

ORDINANCE NO. 0-15436
(New Series)

JAN 26 1981

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTIONS 41.07.2, 41.08.1, 41.08.2 AND 41.34
AND ADDING SECTION 41.08.3 RELATING TO HEALTH
REGULATIONS OF RESTAURANTS.

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 it is hereby amended by amending Sections
41.07.2, 41.08.1, 41.08.2 and 41.34 and adding Section 41.08.3,
to read as follows:

SEC. 41.07.2 ANNUAL INSPECTION FEE

Every person applying for a permit under the
provisions of this Chapter shall at the time of
making application for the permit pay the following
annual inspection fees:

1. For each establishment, other than a vehicle
or vending machine, a fee based on the average number
of employees during the preceding year or, if in the
opinion of the Health Officer said average number does
not reflect the number of employees during the year
for which the permit is sought with reasonable accuracy,
the estimated average number of employees.

For establishments governed by the California
State Restaurant Act:

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| 1 to 10 employees | \$ 65.00 |
| 11 to 25 employees | \$140.00 |
| 26 to 100 employees | \$185.00 |
| 101 or more employees | \$370.00 |

For establishments governed by the California State Retail Food Production and Marketing Establishment Law:

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| 1 to 100 employees | \$ 50.00 |
| 11 or more employees | \$ 80.00 |

For establishments governed by the Bakery Sanitation Law:

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| 1 or more employees | \$ 50.00 |
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For establishments governed by the San Diego Municipal Code:

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| 1 or more employees | \$ 30.00 |
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For temporary food concessions:

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| 1 or more employees | \$ 20.00 |
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2. For each vehicle under the same ownership and operating out of the same establishment..... \$ 30.00

3. For each vending machine dispensing milk, ice cream or milk products or other kinds of perishable foods or beverages, or dispensing unbottled or uncanned liquid foods or beverages, except vending machines which dispense unwrapped nonperishable, nonliquid food products..... \$ 3.00

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4. For each duplicate permit replacing a permit previously issued..... \$ 3.00

In any case where the applicant has failed for a period of thirty (30) days to file the application and obtain the permit required by this Chapter, there shall be added to and collected with the inspection fee a penalty equal to ten percent (10%) of the fee or One Dollar (\$1.00), whichever is the greater; and for each additional month or fraction of a month after the expiration of said 30-day period that the applicant fails to file such application and obtain such permit, there shall be added to and collected with the inspection fee an additional penalty equal to ten percent (10%) of the inspection fee; provided, however, in no event shall the total penalty added to the inspection fee pursuant to this Section be more than sixty percent (60%) of the inspection fee. The imposition or payment of the penalty imposed by this Section shall not prevent the imposition of any other penalty prescribed by this Chapter or a criminal prosecution for violation of this Chapter. Institutions exempt from real property assessments and taxation are exempt from paying the fees established by this Section.

SEC. 41.08.1 FOOD SERVICE MANAGER

For the purposes of this Chapter, "FOOD SERVICE MANAGER" shall mean the owner, operator, licensee, or any other person who supervises all or part of food service operations within a food service establishment and is responsible for the actions of employees under his or her charge.

SEC. 41.08.2 FOOD HANDLER TRAINING

No person shall act as or be engaged as a food handler unless such person: (1) possesses a valid Food Handler Training Certificate as described in subdivision (a) of this Section, or (2) is working in an establishment under the supervision of a food service manager possessing a Food Service Manager Training Certificate as described in subdivision (b) of this Section, and possesses a Food Handler Card as described in subdivision (c) of this Section; provided, however, that a person may act as or be engaged as a food handler under the supervision of such a food service manager for up to ten (10) calendar days without a Food Handler Card.

