

(O-89-105)

ORDINANCE NUMBER O- 17223 (NEW SERIES)

ADOPTED ON JAN 23 1989

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 41.07.1; ARTICLE 2, SECTION 42.0101, AND BY ADDING DIVISION 11, SECTIONS 42.1101, 42.1102, 42.1103, 42.1104, 42.1105, 42.1106, 42.1107 AND 42.1108, RELATING TO FOOD CATERERS AND CATERING EQUIPMENT RENTALS.

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 amending section 41.07.1 to read as follows:

SEC. 41.07.1 HEALTH PERMIT FEES - GENERAL - ANNUAL INSPECTION FEE

Except as otherwise specifically provided in this Chapter, every person applying for a permit under the provisions of this chapter shall at the time of making application for such permit pay a fee, the exact amount which shall be determined by the County of San Diego and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book. In any case where the applicant has failed for a period of thirty (30) days to file the application and obtain the required permit, license or registration there shall be added to and collected with the required

fee a penalty equal to 10% of the fee and for each additional month or fraction of a month after the expiration of said 30-day period that the application fails to file such application and obtain such permit, license or registration, there shall be added to and collected with the fee an additional penalty equal to 10% of the fee; provided, however, in no event shall the total penalty added to the fee pursuant to this section be more than 60% of the fee. The imposition or payment of the penalty imposed by this section shall not prohibit 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.

Every person applying for a permit under the provisions of this chapter shall at the time of making application for the permit pay a fee for the following:

1. For each establishment, other than vehicle or vending machine, governed by the California State Restaurant Act, California State Retail Food Production and Marketing Establishment Law, Bakery Sanitation Law, and the San Diego Municipal Code and temporary food concessions.

2. For each vehicle under the same ownership and operating out of the same establishment.

3. For each vending machine dispensing milk, ice cream, 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.

4. For each duplicate permit replacing a permit previously issued.

5. For each catering business, facility, or catering equipment rental establishment.

Section 2. That Chapter IV, Article 2, of the San Diego Municipal Code be and the same is hereby amended by amending section 42.0101 and by adding Division 11, sections 42.1101, 42.1102, 42.1103, 42.1104, 42.1105, 42.1106, 42.1107 and 42.1108, to read as follows:

**SEC. 42.0101 HEALTH REGULATED BUSINESS DEFINED -
REGULATED**

Health regulated businesses shall include any restaurant, itinerant restaurant, vessel, cafe, cafeteria, lunch counter, soda fountain, ice cream parlor, soft drink stand, fruit or produce stand, grocery, bakery, confectionery, delicatessen store, cannery, pet shop, bottled water establishment, candy factory, packing plant, concession (temporary or permanent), winery, liquor establishment, fish

market, vending vehicle, vending machine, mobile food unit, pushcart, caterers, catering equipment rental establishment, or other place where food or beverages are prepared for sale, or are sold, stored, distributed or displayed for sale, or are caused or permitted to be given away. They shall be regulated as herein provided.

Health regulated businesses shall not include private homes or cooperative arrangements by employees who purchase food or beverages for their own consumption and where no employee is assigned full time to care for or operate equipment used in such arrangement; nor shall the term "health regulated business" include churches, church societies, private clubs or other non profit associations of a religious, philanthropic, civic improvement, social, political, or educational nature, which purchase food, food products or beverages or which receive donations of food, food products, or beverages, for service without charge to their members, or for service or sale at a reasonable charge to their members or to the general public at occasional 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 of functions of the club or association, and if no employee or member is assigned full time to care for or operate equipment used in such arrangement.

DIVISION 11

FOOD CATERERS AND CATERING EQUIPMENT RENTALS

SEC. 42.1101 DEFINITIONS

Whenever in this division, 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 for service or sale at a reasonable 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 San Diego County Department of Health Services when enforcing the terms of this Chapter for the City of San Diego.

SEC. 42.1102 APPLICATION OF ORDINANCES

The provisions of Chapter IV of the San Diego Municipal Code, Division 1, Title 6, of the San Diego County Code of Regulatory Ordinances, and the California Uniform Retail Food Facilities Law (CURFFL) relative to food handler training and the

preparation and distribution of food apply to caterers and caterer operations.

SEC. 42.1103 HEALTH PERMITS AND FEES

Persons operating as caterers and catering equipment rental establishments are considered to be operating a health regulated establishment and are subject to public health permit requirements as specified in Section 61.110 of the San Diego County Code. Such persons shall pay the permit fees prescribed for restaurants in Section 65.107(a) of the San Diego County Code and shall be subject to penalties for delinquent fee payment as set forth in Sections 65.104 and 65.105 of San Diego County Code.

SEC. 42.1104 NOTIFICATION OF CATERING EVENTS

When requested by the Deputy Director of Environmental Health Services, caterers shall notify the Department of the time, date and location of each catering function in a manner specified by the Department.

