

ATTACHMENT D(2)
CLEAN VERSION OF ORDINANCE

ORDINANCE NO. 9525 (NEW SERIES)

AN ORDINANCE AMENDING PORTIONS OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO FOOD AND HOUSING

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that certain sections of the San Diego County Code of Regulatory Ordinances pertaining to Food and Housing need to be updated in order to clarify ambiguous language, reflect new terminology, provide for better enforcement in regards to food and housing safety and meet new requirements in state law. Additionally, the Board finds and determines that the Department has recently discovered heavy vermin infestations at wholesale food warehouses that supply food to local restaurants and markets, and that these wholesale food warehouses are not under permit or inspection by any food safety regulatory agency. The Board further finds and determines that although revised state law has given the Department of Environmental Health the authority to perform inspections in wholesale food warehouses, there are inadequate food safety requirements available in state law in regards to wholesale food warehouses to ensure the public's health and safety. Accordingly, the Board of Supervisors authorizes the amendment of appropriate sections of the San Diego County Code of Regulatory Ordinance to update these sections and to create a local Wholesale Food Warehouse Ordinance to provide adequate public health requirements and ensure the safety of the citizens of San Diego County. The provisions of this ordinance shall be operative as of January 10, 2003.

Section 2. Section 61.111.2 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.111.2. FEES FOR UNLICENSED ACTIVITIES

- (a) The County shall recover the cost of the Director's enforcement activities when they are not otherwise regulated by a permit as a health regulated business. The County shall also recover any reasonable costs that it may incur in connection with the collection of such fees.
- (b) The fee shall be assessed when the Director has issued an official inspection report requiring correction of a condition found to exist.

Section 3. Section 61.128 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.128. NOTICE OF CLOSURE

The Director may order closed and post a notice of closure on any health regulated business when it has been determined that the health regulated business does not have a current permit to operate, or if it has been determined that there is a danger to the public health and safety. Such notice shall only be removed by the Director when it has been determined that the business has a current health permit and is safe to operate. Removal of the notice of closure is a violation of this chapter and shall be punishable as specified in Section 61.103 and/or may result in the revocation of the health permit.

Section 4. Section 61.143 is hereby amended to read as follows:

SEC. 61.143. RODENT OR VERMIN INFESTATION.

The owner, operator or manager of every establishment shall keep the premises free and rid of rats, mice, roaches, ants and other vermin and pests.

Section 5. Section 61.149 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.149. LIMITED FOOD PREPARATION

Limited food preparation includes:

1. Hot dogs, frozen ice cream, nonpotentially hazardous beverages and coffee or cocoa-based beverages that may contain cream, milk or similar dairy products requiring no preparation other than heating, blending, assembly, scooping or dispensing.
2. Alcoholic Beverage Control (ABC) license type 42 or 48 facilities that do not engage in the activities listed in 3.
3. Limited food preparation does not include slicing, chopping or grinding of raw potentially hazardous foods; reheating for hot holding; washing of foods; or cooking, baking, barbecuing, broiling, frying and grilling of potentially hazardous foods.

Section 6. Section 61.179.2 is hereby amended to read as follows:

SEC. 61.179.2. RESPONSIBILITY FOR VIOLATIONS.

The owners, managers or operators of any mobile food facility, mobile food preparation unit or stationary mobile food preparation unit are responsible for the violation of any provision of this Article by their servants, agents or employees.

Section 7. Section 61.180 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.180. CERTIFICATION INSPECTION

The Director may require that each mobile food facility or mobile food preparation unit have an annual certification inspection at a location designated by the Department of Environmental Health. A certification sticker shall be provided once the operator has successfully passed inspection and submitted proof of an approved commissary. Notice of such inspection, when required, shall be provided with the permit renewal. Failure of the operator to have and pass an annual certification inspection during the designated time period, when required, is subject to a fee of up to 50% of the cost of the permit and immediate closure until a permit and certification sticker are obtained.

Whenever in this article 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 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 County of San Diego Department of Environmental Health.

- (f) **EVENT CATERER.** A catering business which operates at temporary events and is based from a licensed food establishment for the storage and handling of food and utensils.
- (g) **RETAIL FOOD DELIVERY VEHICLE.** A business where food is delivered from a permitted retail food facility by a person or business other than an employee of the permitted food facility.

