

ORDINANCE NO. 2006-016

1
2
3
4 AN ORDINANCE OF THE BOARD OF COUNTY
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA
6 PERTAINING TO POSTING OF RESTAURANT INSPECTION
7 REPORTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR
8 GENERAL REQUIREMENTS; PROVIDING FOR LETTERING
9 REQUIREMENTS; PROVIDING FOR ENFORCEMENT;
10 PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL
11 OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN
12 THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR
13 CAPTIONS; PROVIDING FOR APPLICABILITY; AND
14 PROVIDING FOR AN EFFECTIVE DATE.
15

16 WHEREAS, the Board of County Commissioners recognizes the need to establish a
17 greater public awareness of the health and safety standards of restaurants; and

18 WHEREAS, Section 509.101, Florida Statutes, requires public food service
19 establishments (restaurants) to make their latest food service inspection reports available to the
20 public upon request; and

21 WHEREAS, the Board of County Commissioners believes a greater public awareness of
22 health and safety standards of restaurants may be accomplished by requiring restaurants to post a
23 notice advising the public that the latest food service inspection reports are available upon
24 request; and

25 WHEREAS, requiring restaurants to post such notices does not replace, supercede or
26 diminish the requirements of Section 509.101, Florida Statutes, but rather furthers the purpose of
27 its requirements by only requiring the posting of what is provided in the Statute.

28 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
29 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

30 **Section 1. Definitions**

31 The following words, phrases, or terms when used in this Ordinance shall, unless the
32 content otherwise indicates, have the meanings provided below. No attempt is made to define
33 ordinary words which are used in accordance with their established dictionary meaning except
34 when necessary to avoid misunderstanding.

35 a) **Conspicuously posted:** means clearly visible, easily readable and immediately apparent upon
36 viewing.

37 b) **Customer(s):** means those persons whose main purpose for entering a restaurant is to be
38 served with food and/or drink, or some variation thereof. The terms patronage and clientele are

1 interchangeable with the term customers. The terms customers, patronage and clientele do not
2 include restaurant suppliers.

3 **c) Entry Door(s):** means the door or doors used by restaurant customers, patronage and clientele
4 for the primary purpose of entering the restaurant. An entry door may be used for both entering
5 and exiting the restaurant. However, the term "entry door" shall exclude a door that is designated
6 solely for the purpose of exiting the restaurant.

7 **d) Menu:** means any notice utilized by a restaurant on its premises to provide a list of items
8 available to the public to be served. Such notices shall include, but not be limited to, those posted
9 on walls and those provided to patrons by hand. However, such notices shall not include boards
10 utilized for the sole purpose of listing items which may change on a frequent basis, such as daily
11 specials.

12 **e) Person:** means an individual, person, firm, joint venture, partnership, corporation, estate, trust,
13 business trust, syndicate, fiduciary, association and all other groups or combinations.

14 **f) Restaurant:** means any public food service establishment, as defined, licensed and inspected
15 pursuant to Chapter 509, Florida Statutes, as amended or replaced.

16 **Section 2. General Requirements.**

17 **a)** All persons who own or operate a restaurant in Palm Beach County shall conspicuously post a
18 notice on any one of the following: (1) entry door(s); (2) the window immediately adjacent to the
19 entry door(s) or (3) the restaurant's menu. The notice shall contain the following statement:

20
21 **LATEST FOOD SERVICE INSPECTION REPORT**
22 **IS AVAILABLE UPON REQUEST**
23

24 **b)** Where the manner of posting is by door or window, the notice shall be no lower than (4) feet
25 from the ground to the bottom of the sign.

26 **c)** Where the manner of posting is by window and there is more than one window adjacent to a
27 set of entry doors, the notice need only be posted on one window. However, where there are two
28 or more sets of entry doors, the notice shall be posted on at least one entry window adjacent to
29 each set of entry doors.

30 **d)** Where the manner of posting is by door and there are two or more sets of entry doors, the
31 notice shall be posted on each set of doors.

32 **Section 3. Lettering Requirements.**

33 **a)** The notice, as required in Section (2) above, shall be in all capital and bold letters.

1 b) For notices posted on menus provided to patrons by hand, the notice shall provide lettering, in
2 which the font-type is no less than 14 pt. type. For notices provided by menus posted on walls,
3 the notice shall provide lettering in which the font-type is no less than the font-type provided for
4 the majority of other menu items.

5 c) For notices posted on the entry door(s) or windows immediately adjacent to the entry door(s),
6 the sign on which the notice is posted shall be no less than 8 inches wide and 5 ½ inches in height
7 and the lettering shall be in a font-type of no less than 36 pt. type.

8 **Section 4. Enforcement.**

9 It is unlawful to violate any provisions of this Ordinance. Such violations may be
10 enforced: (1) by the Code Enforcement Director pursuant to Section 162.01 et. seq., Florida
11 Statutes, as may be amended or replaced, Chapter 8.5, Article II, of the Palm Beach County Code
12 of Laws and Ordinances and Article 10, Chapter B and Article 17, Chapter C, Section 3 of the
13 Palm Beach County Unified Land Development Code, as may be amended or replaced; and (2)
14 Palm Beach County through the prosecution of violations in the name of the State of Florida
15 pursuant to the authority granted by Sec. 125.69, as may be amended or replaced. Palm Beach
16 County may pursue these or any other enforcement remedies available and applicable to the
17 County. Nothing contained herein shall prevent Palm Beach County from taking such other
18 lawful actions as are necessary to prevent or remedy any violation of this Ordinance.

19 **Section 5. Severability.**

20 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
21 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
22 holding shall not affect the remainder of this Ordinance.

23 **Section 6. Repeal of Laws in Conflict:**

24 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
25 repealed to the extent of such conflict.

26 **Section 7. Inclusion in the Code of Laws and Ordinances:**

27 The provisions of this Ordinance shall become and be made a part of the Palm Beach
28 County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish
29 such, and the word "ordinance" may be changed to "section," "article," or other appropriate
30 word.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Section 8. Captions.

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 9. Applicability

All provisions of this Ordinance shall be effective within the unincorporated and incorporated areas of Palm Beach County, Florida.

Section 10. Effective Date.

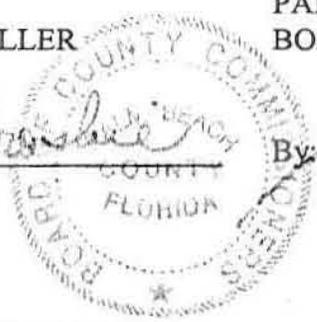
The provisions of this Ordinance shall become effective January 1, 2007.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 15th day of August, 2006.

SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Judith Crossbee
Deputy Clerk



By: Tony Masilotti
Tony Masilotti, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: [Signature]
Assistant County Attorney

Filed with the Department of State on the 24th day of August, 2006.