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Canton City Public Health

POLICY AND PROCEDURE	
SUBJECT/TITLE:	Enforcement Policy – Licensed Establishments
APPLICABILITY:	Environmental Health Division
CONTACT PERSON & DIVISION:	Director of Environmental Health
ORIGINAL DATE ADOPTED:	03/08/2019
LATEST EFFECTIVE DATE:	06/20/2023
REVIEW FREQUENCY:	5 years
BOARD APPROVAL DATE:	N/A
REFERENCE NUMBER:	500-007-P

A. PURPOSE

The purpose of this document is to outline the guidelines and procedures to implement progressive enforcement for facilities licensed and inspected by Canton City Public Health, Environmental Health.

B. POLICY

The principle of “progressive enforcement” will be utilized for all licensed programs inspected by Canton City Public Health, Environmental Health. It is expected that licensed entities will be in compliance with all applicable laws and rules during their operation. Environmental Health Specialists (EHS) and Environmental Health Specialists in Training (EHSIT) from Canton City Public Health are responsible for: 1) assessing compliance with applicable laws and rules, 2) assuring that operators of facilities understand their responsibilities and duties relative to operational compliance with laws and rules, and 3) applying fair, progressive enforcement to assure continued compliance with regulatory laws and rules.

C. BACKGROUND

Canton City Public Health has been delegated authority from the Ohio Department of Health, Ohio Department of Agriculture, Ohio Environmental Protection Agency, and others, to license and inspect many types of business operations in order to protect the health and safety of the community. Typically, various operations (for example a food service operation or retail food establishment) must obtain a license from Canton City Public Health and maintain their operation in compliance with established rules and laws at all times. EHS/EHSIT from Canton City Public Health are tasked with inspecting the facility to assure compliance with the rules and applying progressive enforcement if there are any violations. A licensed establishment that repeatedly fails to adhere to applicable regulatory laws and rules is subject to due process and corrective action which includes progressive enforcement up to and including revocation of their operating permit or license.

D. GLOSSARY OF TERMS

- Progressive Enforcement – The principle of graduated enforcement of applicable laws and rules, starting with education and ending with the possible revocation of an operating license or permit.
- Critical Violations – Certain violations of applicable laws and rules that pose a significant risk to health and safety. These violations, in the example of the Ohio Uniform Food Code, are identified in the code.
- EHS – Environmental Health Specialist
- EHSIT – Environmental Health Specialist in Training

E. PROCEDURES & STANDARD OPERATING GUIDELINES

The following guidelines and procedures should be followed when critical violations of the Canton City Health Code, Ohio Administrative Code, and/or Ohio Revised Code have been repeatedly committed. All possible



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situations would be difficult to predict. Therefore, this guidance and procedure document should be interpreted with some flexibility. Variation in the application of these guidelines and procedures should be discussed with the Director of Environmental Health, or another appropriate Supervisor.

1. **STANDARD INSPECTION:** After the EHS/EHSIT has inspected the licensed facility, a written inspection form will be completed.
 - a. The EHS/EHSIT will discuss any violations documented on the inspection form and provide a copy to the person in charge (PIC) of the licensed facility.
 - b. If, based on the number and nature of the violations, a scheduled reinspection is necessary, the EHS/EHSIT will schedule a reinspection of the facility with the PIC and the date will be indicated on the inspection form.
2. **1ST REINSPECTION WITH EHS/EHSIT:** At the time of the reinspection, the PIC will be expected to have corrected all critical violations and most noncritical violations. If not corrected, and second reinspection will be scheduled.
3. **2ND REINSPECTION WITH EHS/EHSIT:** At the time of the reinspection, the PIC will be expected to have corrected all violations, both critical and noncritical.
4. **3RD REINSPECTION WITH EHS/EHSIT & SUPERVISOR:** If critical violations are again noted during the reinspection with the Supervisor, the PIC will be required to attend an Administrative Hearing.
5. **ADMINISTRATIVE HEARING WITH HEALTH COMMISSIONER, SUPERVISOR, & EHS/EHSIT:**
 - a. A Notice of Opportunity for an Administrative Hearing will be sent to the PIC and facility owner.
 - b. Inspection forms will be sent to the PIC, facility owner, Director of Environmental Health or other EH Supervisor, and the Health Commissioner prior to the Hearing.
 - c. The goal of the Hearing will be to protect the health of the public and to prevent the spread of disease while assisting the PIC in maintaining a viable business.
 - d. The PIC and facility owner will be offered a chance to explain why they are out of compliance and how they plan to achieve and maintain compliance.
 - e. All parties will work together to form a plan of corrective action including, but not limited to, education, plan review, reinspection, etc. The expectations will be clear and due dates will be provided. Further violations may include suspension or revocation of the license.
 - f. The Supervisor will send the PIC a letter via certified mail documenting all expectations, requirements, and due dates. A reinspection of the facility will be conducted with the EHS/EHSIT and Supervisor.
6. **REINSPECTION WITH SUPERVISOR:** If critical violations are noted during this reinspection, the Supervisor will contact the Health Commissioner to determine if the operating license of the location will be suspended or revoked. If it is determined that further action is needed, the Supervisor will send a notice to the PIC and facility owner notifying them of a Notice to Appear Before the Board of Health.
7. **BOARD OF HEALTH HEARING:** The inspection forms will be provided to the Board of Health prior to the Hearing.
 - a. The Board of Health will conduct a hearing pursuant to the hearing procedures outlined in Chapter 209 of the Canton City Health Code.
 - b. The PIC and facility owner will meet with the Board of Health to discuss the repeated violations. The goal of the Hearing will be to determine if further action will be taken against the licensed facility and if so, what action will be taken.



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Canton City Public Health

- c. The Director of Environmental Health will be responsible for notifying the PIC and facility owner by way of a certified letter documenting all expectations, requirements, and due dates. A reinspection of the facility will be conducted with EHS/EHSIT and Supervisor.
- 8. IMMEDIATE DANGER OR RISK: If at any time the EHS/EHSIT feels that there is an immediate danger or risk to the health of the public, they will contact, in this order, their Supervisor, Director of Environmental Health, Health Commissioner to discuss this issue. This enforcement policy may be circumvented at any time if, in the opinion of the Health Commissioner, there exists a situation that is immediately dangerous to the life, health, or safety of the community.

F. CITATIONS & REFERENCES

Canton City Health Code, Chapter 209

Ohio Administrative Code 901:3-4-08 & 3701-21-26

Ohio Revised Code 3717.29 & 3717.49

G. CONTRIBUTORS

The following staff contributed to the authorship of this document:

- 1. Annmarie Butusov, Director, Environmental Health
- 2. James Adams, Health Commissioner
- 3. Valerie Fletcher, Environmental Health Specialist I

H. APPENDICES & ATTACHMENTS

I. REFERENCE FORMS

Inspection Form

Notice of Hearing to Appear Before the Health Commissioner

Notice of Hearing to Appear Before the Board of Health

J. REVISION & REVIEW HISTORY

Revision Date	Review Date	Author	Notes
06/20/2023	06/20/2028	Valerie Fletcher	Changes to reflect current professional registration nomenclature and minor changes to the enforcement process.

K. APPROVAL

This document has been approved in accordance with the “800-001-P Standards for Writing and Approving PPSOGFs” procedure as of the effective date listed above.