

ORDINANCE NO. 9662 (NEW SERIES)

AN ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY
CODE OF REGULATORY ORDINANCES RELATING TO FOOD
PREPARATION AND DISTRIBUTION, AND FOOD HANDLERS,
BATHHOUSES, AND ENFORCEMENT OF STATE HOUSING LAW

The Board of Supervisors of the County of San Diego ordains as follows

Section 1. The Board of Supervisors finds and determines that amendments are needed to several sections of Chapters 1 and 2 of Division 1, and Chapters 6 and 9 of Division 6, of the County Code to bring them up to date and align them with current state law.

Section 2. Sections 61.114, 61.144, 61.170, 61.180, 61.190, 61.237, 66.605, 66.618, and 66.901 of the San Diego County Code are hereby amended to read as follows:

SEC. 61.114. GRANTING AND REVOCATION OF PERMIT -- CONDITION.

A permit shall be granted only on the express condition that it is subject to revocation or suspension upon a showing satisfactory to the Director of the violation by the permittee, their employee, servant or agent, or any other person acting with their consent or under their authority, of any provision of this chapter, and all applicable state and federal laws and regulations.

SEC.61.144. [Reserved]

SEC. 61.170 CERTIFICATION INSPECTION.

The Director may require that each mobile food facility or mobile food preparation unit have an annual certification inspection at a location designated by the Department of Environmental Health. A certification sticker shall be provided once the operator has successfully passed inspection and submitted proof of an approved commissary. Notice of such inspection, when required, shall be provided with the permit renewal. Failure of the operator to have and pass an annual certification inspection during the designated time period, when required, is subject to a fee of up to 50% of the cost of the permit and immediate closure until a permit and certification sticker are obtained.

SEC. 61.180. [Reserved]

61.190. DEFINITIONS

Whenever in this article the following terms are used, they shall have the meanings respectively ascribed to them in this section:

(a) CATERER. A business which prepares food for a catering function for events such as, but not limited to, picnics, weddings, banquets, parties, gatherings.

(b) CATERING VEHICLE. A vehicle upon which food, beverages and related serving equipment are transported related to a catering function.

(c) CATERING FUNCTION. Any event where a caterer provides food for a person or persons at other than an existing health regulated establishment. A catering function shall not include those functions that are conducted by persons engaged or employed in youth organizations, churches, church societies, private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, youth development, social, political or educational nature which purchase food, food products or beverages, for service without charge to their members or to the general public at fund-raising events, for consumption on or off the premises at which the food, food products or beverages are served or sold, if the service or sale of such food, food products or beverages does not constitute a primary purpose or function of the club or association and if no employee or member is assigned full time to care for or operate equipment used in such an arrangement.

(d) CATERING EQUIPMENT RENTAL ESTABLISHMENT. A catering equipment rental establishment is an establishment that provides food service utensils such as dishes, tableware, pots and pans to caterers or to the public but does not provide catering services.

(e) DEPARTMENT. The County of San Diego Department of Environmental Health.

(f) EVENT CATERER. A catering business which operates at temporary events and is based from a licensed food establishment for the storage and handling of food and utensils.

(g) RETAIL FOOD DELIVERY VEHICLE. A business where food is delivered from a permitted retail food facility by a person or business other than an employee of the permitted food facility.

SEC. 61.227. RIGHT TO EMBARGO.

The Director may embargo any food suspected of being adulterated, contaminated, or otherwise unfit for human consumption. The embargoed food shall be identified with a tag, detained, released or discarded.

SEC. 61.232. TEMPERATURE REQUIREMENTS.

Potentially hazardous foods shall be maintained at a temperature at or below 41 degrees Fahrenheit or at or above 135 degrees Fahrenheit, except for the following:

(a) Unshucked live molluscan shellfish shall not be stored or displayed at a temperature above 45 degrees Fahrenheit.

(b) Frozen foods shall be maintained in a frozen state.

(c) Pasteurized milk and pasteurized milk products in original, sealed containers shall not be held at a temperature above 45 degrees Fahrenheit.

(d) Raw shell eggs shall not be stored or displayed at an ambient temperature above 45 degrees Fahrenheit.

SEC.66.605. ANNUAL PERMIT APPLICATION FEE.

The annual non-refundable application fee for the permit required by this chapter, shall be the amount set out in Section 65.107. Delinquent fees shall be collected in accordance with the provisions of Section 65.101 of this Code.

SEC. 66.618. INSPECTIONS.

The Sheriff and the Department of Environmental Health shall, at the discretion of the Director, make an inspection of each bathhouse for the purpose of determining that the provisions of this chapter are complied with.

SEC. 66.901. DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE STATE HOUSING LAW.

The Director of the Department of Environmental Health, in addition to his other duties, is hereby designated as the officer to enforce and is charged with the enforcement of the provisions of the State Housing Law pertaining to sanitation, ventilation, use or occupancy of apartment houses, lodging houses, dwellings and hotels within the unincorporated territory of the County.

Section 3. Effective Date and Publication. This ordinance shall take effect and be in force on August 14, 2004, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in County of San Diego.

PASSED, APPROVED, AND ADOPTED this 14th day of July, 2004.