No. 507-15, passed July 22, 2015**, relating to enforcement and inspection of food shops. This amendment expands the use of 'cease use' tags to include Food Service Operations and ensures that the Cleveland Department of Public Health complies with Ohio Administrative Code 901:3-4-12.

Section 241.02Enforcement and Inspection

The Director of Public Health and authorized employees who are registered **environmental health specialists or environmental health specialists-in-training** ~~sanitarians or sanitarians-in-training~~, are charged with the enforcement of this chapter. Any such person shall have the right to enter and inspect any place where the business of food is engaged in. No person shall refuse or hinder inspection, or fail to answer all reasonable questions relative to handling food or fail to furnish, upon request, any records deemed necessary for the enforcement of this chapter. If the Director of Public Health and/or authorized employees find, or have cause to believe, that within a retail food establishment or food service operation in their jurisdiction food is adulterated, or so misbranded as to be dangerous or fraudulent, said food may be embargoed in accordance with OAC 901: 3-4-15, 3701-21-27 and may be taken for examination, free of charge. Whenever the Director of Public Health and/or authorized employees find in any food shop, any meat, seafood, poultry, vegetable, fruit, or other perishable foods that are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the foods are declared to be a nuisance, and shall forthwith be condemned or destroyed, or in any other manner rendering the items unsalable as human food. The Director of Capital Projects shall have concurrent authority to enforce the provisions of this chapter not specifically delegated to the Director of Public Health.

The Director of Public Health and/or authorized employees acting as the licensor are authorized to tag any article, such as a utensil, material, or piece of equipment if the article presents a public health hazard. In accordance with OAC 901:3-4-12, the procedures for cease use must be followed when tagging equipment in a Retail Food Establishment and Food Service Operation. For the purposes of this rule, a public health hazard is presented by any article whose

use can reasonably be expected to result in the contamination or adulteration of a food product based upon its state of repair, cleanliness, location, or construction. The licensor may tag any such article and prohibit the article's use by the license holder. A tag removing an article from use shall state the reason for the article's removal from use, and either state the provisions for returning the article to use or the disposition of the article if the article cannot be satisfactorily reconditioned. No license holder shall remove or permit to be removed, a tag without the permission of the licensor. Any action that may be taken by a licensor under this rule may be taken by a health commissioner or other person employed by the licensor if the person or health commissioner is authorized by the licensor to take the action.