SEC. 42.1105 POTENTIALLY HAZARDOUS FOODS

All potentially hazardous foods as defined in Section 27531 of the California Uniform Retail Food Facilities Law that are stored, held, transported or served by a caterer must be protected from contamination and kept at temperatures as required by California State law.

SEC. 42.1106 TOILET FACILITIES

Adequate toilet and handwashing facilities, as determined by the Deputy Director of Environmental Health Services, must be reasonably available in the vicinity of any location where food is prepared or served.

SEC. 42.1107 CATERING VEHICLES

No person or company shall operate or cause to be operated, a catering vehicle without complying with the following:

(a) Such person or company shall have a valid health permit as required in Section 61.192 of the San Diego County Code.

(b) Foods and food containers shall be carried in compartments with cleanable interior surfaces.

(c) Vehicles shall be maintained in a clean condition.

SEC. 42.1108 CATERING EQUIPMENT RENTAL ESTABLISHMENT

No person or company shall operate or cause to be operated, a catering equipment rental establishment without complying with the following:

(a) All food service equipment shall be stored in a building that meets the requirements of the California State law.

(b) All food service equipment such as dishes, glasses, tableware, pots and pans shall be cleaned and sanitized by methods prescribed in the California Uniform Retail Food Facilities Law.

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 Mary Kay Jackson
Mary Kay Jackson
Deputy City Attorney

MKJ:mrh
11/15/88
Or.Dept:Fin.Mgmt.
O-89-105
Form=o.code

RECEIVED

11/19/88

88 DEC 20 AM 10:12

CITY CLERKS OFFICE
SAN DIEGO, CA

501-441-0000
0-86-112
OFFICE OF THE CLERK
11/19/88
CITY CLERK

DEBORAH C. [unclear]
AREA [unclear]



RECEIVED [unclear] 11/19/88

ALL THE INFORMATION ON THIS PAGE IS UNCLASSIFIED

EXCEPT FOR THE INFORMATION THAT IS INDICATED BY THE

DATE AND TIME STAMPS AND THE SIGNATURE OF THE

OFFICIAL WHO HAS AUTHORITY TO DECLASSIFY THIS

INFORMATION. FOR MORE INFORMATION, CONTACT THE

OFFICE OF THE CLERK, SAN DIEGO, CALIFORNIA

#68

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *Ellen Boward*, 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 9 1989, and on JAN 23 1989

~~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 Boward*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17223 Adopted JAN 23 1989

JAN 23 1989

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By..... *Ellen Boward* 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 9 1989

JAN 23 1989

, and on

~~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 Boward* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number

0-17223

Adopted

JAN 23 1989

RECEIVED

88 DEC 20 AM 10:12

CITY CLERKS OFFICE
SAN DIEGO, CA



[Faint, mostly illegible text, possibly a letter or official communication]

DEC 20 1988

DEC 20 1988

RECEIVED

RECEIVED

[Faint list of names or titles, possibly a distribution list]

[Faint list of names or titles, possibly a distribution list]

DEC 20 1988

51
#68

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
89 FEB 10 AM 10:38
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BLDG., 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1, OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING SECTION 41.07.1; ARTICLE 2,
SECTION 42.0101, AND BY ADDING DIVISION 11, SECTIONS 42.1101,
42.1102, 42.1103, 42.1104, 42.1105, 42.1106, 42.1107 AND
42.1108, RELATING TO FOOD CATERERS AND CATERING EQUIPMENT RENTALS

NO.

ORDINANCE NUMBER 0-17223 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 41.07.1; ARTICLE 2, SECTION 42.0101, AND BY ADDING DIVISION 11, SECTIONS 42.1101, 42.1102, 42.1103, 42.1104, 42.1105, 42.1106, 42.1107 AND 42.1108, RELATING TO FOOD CATERERS AND CATERING EQUIPMENT RENTALS.

This ordinance amends Chapter IV, Article 1 of the San Diego Municipal Code section 41.07.1, by adding caterers and catering equipment rental establishments to the list of businesses required to pay health inspection fees. This ordinance also amends Chapter IV, Article 2, Section 42.0101 by including within the definition of health regulated businesses caterers and catering equipment rental establishments. The ordinance further amends Chapter IV by adding Division 11, Sections 42.1101 through 42.1108 which provide for regulation of food caterers and catering equipment rentals since such facilities are not specifically included in state regulation of food facilities.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on January 9, 1989

Passed and adopted by the Council of The City of San Diego on January 23, 1989

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By ELLEN BOVARD, Deputy

Pub. February 8

129151

I, THOMAS D. KELLEHER, 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

ORDINANCE NUMBER 0-17223 (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:

FEB. 6

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

Dated at San Diego, California this 6 day of FEB., 19 89.

(Signature)

2 7/8" = \$32.57