Section 8. Section 61.194 is hereby amended to read as follows:

SEC. 61.194. POTENTIALLY HAZARDOUS FOODS.

All potentially hazardous foods as defined in Sec. 113845 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.

Section 9. Section 61.196 is hereby amended to read as follows:

SEC. 61.196. 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 Sec. 61.192 of this Code.
- (b) Foods and food containers shall be carried in compartments with cleanable interior surfaces.
- (c) Vehicles shall be maintained in a clean condition.
- (d) Compartments used to carry foods shall be capable of maintaining potentially hazardous foods at or below 41 degrees Fahrenheit or at or above 140 degrees Fahrenheit.

Section 10. Section 61.201 is hereby amended to read as follows:

SEC. 61.201. FOOD HANDLER.

For the purposes of this chapter, "FOOD HANDLER" shall mean any person engaged or employed in a business, occupation or establishment for which a permit is required by Chapter 1 of Division 1 of Title 6 of this Code who is involved in the preparation, storage, service or handling of food products or utensils. Food Handler shall not include, however, those persons engaged or employed in prepackaged food facilities, 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.

Section 11. Section 61.201 is hereby amended to read as follows:

SEC. 61.206.5. FOOD HANDLER RECORDS.

The owner or operator of any business, occupation or establishment employing food handlers shall maintain on the premises of such business, occupation or establishment a list of all food handlers and food safety certificate holders employed therein. In addition, the owner or operator shall maintain copies of the Food Handler Training Certificates, Food Handler Cards, and Food Safety Certificates of each food handler employed at the facility. All such records shall be made available to the Director or his representative, upon request, at all times the establishment is open for business.

Section 12. Section 61.211 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.211. WHOLESALE FOOD WAREHOUSES

Sections 61.211 through Section 61.256 are to be known as the Wholesale Food Warehouse Ordinance.

The Department of Environmental Health shall be and is hereby authorized and empowered to make inspections and issue permits to the owners and/or operators of wholesale food warehouses that hold or distribute food at wholesale.

Section 13. Section 61.212 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.212. DEFINITIONS.

Whenever in this article the following terms are used, they shall have the meanings respectively ascribed to them in this section:

(a) ADULTERATED. Having been made impure by the addition of any poisonous or deleterious substance; or in the case of food, foodstuffs that have been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated or rendered unwholesome, diseased or injurious to health.

(b) APPROVED. Acceptable to the Director based upon a determination of conformity with applicable laws, or in the absence of applicable laws, with current public health principles, practices and generally recognized industry standards that protect the public health.

(c) APPROVED SOURCE. A producer, manufacturer, distributor, or food establishment that is acceptable to the Director based on the determination of conformity with applicable laws, or in the absence of applicable laws, with current health principles and practices, and generally recognized industry standards that protect public health.

(d) DIRECTOR. For the purposes of this chapter, "Director" shall mean the Director of the Department of Environmental Health of San Diego County and his/her designees.

(e) EMBARGO. The legal control exercised by the Director over the use, sale, disposal or removal of any food.

(f) EMPLOYEE. Any person working in a wholesale food warehouse, including managers and/or owners.

(g) FOOD. Any raw or processed substance, ice, beverage, including water, or ingredient intended to be used as food, drink, confection or condiment for human or animal consumption.

(h) GOOD MANUFACTURING PRACTICES. The practices for manufacturing, packing, or holding food described in Title 21 of the Code of Federal Regulations, Part 110.

(i) IMMEDIATE DANGER TO THE PUBLIC HEALTH OR SAFETY. For the purposes of this section, any condition, based upon inspection findings or other evidence, that can cause food infection, food intoxication, disease transmission; a hazardous condition, including, but not limited to, unsafe food temperature, sewage contamination, no potable water supply, and vermin infestation; or an employee who is a carrier of a communicable disease. Any food facility for which the permit is suspended shall close and remain closed until authorized to reopen by the Director or Health Officer.

(j) IMPOUND. The legal control exercised by the Director over the use, sale, disposal or removal of any equipment or utensil.

(k) POTENTIALLY HAZARDOUS FOOD. Any food that is capable of (1) supporting rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications or (2) supporting the growth or toxic production of *Clostridium botulinum*. "Potentially hazardous food" does not include foods that have a pH level of 4.6 or below; foods that have a water activity (a_w) value of 0.85 or less under standard conditions; food products in hermetically sealed containers processed to prevent spoilage; or food that has been shown by appropriate microbial challenge studies, the results of which are approved by the Director, not to support the rapid and progressive

growth of infectious, toxigenic microorganisms that may cause food infections or food intoxications, or the growth of *Clostridium botulinum*.