(a) Food Handler Training Certificate. Food Handler Training Certificates or renewals thereof shall be issued by the Health Officer, or any other qualified person or agency as may be designated by the Health Officer, to persons who, immediately preceding such issuance, have successfully completed a food sanitation

training course having a duration of at least three (3) hours, taught by an instructor approved by the Health Officer, and having a course content approved by the Health Officer. In order to successfully complete said course, a person must pass a proficiency test, approved by the Health Officer, with at least a 70% grade. The course of instruction shall include at least the following subjects:

- (1) Microorganisms;
- (2) Sources of foodborne disease microorganisms;
- (3) Foodborne diseases;
- (4) The means by which food is contaminated by microorganisms and toxic substances;
- (5) Methods for protection of food to prevent foodborne illnesses;
- (6) Control of the spread of disease through food;
- (7) Personal hygiene for food handlers;
- (8) The role of utensils and equipment in the transmission of diseases; and
- (9) Dishwashing procedures.

The Health Officer's designation of persons or agencies to issue Food Handler Training Certificates and the Health Officer's approval of instructors and course contents may be withdrawn by the Health Officer at any time. The Food Handler Training Certificate

shall be valid for three (3) years from the date of issuance.

(b) Food Service Manager Training Certificate.

A Food Service Manager Training Certificate shall be issued by the Health Officer, or by a person or agency authorized by the Health Officer, to any person who has (1) attended a food service manager's training course, having a duration of at least 16 hours, taught by an instructor approved by the Health Officer, and having a course content approved by the Health Officer, and (2) has passed a proficiency test, approved by the Health Officer, with at least a 70% grade. The course of instruction shall include at least the following subjects:

- (1) Microbiology of foodborne disease;
- (2) Methods of preventing foodborne diseases;
- (3) Personal sanitation practices;
- (4) Warewashing and sanitizing;
- (5) Housekeeping and waste disposal practices;
- (6) Food purchasing, transportation, receiving and storage;
- (7) Food preparation and use;
- (8) Sanitation of kitchens;
- (9) Dining service;
- (10) Legal regulations of the food industry; and
- (11) Sanitation and safety management.

A Food Service Manager Training Certificate may also be issued to persons with any one of the following combinations of academic preparation and work experience, providing they pass the proficiency test specified above with at least an 85% grade:

(A) A baccalaureate degree with at least a minor in food service occupations, environmental sanitation, biological sciences, hospitality services or related subjects and at least two years of occupational experience in said fields; or

(B) An associate degree or 60 semester units of course work in food service occupations, environmental sanitation, biological sciences, hospitality services or related subjects and at least four (4) years of occupational experience in said fields; or

(C) A high school diploma or its equivalent or evidence of successful completion of secondary education and at least six (6) years of occupational experience in the food service field.

A Food Service Manager Training Certificate may be issued by the Health Officer to any person possessing formal education and practical experience in the application of food sanitation principles determined by the Health Officer to be equivalent to the formal education and practical experience to that of a registered sanitarian with ten (10) years experience in food sanitation.

The Health Officer's designation of persons or agencies to issue Food Service Manager Training Certificates and the Health Officer's approval of instructor's course contents and proficiency tests may be withdrawn by the Health Officer at any time. The Food Service Manager Training Certificate shall not expire by passage of time.

(c) Food Handler Card. A Food Handler Card or a renewal thereof, in a form prescribed by the Health Officer, may be issued by a food service manager possessing a Food Service Manager Training Certificate to food handlers under the manager's supervision, provided said food handlers pass a test relating to fundamental principles of sanitary food services practices, with at least a 70% grade. Said test shall be prepared by the Health Officer based on information contained in an informational booklet on sanitary food practices, which shall also be prepared by the Health Officer and which shall be distributed at cost by the Health Officer. Test records and records of the duration of the food handler's employment, including the date that the food handler began to perform food handling services, shall be maintained on the premises where the food handler is performing such services. The Food Handler Card shall be valid for three (3) years from the date of issuance, or until the food handler's performance of food handling services at the establishment where the Card was issued ceases,

or until the expiration of sixty (60) days from the date that the establishment ceases to have a food service manager possessing a Food Service Manager Training Certificate to supervise the food handler, whichever occurs the earliest.

