

ORDINANCE NO. 11825
(New Series)

MAR 31 1976

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 41.09; BY AMENDING SECTIONS 41.08.1, 41.08.2, 41.12 AND 41.13; AND BY ADDING SECTIONS 41.09 AND 41.16.1, ALL RELATING TO REGULATIONS FOR FOOD HANDLERS.

WHEREAS, The City of San Diego has entered into a Basic Health Agreement with the County of San Diego; and

WHEREAS, pursuant to such agreement, the County Health Officer (Director of Public Health of the County of San Diego), is designated as the City Health Officer for The City of San Diego with the authority to enforce City health ordinances; and

WHEREAS, the Basic Health Agreement requires the City to adopt ordinances equivalent to ordinances adopted by the County; and

WHEREAS, on November 18, 1975, the County Board of Supervisors adopted Ordinance No. 4610 (New Series), which amends sections of the San Diego County Code of Regulatory Ordinances relating to food handlers, requiring a screening test for tuberculosis before a Food Handler Authorization Card will be issued and requiring a medical examination if the Director of Public Health determines there is danger of a transmissible disease; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IV, Article 1 of the San Diego Municipal Code be and the same is hereby amended by repealing the following section:

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SEC. 41.09 MEDICAL EXAMINATION

Section 2. That Chapter IV, Article 1 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 41.08.1, 41.08.2, 41.12 and 41.13 to read as follows:

SEC. 41.08.1 FOOD HANDLERS REQUIRED TO OBTAIN AN AUTHORIZATION CARD

No person shall act as or be engaged as a food handler unless such person holds a Food Handler Authorization Card issued by the Department of Public Health, or by such other qualified person or agency as may be designated by the Director of Public Health. No authorization issued pursuant to this section shall be valid for more than four (4) years from the date of issuance thereof. A "Food Handler Registration Card," issued by the Department of Public Health within the four (4) years immediately preceding the effective date of this chapter, and not revoked, shall be deemed to be an authorization within the meaning of this section.

The following persons shall be exempt from the provisions of this section:

- a. Food handlers engaged in the production, harvesting or packaging of fruits or vegetables either in the fields or in packing houses.
- b. Food handlers engaged in drying or dehydrating fruits or vegetables on the premises where such fruits or vegetables are produced.

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MAY 8 1978

c. Food handlers engaged in the production, slaughtering, packing, distribution, or sale of poultry or poultry products.

d. Food handlers engaged in the production, harvesting, packaging or sale of fruits or vegetables on the premises where such fruits or vegetables are produced.

e. A retail food production or marketing establishment as defined in Section 28802 of the California Health and Safety Code.

SEC. 41.08.2 MEDICAL EXAMINATION REQUIRED

Applicants for Food Handler Authorization Cards shall submit to an intradermal tuberculin skin test or an x-ray, as appropriate, performed by the department or by such other qualified person or agency as may be designated by the Director of Public Health. Such intradermal tuberculin skin test or x-ray shall be repeated every four years.

SEC. 41.12 DIRECTOR MAY REQUIRE EXAMINATION

The Director of Public Health may require the holder of a Food Handler Authorization Card to submit to medical examination when there is reason to believe that such person has contracted a transmissible disease.

SEC. 41.13 CONTRACTION OF TRANSMISSIBLE DISEASE
SUBSEQUENT TO EXAMINATION; SUSPENSION
OR REVOCATION OF CARD

The Director of Public Health may suspend or revoke the Food Handler Authorization Card of any person

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MAY 8 1978

suspected of having contracted a transmissible disease. The Director shall reinstate the registration card upon presentation of satisfactory proof that the person suspected is free of the transmissible disease. The Director may require that any suspended or revoked Authorization to act as a food handler be surrendered to the Director.

Section 3. That Chapter IV, Article 1 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 41.09 and 41.16.1 to read as follows:

SEC. 41.09 TRANSMISSIBLE DISEASE

No person who has contracted or is afflicted with a disease or infection determined by the Director to be a danger to public health transmissible either directly or through food or drink to other persons, or who is known or suspected to be a carrier of organisms causing such disease, or who has come in contact with any person afflicted with such transmissible disease or infection, shall act or be engaged or employed as a food handler.

SEC. 41.16.1 EMPLOYMENT OF FOOD HANDLERS

No person who owns or operates a business, occupation or establishment for which a permit is required by Division 1, Article 2 of this chapter shall employ, permit or authorize any person to act or be engaged as a food handler in said business, occupation or establishment unless such person has an authorization to act as a food handler as

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MAY 8 1978

provided in Section 41.08.1 unless such person is exempt from the requirement to hold and carry such authorization pursuant to Section 41.08.1.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Paul E. Robinson
Paul E. Robinson
Deputy City Attorney

PER:k:502
2-19-76 REV. 3-16-76
Or.Dept.: Finan. Management

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MAY 8 1978

Passed and adopted by the Council of The City of San Diego on

MAR 31 1976

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Martinez*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 17 1976

MAR 31 1976

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1976 MAR 16 PM 3:37
SAN DIEGO, CALIF.

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MAY 8 1978

CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California	
Ordinance Number	11825
Adopted	MAR 31 1976

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hu

ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

ORDINANCE AMENDING CHAPTER IV, ARTICLE 1

JOYCE M. BRIDGES

I, hereby certify
that San Diego Daily Transcript is a daily newspaper of general
circulation within the provisions of the Government Code of the
State of California, printed and published in the City of San Diego,
County of San Diego, State of California; that I am the principal
clerk of said newspaper; and the

ORDINANCE NO. 11825

0762

is a true and correct copy of which this certificate is annexed
and was published in said newspaper on

April 15, 1976

I certify under penalty of perjury that the foregoing is true
and correct, at San Diego, California, on

April 15, 1976

Joyce M. Bridges
(signature)

19 @ 4.84 = 91.96
01452 ✓

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(New Series)

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WHEREAS, the Basic Health Agreement requires the City to adopt ordinances equivalent to ordinances adopted by the County; and

WHEREAS, on November 18, 1975, the County Board of Supervisors adopted Ordinance No. 1610 (New Series), which amends sections of the San Diego County Code of Regulatory Ordinances relating to food handlers, requiring a screening test for tuberculosis before a Food Handler Authorization Card will be issued and requiring a medical examination if the Director of Public Health determines there is danger of a transmissible disease; NOW, THEREFORE,

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SEC. 41.16.1 EMPLOYMENT OF FOOD HANDLERS

No person who owns or operates a business, occupation or establishment for which a permit is required by Division 1, Article 2 of this chapter shall employ, permit or authorize any person to act or be engaged as a food handler in said business, occupation or establishment unless such person has an authorization to act as a food handler as provided in Section 41.08.1 unless such person is exempt from the requirement to hold and carry such authorization pursuant to Section 41.08.1.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on March 17, 1976.

31. 1976. Passed and adopted by the Council of The City of San Diego on March

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California,
EDWARD NIELSEN,
City Clerk of The City of San Diego, California,
By KATHLEEN MARTINEZ,
Deputy.

(SEAL)
Pub. Apr. 16, 1976

LS 0762