(l) REMODEL. For purposes of this chapter, remodel means any replacement, significant modification, or installation of walk-in refrigerators or freezers, toilet rooms, and sinks used for utensil washing.

(m) WHOLESALE FOOD WAREHOUSE. Any place, building, structure, room or portion thereof, where food is commercially distributed, stored, or held for transfer. "Wholesale Food Warehouse" does not include food processing establishments, retail food facilities, or warehouses where only packaged beverages or food in sealed cans or bottles is received, stored and shipped in the same package as received, without opening or modifying the original package.

Section 14. Section 61.213 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.213. VIOLATION OF ANY SECTION OF THIS CHAPTER IS A MISDEMEANOR.

Any person who violates this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine not less than \$25 or more than \$1000 or by imprisonment in the county jail for a term not exceeding six months or by both such fine and imprisonment. Every day any violations of this chapter shall continue shall constitute a separate and distinct offense.

Section 15. Section 61.214 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.214. NUISANCE—POWER OF DIRECTOR.

Every wholesale food warehouse kept, maintained or operated in violation of this chapter, and all food produced, prepared, manufactured, packed, stored, kept, sold, distributed or transported in violation of this chapter is declared a public nuisance. The Director is authorized and empowered to take such action as is necessary to abate the nuisance. In the event that immediate action is necessary to preserve or protect the public health or safety, the Director is authorized and empowered to summarily abate such nuisance by any reasonable means; otherwise, the Director shall inaugurate proceedings in accordance with Section 11.116, the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of this Code, or shall seek a court order abating the nuisance. Nothing contained in this Code shall be deemed to limit the right and duty of the Director to take immediate action in the interests of the public health, safety and welfare. The remedies authorized by this section are not exclusive, but are cumulative to other remedies provided by law.

Section 16. Section 61.215 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.215. PERMIT REQUIREMENT.

A wholesale food warehouse shall not store, distribute, transport, ship, or otherwise handle food without all necessary permits, including a valid health permit. A wholesale food warehouse operating without the requisite permit may be subject to closure.

Section 17. Section 61.216 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.216. PLAN REVIEW AND PERMITS.

Any person proposing to build or remodel a wholesale food warehouse shall submit complete construction plans, drawn to scale, and specifications to the Environmental Health Department for review and approval before starting construction or remodeling. Any construction shall be in accordance with applicable health and building codes. The Building Department shall not issue a building permit for a wholesale food warehouse until after it has received approval by the Environmental Health Department. Those facilities constructed prior to January 1, 2003 shall not be subject to plan review and construction upgrades unless the equipment, building or facilities are in disrepair, creating a public health nuisance, or undergoing remodeling.

Section 18. Section 61.217 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.217. POSTING OF PERMIT.

A wholesale food warehouse shall post its health permit in a conspicuous place in the establishment.

Section 19. Section 61.218 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.218. RIGHT TO INSPECT.

The Director may enter and inspect, any wholesale food warehouse or any place suspected of being a wholesale food warehouse and may issue inspection reports, official notices, and secure any sample, photograph or other evidence for the purpose of enforcing this chapter.

Section 20. Section 61.219 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.219. RESISTING OR DISOBEYING A DIRECTOR PROHIBITED.

No person shall refuse, resist or attempt to resist the entry of the Director into any establishment, facility, railway car, stage, vehicle, building, room, lot, place, or portion thereof in the County in the performance of his or her duty. No person shall refuse to obey any lawful order of the Director, made in the performance of his or her duties, within the power conferred upon him or her by state law or by this chapter.

Section 21. Section 61.220 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.220. INSPECTION REPORT AND HEARING.

The Director shall prepare a written report of inspection and a copy shall be supplied or mailed to the permittee of the facility inspected. If the permittee fails to comply with the requests of the Director, the Director shall issue to the permittee a notice setting forth the acts or omissions with which the permittee is charged, and informing him or her of a right to a hearing, if requested, to show cause why the permit should not be suspended or revoked.

Section 22. Section 61.221 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.221. PERMIT SUSPENSION.

