

**STRICKEN AS OF 10/28/2009**

Intro. Res. No. 1290-2009  
Introduced by Legislator Losquadro

Laid on Table 4/28/2009

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW  
NO. -2009, A LOCAL LAW TO ENACT A GRADING  
POLICY FOR FOOD ESTABLISHMENTS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2009, a proposed local law entitled, "**A LOCAL LAW TO ENACT A GRADING POLICY FOR FOOD ESTABLISHMENTS**;" now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ENACT A GRADING POLICY FOR FOOD  
ESTABLISHMENTS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the Suffolk County Department of Health Services regulates food establishments to prevent the consumption of unwholesome food and thereby protect the health and safety of Suffolk County residents.

This Legislature also finds that in order to properly carry out its regulatory function, the Department of Health Services regularly inspects food establishments to ensure that they are operating in clean and sanitary conditions and are in compliance with the New York State and Suffolk County Sanitary Codes.

This Legislature further finds and determines that the Department of Health Services' inspection findings are recorded on an inspection report form and furnished to the food establishment; this form is available to patrons upon request.

This Legislature determines that the information contained in the Department's inspection reports should be more readily available to consumers in an easy-to-understand format.

This Legislature finds that several municipalities around the country have enacted ordinances establishing a scoring system that is posted at or near the entrance to food establishments so that consumers may make more informed decisions when dining out.

This Legislature also determines that the Department of Health Services should establish such a scoring system for food establishments operating in Suffolk County.

Therefore, the purpose of this local law is to authorize and direct the Department of Health Services to adapt its food establishment inspection form to incorporate a scoring system and to require the posting of the grade at the entrance to the food establishment.

## **Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

“DEPARTMENT” shall mean the Suffolk County Department of Health Services.

“FOOD ESTABLISHMENT” is defined as any place where food is prepared, mixed, cooked, baked, handled, stored, provided, sold or offered for sale, including but not limited to, any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short-order café; delicatessen; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; take-out prepared food place; industrial feeding establishment; catering kitchen; commissary; bakery; vehicle including boat, food stand; or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere.

“COMMISSIONER” shall mean the Commissioner of the Suffolk County Department of Health Services.

“INSPECTION” shall mean an evaluation of a 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.

## **Section 3. Food Establishment Grading System.**

The Commissioner shall incorporate in the Department’s Inspection Report Form a scoring system which shall be used to create an Inspection Summary Report for food establishments, in accordance with the following guidelines:

- 1.) The letter “A” shall indicate a final score of 90% or higher.
- 2.) The letter “B” shall indicate a final score of less than 90% but not less than 80%.
- 3.) The letter “D” shall indicate a final score of less than 80% but not less than 75%.
- 4.) The letter “F” shall be indicated for a final score of less than 75%.

## **Section 4. Posting Requirements.**

- A.) The Inspection Summary Report shall be posted at a food establishment by the Department upon completion of an inspection at or near each entrance to the food establishment used by its patrons or in a conspicuous place selected by the Department.

- B.) The size of the letter grade shall be in capital letters not less than 3 inches in height and width.

**Section 5. Inspection Summary Report – Period of Validity.**

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

**Section 6. Applicability.**

- A.) The provisions of this law shall not supersede or otherwise impair the powers or enforcement remedies afforded the Department under the New York State Sanitary Code or the Suffolk County Sanitary Code.
- B.) This law shall apply to actions occurring on or after the effective date of this local law.

**Section 7. Rules and Regulations.**

The Commissioner of the Suffolk County Department of Health Services is hereby authorized and empowered to issue and promulgate such rules and regulations, as he or she deems necessary, to implement and carry out the provisions of this law.

**Section 8. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 9. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 10. Effective Date.**

This law shall take effect on the one hundred eightieth (180<sup>th</sup>) day immediately subsequent to filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: