

Ordinance No. 707-2025

By Council Members Conwell and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 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.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Sections 241.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 507-15, passed July 22, 2015, is amended to read as follows:

Section 241.02 Enforcement and Inspection

The Director of Public Health, and authorized employees who are registered environmental health specialist or environmental health specialist-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.

Section 2. That the existing Sections 241.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 507-15, passed July 27, 2015, is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

ST:uo
6-2-2025
FOR: Director Margolius

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READ FIRST TIME on JUNE 2, 2025
and referred to DIRECTORS of Public Health, Finance, Law;
COMMITTEES on Health Human Services and the Arts,
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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REPORT
after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
HEALTH, HUMAN SERVICES
and the ARTS

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION

FILED WITH COMMITTEE