

(O-98-114)

ORDINANCE NUMBER O- 18500 (NEW SERIES)

ADOPTED ON APR 20 1998

AN EMERGENCY INTERIM ORDINANCE AMENDING
CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO
MUNICIPAL CODE BY ADDING SECTION 101.0519
RELATING TO CUSTOM PROCESSING OF POULTRY
WITHIN THE MID-CITY PLANNING AREA.

WHEREAS, there exists among the population of the Mid-City Planning area a strong demand for freshly or ritually ("custom") slaughtered and processed poultry; and

WHEREAS, there presently exist no licensed custom poultry processing facilities within The City of San Diego; and

WHEREAS, the Municipal Code of The City of San Diego permits poultry slaughter within outlying rural areas zoned A-1 (Agricultural) only; and

WHEREAS, a large number of households within the Mid-City Planning Area do not have access to use of an automobile and are dependent on public transportation; and

WHEREAS, in the absence of licensed and conveniently located suppliers of custom processed poultry, residents and businesses within the Mid-City Planning Area have engaged in unregulated poultry slaughter and/or sale; and

WHEREAS, the State of California, in response to the public health threat posed by unregulated custom poultry processing, has established a poultry slaughter inspection and licensing program within Division 12 of the California Food and Agriculture Code that regulates custom poultry processing; and

WHEREAS, the State of California has declared that unregulated animal slaughter and

processing activities within The City of San Diego constitutes an impending public health and safety emergency; and

WHEREAS, the establishment of a limited number of regulated and conveniently located custom poultry processing facilities within The City of San Diego would significantly reduce the incidence of potentially unhealthful clandestine slaughter activities; and

WHEREAS, the Council finds the threat of food-borne illness from unregulated animal slaughter in the City requires the Council to take immediate action to preserve public health;

NOW, THEREFORE,

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

Section 1. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code is amended by adding Section 101.0519 to read as follows:

SEC. 101.0519 Custom Poultry Processing Facilities

A. Definitions

(1) For the purposes of Section 101.0519, the definitions established in Division 12 of the California Food and Agriculture Code and Municipal Code, Chapter X, Article 1, Division 1 apply to all activities regulated in Section 101.0519. If there is a conflict between the state definitions and the Municipal Code definitions, the Municipal Code definitions apply.

(2) "Custom Poultry Processing Facility" means a facility subject to regulation under Division 12 of the California Food and Agriculture Code.

B. Conditional Use Permit Required

Where not allowed as a permitted use in the underlying zone, Custom Poultry

Processing Facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three if:

- (1) the proposed facility is located east of Interstate 805, and within the CN-1, CN-2, CL-1 or CL-2 Zones of the Mid-City Planned District; and
- (2) There are no more than four Custom Poultry Processing Facilities currently operating pursuant to conditional permits issued under Section 101.0519.

C. Development Standards and Locational Criteria

The following development standards and locational criteria are minimum requirements for Custom Poultry Processing Facilities. The decision-maker may apply additional requirements in order to meet community plan objectives and recommendations or to address special circumstances of the development proposal including, but not limited to, State and County licensing requirements.

1. The facility must have a valid permit for poultry processing issued by the State of California, Department of Agriculture.
2. The sale of live animals is prohibited.
3. Only poultry may be slaughtered on site.
4. The hours of operation of the facility, including delivery of live poultry and removal of waste material, shall be limited to 7:00 a.m. to 7:00 p.m.
5. Custom Poultry Processing Facilities shall be located no closer than 20 feet from property zoned exclusively for residential use.
6. Windows in poultry storage and slaughter areas shall be of a type not permitting the circulation of air between indoor and outdoor areas.

7. Air contaminants including smoke, dust, grime, toxic fumes, gases, odors, and particulate matter, and/or any emissions that endanger human health, cause damage to vegetation or property, or cause soiling shall not be permitted to emanate from the building within which the Custom Poultry Processing Facility is located. In addition, the California Department of Public Health standards and the Air Pollution Control District (APCD) regulations shall be consulted for additional regulations addressing off-site development impacts.

D. Application - Form and Content

In addition to those requirements established in Municipal Code Chapter 11, Article 3, Division 3, applications for Conditional Use Permits for Custom Poultry Processing shall include fully dimensioned plans and specifications indicating poultry receiving areas, storage areas for live poultry, slaughter areas, waste storage and disposal facilities and areas open to the public.

Section 2. This emergency ordinance shall take effect and be in force on the day of its adoption by the Council of The City of San Diego in accordance with Charter section 17 and shall expire on the effective date of Ordinance No. OO- 18503 (O-98-109).

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:cdk
04/13/98
Or.Dept:Dev.Svcs.
O-98-114