

BILL/ RESOLUTION REQUEST

- 1. Title:** Approves amendment to Chapter 23 (Food and Food Handlers) of the Denver Revised Municipal Code.
- 2. Requesting Agency:** Environmental Health
- 3. Contact Person *with actual knowledge of proposed ordinance***
 - Name:**Bob McDonald
 - Phone:**720-865-5479
 - Email:**bob.mcdonald@denvergov.org
- 4. Contact Person *with actual knowledge of proposed ordinance who will present the item at Mayor Council and who will be available for first and second reading, if necessary***
 - Name:**Bob McDonald
 - Phone:**720-865-5479
 - Email:**bob.mcdonald@denvergov.org
- 5. Describe the proposed ordinance, including what the proposed ordinance is intended to accomplish, who's involved**
 - a. Scope of Work**

Chapter 23 (Food and Food Handlers) currently mandates a public notice to be posted for all enforcement actions taken by the Department of Environmental Health against commercial food service establishments for violations of Denver's food safety regulations. This proposal is to modify the code such that public notices are only mandated for the most serious public health issues to include restaurant closures, the licensee's refusal to allow for a lawful inspection or refusal to comply with lawful orders, and any circumstance in which a facility is operating under conditions that presented an imminent public health risk. Other modifications include the delineation of proper service and collection of civil penalties, as well as the process for a licensee to apply for a review of the civil penalty assessment by a hearings officer. The proposed collection and hearing processes are consistent with that of other agencies that already utilize an administrative fine process.

Our agency worked closely with industry representatives in developing a system that facilitates a fair and consistent balance between enforcement and education. These modifications are the result of input received from the industry over the course of the last 18 months. Although public notices would no longer be posted for all enforcement actions, information regarding enforcement actions will still be available on the agency's web site, as well as, more detailed inspection results for each regulated facility.
 - b. Duration**

N/A

c. Location

City & County of Denver

d. Affected Council District

All districts.

e. Benefits

These changes further facilitate a fair and equitable approach to enforcement for non – compliance in regulated food service facilities. Because information related to enforcement actions will be available on the agency’s website, the resources necessary to post and remove each enforcement notice will be significantly reduced.

f. Costs

None.

6. Is there any controversy surrounding this ordinance, groups or individuals who may have concerns about it? Please explain.

Members of the hospitality industry and the Colorado Restaurant Association have expressed concerns regarding the punitive nature of the public notices that are posted as mandated by Chapter 23 for all enforcement actions, including civil penalty assessments. These modifications satisfactorily address that concern and will reduce the number of postings significantly, and only for the most egregious violations of Chapter 23, (Food and Food Handlers).

Bill Request Number: BR10-0845

Date: 9/20/2010