A health permit may be immediately suspended for repeated violations of this chapter, interference with the Director in the performance of his or her duty, or the presence of an immediate danger to the public health or safety unless the danger is immediately corrected.

Section 23. Section 61.222 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.222. PERMIT SUSPENSION NOTICE.

Whenever a permit is suspended for violating this chapter, the Director shall issue to the permittee a notice setting forth the acts or omissions with which the permittee is charged and informing the permittee of the right to a hearing.

Section 24. Section 61.223 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.223. SUSPENDED PERMIT REINSTATEMENT.

A permit that has been suspended for violations of this chapter may be reinstated, if the Director determines that conditions which prompted the suspension no longer exist.

Section 25. Section 61.224 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.224. PERMIT REVOCATION.

The Director may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of this chapter, interference in the performance of the duty of the Director, or an immediate danger to the public health or safety. Any wholesale food warehouse for which the permit has been revoked shall close and remain closed until a new permit has been issued.

Section 26. Section 61.225 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.225. APPEAL OF REVOCATION.

A person aggrieved by the denial to of a permit may appeal from such denial to the Board of Supervisors in the manner set forth in Section 61.126.

Section 27. Section 61.226 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.226. RIGHT TO IMPOUND.

The Director may impound any equipment or utensil in a wholesale food warehouse, which is unapproved, found to be insanitary, or in such disrepair that it may cause food to become contaminated or adulterated. The Director may place a tag on impounded equipment or utensils that shall be removed only by the Director.

Section 28. Section 61.227 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.227. RIGHT TO EMBARGO.

The Director may embargo any food suspected of being adulterated, unfit for human consumption, misbranded, or falsely advertised. The embargoed food shall be identified with a tag, detained, released or discarded.

Section 29. Section 61.228 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.228. RELEASE FROM IMPOUND OR EMBARGO.

The Director shall commence proceedings for the release of any food, equipment, or utensil that has been embargoed or impounded, or to seek administrative or legal remedy for its disposition, within 30 days of such action. It is unlawful for any person to make any disposition of embargoed food or impounded equipment or utensils other than that ordered by the Director.

Section 30. Section 61.229 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.229. RESPONSIBILITY FOR VIOLATIONS.

The owner, manager or operator of any wholesale food warehouse is responsible for any violation of this chapter by his or her employee.

Section 31. Section 61.230 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.230. HEARING PROCEDURES.

Hearings shall be held regarding non-compliance with this chapter in the following manner:

(a) Director requirement. The Director may require the owner, operator or manager of a wholesale food warehouse to attend an administrative hearing to discuss violations of this chapter, disposition of embargoed or impounded items, the suspension or revocation of a health permit, or other significant issue related to food facilities.

(b) Request of facility owner, operator or manager. The owner, operator or manager of a wholesale food warehouse may request an administrative hearing to discuss events related to the enforcement of the provisions of this chapter at his or her food facility. Such events include notices to comply, permit suspensions, and disposition of embargoed or impounded items. The owner, operator or manager must submit a request for a hearing within 15 calendar days after the event. A failure to request a hearing within 15 calendar days of the event shall be deemed a waiver of the right to a hearing. The hearing shall be held within 15 days of the receipt of the request for a hearing. When circumstances warrant, the hearing officer may order a hearing at a reasonable time within this 15-day period to expedite the permit suspension or revocation process.

(c) Hearing rules and procedures and appeal are pursuant to section 61.125, 61.126. and 61.127.

Section 32. Section 61.231 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.231. FOOD HANDLING.

All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, and kept for sale so as to be pure, free from contamination, adulteration, and spoilage; shall have been obtained from approved sources; shall otherwise be fully fit for human consumption; and shall conform to the applicable federal and state laws and regulations including: Good Manufacturing Practices; the Food Sanitation Act; Sherman Food, Drug and Cosmetic Law; the California Business and Professions Code; and applicable sections of Title 17 of the California Code of Regulations. Preparation of food at wholesale shall only take place within a facility approved by and under the jurisdiction of the appropriate state or federal agency. Preparation of food includes the wholesale packaging or processing of unpackaged food, but does not include the trimming of or packaging of whole uncut produce.

Section 33. Section 61.232 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.232. TEMPERATURE REQUIREMENTS.

