

(0-83-267)

ORDINANCE NUMBER O- 16033 (New Series)

Adopted on SEP 12 1983

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 42.0123 PROHIBITING THE OPENING AND REPLACING OF FOOD AND BEVERAGE PACKAGES.

WHEREAS, it has come to the attention of the Council of the City of San Diego that it is a fairly common practice for patrons of grocery stores to open, examine, and even sample the contents of food packages, and then replace them on display for purchase by others; and

WHEREAS, merchants have the right to offer for sale and consumers the right to buy packaged food products confident that those packages have not been opened, examined or sampled by unauthorized persons; NOW, THEREFORE,

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

Section 1. That Chapter IV, Article 2, Division 1 of the San Diego Municipal Code be and it is hereby amended by adding Section 42.0123 to read as follows:

SEC. 42.0123 FOOD HANDLING ESTABLISHMENTS -  
OPENING AND REPLACING FOOD OR BEVERAGE  
PACKAGES PROHIBITED

In a store where packaged food or beverages are offered for sale it shall be unlawful for any unauthorized person to unwrap, unseal or open any food or beverage package and replace that package on display so as to be available for sale to others. This section shall not apply

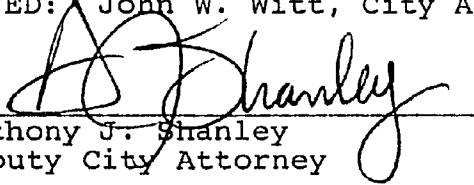
to persons opening containers of fresh eggs, or bulk foods.

Signs advising the public of the provisions of this section shall be clearly and conspicuously located at the main entrances to all grocery stores so as to be visible to all persons entering the store. Such sign shall read, "For everyone's health and safety, it is unlawful to open or tamper with food containers prior to purchase. Municipal Code Section 42.0123."

Section 2. 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

  
Anthony J. Shanley  
Deputy City Attorney

AJS:js:502  
6/29/83  
Or.Dept:PS&S  
Form=o.none

COMMITTEE ACTION - June 22, 1983  
Recommendation to introduce  
Vote: Districts 1, 3, 4, 6 and 8 voted yea.

SEP 12 1983

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *June A. Blackwell*, 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

AUG 15 1983

SEP 12 1983

~~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 *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16033 Adopted SEP 12 1983

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
ATTN: JUNE A. BLACKNELL  
202 C St., 12th Floor  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16033

CITY ATTORNEY DIGEST  
ORDINANCE NO. O-16033  
(New Series)  
AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 2,  
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SEC-  
TION 42.0123 PROHIBITING THE OPENING AND REPLACING  
OF FOOD AND BEVERAGE PACKAGES.  
This ordinance prohibits unauthorized persons from opening  
food and beverage packages in grocery stores and replacing them  
on display so as to be available for sale to others.  
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 August 15, 1983.  
Passed and adopted by the Council of The City of San Diego on  
September 12, 1983.  
AUTHENTICATED BY:  
ROGER HEDGECOCK,  
Mayor of The City of San Diego, California,  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.  
(SEAL)  
By JUNE A. BLACKNELL, Deputy,  
Publish Oct. 10, 1983 80-1203

I, Carrie Gedeon, 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

CITY ATTORNEY DIGEST  
ORDINANCE NO. O-16033  
(New Series)

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:

4" x 8" 87 = 35.48

October 10, 1983

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 10th day of Oct, 19 83.

*Carrie Gedeon*

(Signature)

01050