

Chapter 4
Health and Sanitation
(Amended 2-10-1953 by O-5486 N.S.)

Article 1: Definitions — Authority and Procedure — Permits — Fees

Division 00:

§41.00 Purpose and Intent

It is the intent of the Council that this Chapter provide minimum health standards for the City of San Diego.
(“Purpose and Intent” added 4-13-1965 by O-9194 N.S.)

§41.01 Definitions and Interpretations

The following words and phrases wherever used in this Chapter shall be construed as defined in the following sections unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.
(Amended 2-10-1953 by O-5486 N.S.)

§41.01.1 Health Department or Department of Public Health

The term HEALTH DEPARTMENT or DEPARTMENT of PUBLIC HEALTH means the San Diego County Department of Environmental Health when the latter is enforcing the terms of this Chapter for the City of San Diego.
(Amended 3-7-1983 by O-15914 N.S.)
(Amended 1-2-2013 by O-20229 N.S.; effective 2-1-2013.)

§41.01.2 Health Officer or Director

The term HEALTH OFFICER or DIRECTOR means the Director of the San Diego County Department of Environmental Health and any officer or employee of the Health Department.
(Amended 5-11-1954 by O-6103 N.S.)
(Amended 1-2-2013 by O-20229 N.S.; effective 2-1-2013.)

§41.01.4 Establishment

ESTABLISHMENT means each individual site, premise, vehicle or vessel from which a Health Regulated Business is conducted. Individual sites and premises which are contiguous and which are under one management shall be considered a single establishment. Individual sites and premises which are in or about the grounds of a stadium, ball park, theater or other facility at which large groups of people congregate and which are under one management shall be considered a single establishment.
(Amended 4-13-1965 by O-9194 N.S.)

§41.01.5 Building

The term BUILDING means any structure built for the support, shelter, or enclosure of persons, animals or chattels; and when separated by division walls without openings, each portion so separated shall be deemed a separate building.
(Amended 2-10-1953 by O-5486 N.S.)

§41.01.6 Premises

The term PREMISES means all buildings, sheds, barns, animal pens or shelters, garages, docks, wharves, piers, and the like, whether public or private, standing alone, separately, or together with any other building herein defined, and shall include the land and its covering.
(Amended 2-10-1953 by O-5486 N.S.)

§41.01.7 Opening

The term OPENING means and refers to any opening or break in the foundation sides or walls, ground or first floors, basements and roofs, including chimney, eaves, grills, windows, ventilators, sidewalk grates and elevators, and around any pipe, wire or other installation connecting with a building or premises through which a rat might enter.
(Amended 2-10-1953 by O-5486 N.S.)

§41.01.8 Rat Stoppage, Rat Proofing

The term RAT STOPPAGE or RAT PROOFING as used herein means a form of rat proofing to prevent the ingress or egress of rats and other rodents into or from buildings or premises. It consists essentially of the closing or protection of all openings in the exterior walls, ground or first floors, basements, roofs, and foundations, with material impervious to rat gnawing, in such manner as to prevent rats from gaining entrance.
(Amended 2-10-1953 by O-5486 N.S.)

§41.01.9 Rat Harborage

The term RAT HARBORAGE means any condition which provides shelter or protection for rats or other rodents, thus favoring their multiplication and continued existence in, under, on top of, or outside of any structure of any kind, or in, under, or on top of the land itself.

(Amended 2-10-1953 by O-5486 N.S.)

§41.01.12 Dairy, Dairy Farms

The term DAIRY or DAIRY FARMS means any place or premises where one or more cows or other milk animal or animals are kept, from which a part of, or all of the milk or milk products are bottled and sold or sold and delivered to any person.

(Amended 2-10-1953 by O-5846 N.S.)

§41.01.13 Tattooing

The term TATTOOING means any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

(Amended 2-10-1953 by O-5846 N.S.)

§41.01.14 Cesspool, Septic Tank, Seepage Pit, Subsurface Disposal System

The terms CESSPOOL, SEPTIC TANK, SEEPAGE PIT, SUBSURFACE DISPOSAL SYSTEM shall mean all types of sewage disposal, other than regular sewage disposal plants and systems operated by a political subdivision.

(Amended 2-10-1953 by O-5846 N.S.)

§41.01.16 Fowl and Homing or Racing or Fancy Pigeon Defined

- (a) The term FOWL shall mean chicken, turkey, goose, duck, pigeons kept for meat or egg purposes, guinea fowl, peafowl or poultry, but shall not include racing or homing pigeons or fancy pigeons.
- (b) The term “racing or homing pigeon” shall mean pedigree pigeons which are banded and kept for the purpose of racing or homing sporting events conducted by a nationally affiliated sporting association such as the American Racing Pigeon Union or the International Federation of Racing Pigeon Fanciers.

- (c) The term “fancy pigeon” shall mean pedigrees which are banded and kept for the purpose of exhibition at shows conducted by a nationally affiliated fancy pigeon association such as the National Pigeon Association or the American Pigeon Club.
- (d) The keeping of feral pigeons shall be prohibited.

(Retitled to “Fowl & Homing or Racing or Fancy Pigeons Defined” and amended 1-27-1997 by O-18378 N.S.)