Potentially hazardous foods shall be maintained at a temperature at or below 41 degrees Fahrenheit or at or above 140 degrees Fahrenheit, except for the following:

- (a) Unshucked live molluscan shellfish shall not be stored or displayed at a temperature above 45 degrees Fahrenheit.
- (b) Frozen foods shall be maintained in a frozen state.
- (c) Pasteurized milk and pasteurized milk products in original, sealed containers shall not be held at a temperature above 45 degrees Fahrenheit.
- (d) Raw shell eggs shall not be stored or displayed at an ambient temperature above 45 degrees Fahrenheit.

Section 34. Section 61.233 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.233. ICE

When ice is used in contact with food, it shall be made from water that is safe and of adequate sanitary quality and shall be used only if it has been manufactured in accordance with Good Manufacturing Practices.

Section 35. Section 61.234 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.234. EMPLOYEE SANITARY PRACTICES.

No employee shall commit any act that may result in contamination or adulteration of any food, food contact surface, food packing material, utensil, or equipment.

Section 36. Section 61.235 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.235. GENERAL SANITATION REQUIREMENTS.

All wholesale food warehouses including all equipment, utensils, facilities, and exterior grounds shall be kept clean, free from vermin, fully operative, and in good repair.

Section 37. Section 61.236 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.236. ANIMALS OR FOWL PROHIBITED.

No live animal or fowl shall be kept or allowed in any wholesale food warehouse where food is prepared, manufactured, kept, stored, distributed, offered for sale, or sold. This section does not apply to dogs used by the blind, signal dogs, service dogs, such dogs in training under proper supervision, dogs under the control of uniformed law enforcement officers, or dogs under the control of uniformed employees of a private patrol service who are licensed pursuant to Chapter 11.5 (commencing with section 7580) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment as private patrolmen.

Section 38. Section 61.237 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.237. PLUMBING.

Plumbing shall be installed according to the Uniform Plumbing Code and shall be protected from backflow, kept clean, fully operative, and in good repair. An adequate, protected, pressurized, potable water supply shall be provided. The water supply shall be from a water system approved by the Director or the state department.

Section 39. Section 61.238 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.238. SEWAGE DISPOSAL.

Sewage disposal shall be made into an approved sewerage system. Wastewater disposal shall comply with National Pollutant Discharge Elimination System (NPDES) and local wastewater treatment district standards.

Section 40. Section 61.239 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.239. SANITARY SUPPLIES AND SIGNS.

- (a) Toilet tissue shall be made available in permanently mounted dispensers at each toilet.
- (b) Each hand-washing sink shall be provided with a permanently mounted dispenser supplied with single service soap, and a permanently mounted single service towel dispenser or other approved hand-drying device.
- (c) Signs shall be posted directing employees to properly wash their hands after using the toilet.

Section 41. Section 61.240 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.240. RUBBISH, OFFAL, GARBAGE, AND PUTRESCIBLE MATTER.

- (a) Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize development of odor, minimize the potential for the waste becoming an attractant, harborage, or breeding place for vermin; protect against contamination of food, food contact surfaces, water supplies, and ground surfaces; and prevent the creation of any other nuisance.
- (b) Any garbage and putrescible matter shall be maintained in leakproof receptacles with close fitting lids. Such receptacles shall be thoroughly cleaned each time their contents are removed.
- (c) Adequate means shall be provided to prevent overflows of the refuse bin containers. Refuse pick up service shall be regular (not to exceed seven days). The size and/or number of refuse bin containers shall be adequate to prevent the creation of a nuisance.

Section 42. Section 61.241 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.241. RETURNED OR DAMAGED FOODS.

All returned or damaged food and food products shall be safe and wholesome before return to inventory storage for distribution or sale.

Section 43. Section 61.242 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.242. CONSTRUCTION AND EQUIPMENT.

It is unlawful to operate a wholesale food warehouse unless such operation is within buildings capable of being fully enclosed with floors, walls and overhead structure in compliance with this chapter. All buildings shall be of sound construction in accordance with all applicable codes; designed and maintained so as to provide proper drainage, plumbing, lighting, and ventilation.

Section 44. Section 61.243 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.243. FLOORS.

The floor surfaces in walk-in refrigerators and freezers, food storage areas, utensil washing areas, refuse or garbage storage areas, and toilet rooms shall be of such construction and material so as to be smooth; impervious to water, grease and corrosives; and easily cleanable. A minimum four inch (4") high approved coved base with a minimum three-eighths inch (3/8") radius shall be provided at the juncture of the wall and floor, except in refuse or garbage storage and warehouse areas.