SEC. 41.08.3 EMPLOYMENT OF FOOD HANDLERS

No person who owns or operates a business, occupation or establishment for which a permit is required by this Chapter shall permit or authorize any person to act as or be engaged as a food handler in said business, occupation or establishment unless such person is legally permitted to act as or be engaged as a food handler pursuant to Section 41.08.2.

SEC. 41.34 PERMIT AND GRADE CARD TO BE POSTED

Every health permit and/or alphabetical grade card issued shall be kept posted in a conspicuous place in the establishment for which the permit is issued. The Health Officer shall prescribe the location in or on the establishment where such permit shall be kept posted. Alphabetical grade cards shall be posted in the front window of the establishment so as to be clearly visible to patrons entering the establishment, or in a display case mounted on the outside of the front door, or in a display case mounted on the outside front wall of the establishment within five (5) feet of the front door, or in some other location clearly visible to patrons entering the establishment which has been approved by

the Health Officer. The alphabetical grade card shall be protected from damage by weather conditions and shall not be defaced, marred, or camouflaged or hidden so as to prevent the general public from observing it.

Section 2. The operative date of amended Sections 41.08.1 and 41.08.2 and added Section 41.08.3 shall be June 1, 1981.

Section 3. 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 Stuart H. Swett
Stuart H. Swett
Chief Deputy City Attorney

SHS:rc:502
1/9/81
Or. Dept.: Citizens Assistance

0-15436

Passed and adopted by the Council of The City of San Diego on JAN 26 1981,
 by the following vote:

| Councilmen | Yeas | Nays | Not Present | Ineligible |
|-------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Bill Mitchell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Susan Golding | <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"/> |
| Fred Schnaubelt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dick Murphy | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Lucy Killea | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Pete Wilson | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, 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

JAN 13 1981, and on JAN 26 1981

~~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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

| | |
|---|----------------------------|
| Office of the City Clerk, San Diego, California | |
| Ordinance Number <u>045436</u> | Adopted <u>JAN 26 1981</u> |

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1991 FEB 13 AM 10:35
SAN DIEGO, CALIF.

San Diego, City of
202 C St., 12th Flr.
San Diego, CA 92101
ATTN: Ellen Bovard

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1, OF
THE SAN DIEGO MUNICIPAL CODE BY AMENDING SEC-
TIONS 41.07.2, 41.08.1, 41.08.2 AND 41.34 AND ADDING SEC-
TION 41.08.3 RELATING TO HEALTH REGULATIONS OF RESTAURANTS.

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TIONS 41.07.2, 41.08.1, 41.08.2 AND 41.34 AND ADDING SEC-
TION 41.08.3 RELATING TO HEALTH REGULATIONS OF
RESTAURANTS.
Amends certain municipal code sections relating to health
regulations of restaurants to do the following:
1. specify exactly where restaurant alphabetical grade cards
must be posted;
2. revise the annual inspection fees to reflect full-cost
recovery, and
3. establish a system for the issuance of food-handling train-
ing certificates, food services manager training cer-
tificates and food handler cards, requiring that all food
handlers receive training and pass examinations in
specific procedures designed to prevent the spread of
disease.
A complete copy of the Ordinance is available for inspection
in the Office of the City Clerk of the City of San Diego, 12th Floor,
City Administration Building, 202 "C" Street, San Diego, CA
92101.
Introduced on January 13, 1981.
Passed and adopted by the Council of The City of San Diego
on January 26, 1981.
AUTHENTICATED BY:
PETE WILSON,
Mayor of the City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)
BY ELLEN BOVARD, Deputy
Publish February 9, 1981. 66-2112

I, Camille Simpson, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

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is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:
February 9, 1981

I certify under penalty of perjury that the foregoing is true and correct.
Dated at San Diego, California this 9th day of Feb., 1981.

Camille Simpson
(Signature)

3 1/8" x 2 = 4581