§41.01.19 Perishable Food — Defined

As used in this Chapter, PERISHABLE FOOD means food or beverage products which support or are conducive to the rapid and progressive growth of pathogenic microorganisms.

(“Perishable Food — Defined” added 4-13-1965 by O-9194 N.S.)

§41.01.20 Food — Defined

As used in this Chapter, FOOD includes all articles used for food, drink, liquor, confectionery, condiment, or chewing gum by man or household pets, whether such articles are simple, mixed, or compound.

(“Food — Defined” added 4-13-1965 by O-9194)

§41.02 Health Regulated Businesses — Health Permits

The occupations, businesses and activities which are the subject of Article 2 of this Chapter are designated as “Health Regulated Businesses.”

(Amended 2-10-1953 by O-5846 N.S.)

§41.03 Health Permits and Grade Cards Required

No person shall conduct, manage or operate a Health Regulated Business without a current health permit issued by the San Diego County Department of Environmental Health. A separate health permit shall be required for each establishment. Health permits shall not be transferable from one person to another or from one location to another.

(Amended 3-7-1983 by O-15914 N.S.)

(Amended 1-2-2013 by O-20229 N.S.; effective 2-1-2013.)

§41.04 Application for Health Permit

Every applicant for a Health Permit shall file with the Health Department a written application which shall state the name and address of the applicant, a description of the property, its location, street and number wherein and whereon it is proposed to conduct the Health Regulated Business and such other information as the Health Department may require.

At the time of filing such application, the applicant shall pay to the Clerk designated by the Health Department the fee hereinafter established.

(Amended 2-10-1953 by O-5846 N.S.)

§41.05 Issuance of Health Permits — Suspension and Revocation

Upon receipt of the application and fee, the Health Officer shall issue a Health Permit therefor if the Health Department's investigation discloses that the facts set forth in such application are true, the health conditions in and about the place wherein and whereon it is proposed to conduct the Health Regulated Business and the business or activity itself conforms to the requirements of this Code, to the rules and regulations of the Health Department and to the requirements of any codes of the State of California and any regulations issued pursuant thereto pertaining to particular activities subject to regulation therein; that the activity shall not result in a violation of such codes and regulations, otherwise such Health Permit shall be denied, or, if previously issued, shall be suspended or revoked.

("Issuance of Health Permits— Suspension and Revocation" added 2-10-1953 by O-5846 N.S.)

§41.08 Burial or Removal Permit — Fee

The fee for the burial or removal permit required by Division 7, Part 1, Chapter VI of the Health and Safety Code of the State of California, shall be one dollar (\$1.00). The fee shall not be collected under the following conditions:

- (a) Where any provision of the Health and Safety Code requires the payment of any other fee by the applicant for a burial or removal permit;
- (b) Where the permit is required for the burial or removal of a body of a member of the Armed Forces of the United States who shall have died while serving in the Armed Forces beyond the continental limits of the United States or on foreign soil;
- (c) Where the cost of burial or removal of a body has been paid or will be paid by the State of California, or any political subdivision thereof.

(Amended 2-10-1953 by O-5486 N.S.)

§41.31 Rules and Regulations — Authority

The Health Department shall provide such rules and regulations for any subject regulated in this chapter as shall be necessary to prevent such from becoming a nuisance or in any way affecting the peace, health or safety of residents of The City of San Diego.

(“Rules and Regulations — Authority” renumbered from Sec. 41.12 on 5-11-1954 by O-6103 N.S.)

§41.32 Enforcement Officer — Authority — Inspection

The Health Officer shall enforce the provisions of this Chapter and inspect the activities regulated. No person shall resist, obstruct or delay the Health Officer in the performance of his duties.

When inspection of vending machines by the Health Officer is required under the provisions of this Chapter, the owner, operator or manager thereof, or his duly appointed agent, shall be present at the time and place specified by the Health Officer for such inspection.

(Amended 4-13-1965 by O-9194 N.S.)

§41.33 Nuisance — Powers of Health Officer

Any establishment or activity which is found by the Health Officer to be unsanitary or a menace to the public health or which is a violation of this Chapter, is declared to be a public nuisance. The Health Officer is authorized and empowered to take such action as is provided in the laws of the State of California and in the San Diego Municipal Code. In the event that immediate and emergency action is necessary to preserve the public health or safety, the Health Officer is authorized and empowered to summarily abate such nuisance by any reasonable means.

(Amended 9-1-1959 by O-8164 N.S.)

§41.35 Communicable Disease Control

No person who has contracted or is afflicted with a communicable disease transmissible either directly or through food or drink to other persons, or who is known or suspected to be a carrier of organisms causing communicable disease, or who is suffering from an infection transmissible to other persons, or who has come in contact with such persons, shall work in any Health Regulated Business.

(Amended 4-13-1965 by O-9194 N.S.)

§41.36 Vermin Infestation

Establishments infested with rodents, roaches, ants, or other vermin or pests are declared to be a public nuisance. When it appears to the Health Officer that a public nuisance exists, written notice to abate same shall be sent by certified mail to the person owning, operating or managing the establishment. Failure to comply with such notice within thirty (30) days from the date of mailing is a misdemeanor and the Health Officer shall close such establishments until abatement of the nuisance.
(“Vermin Infestation” added 4-13-1965 by O-9194 N.S.)