Section 45. Section 61.244 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.244. WALLS.

Walk-in refrigerators and freezers, utensil-washing areas and toilet rooms shall have walls which are smooth, nonabsorbent, and have a washable finish.

Section 46. Section 61.245 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.245. CEILINGS.

The ceilings in walk-in refrigerators, walk-in freezers, utensils washing areas and toilet rooms shall be smooth, nonabsorbent and have a washable finish.

Section 47. Section 61.246 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.246. VENTILATION.

(a) Approved ventilation shall be provided throughout the establishment to keep all areas reasonably free from excessive heat, steam, condensation, smoke, and vapor, and to provide reasonable comfort for all employees.

(b) Toilet rooms and janitorial rooms shall be provided with an openable screened window, mechanical ventilation, or other approved ventilation system.

Section 48. Section 61.247 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.247. VERMIN PROOFING.

Wholesale food warehouses shall at all times be so constructed, equipped, maintained and operated as to prevent the entrance and harborage of animals, birds, and vermin, including, but not limited to, rodents and insects.

Section 49. Section 61.248 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.248. SANITARY FACILITIES.

(a) Employee handwash lavatories shall be provided within or adjacent to toilet rooms. Warm running water under pressure of at least 100 degrees Fahrenheit shall be provided through a mixing valve or combination faucet. Spring operated faucets are not permitted.

(b) Separate toilet facilities for each sex are required if there are five or more employees per shift. Urinals may be substituted for toilets in toilet rooms for males but shall not exceed one-third (1/3) of the required number of toilets. Required number of toilets and hand washing sinks are dependent upon the number of employees in accordance with the Uniform Plumbing Code. Toilet rooms shall be separated from other portions of the wholesale food warehouse by well-fitting, properly labeled, self-closing doors.

(c) All utensils used for handling unpackaged food or the trimming of produce shall be washed, rinsed, and sanitized in an approved three-compartment utensil-washing sink. A two-compartment sink may be used when alternative approved sanitation methods are used. Utensil-washing sinks shall be equipped with a supply of hot (minimum 120 degrees Fahrenheit) and cold running water under pressure through a mixing valve or combination faucet.

Section 50. Section 61.249 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.249. FOOD STORAGE.

Adequate warehousing/storage facilities shall be provided for the storage or distribution of food. All food shall be properly stored a minimum of six inches (6") above the floor on shelving. Pallets may be used in lieu of shelving if equipment is available on demand to move the pallets. All storage racks and equipment for the storage of food or food products shall be constructed, and all sacks, boxes and other food containers shall be so arranged as to permit and facilitate the flushing with water, other cleaning and inspection of storage room floors and walls. At least twelve inches (12") of unobstructed space from the wall shall be provided in warehouse storage areas.

Section 51. Section 61.250 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.250. JANITORIAL FACILITIES.

The following janitorial facilities are required at a wholesale food warehouse:

(a) A room, area, or cabinet, separated from any food or utensil-washing area, shall be provided for the storage of cleaning equipment and supplies such as mops, buckets, brooms, and cleaners.

(b) At least one of the following, provided with hot (at least 120 degrees Fahrenheit) and cold water under pressure through a mixing valve, to be used for general cleaning purposes and for the disposal of mop bucket waste and other liquid wastes:

- (1) A one-compartment, non-porous janitorial sink/mop sink (stainless steel, porcelain or fiberglass).
- (2) A slab, basin, or floor constructed of concrete or equivalent material, curbed and sloped to a drain, connected to approved sewerage.

Section 52. Section 61.251 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.251. REFRIGERATORS AND FREEZERS.

(a) Each wholesale food warehouse where potentially hazardous food is packaged, stored, distributed, or held for transfer must have adequate approved refrigeration.

(b) Each refrigeration unit shall be equipped with accurate, readable thermometers.

Section 53. Section 61.252 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.252. ICE MACHINES.

All icemakers shall be located within the approved wholesale food warehouse. Condensate and ice melt shall be drained to an approved floor sink by means of an indirect connection.

Section 54. Section 61.253 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.253. FLOOR SINKS.

Floor sinks shall be properly plumbed and installed with the sink top flush with the floor surface. All condensate and similar liquid waste shall be drained by means of a rigid indirectly connected waste lines into open floor sinks, or as approved by the Director. Horizontal runs of drain lines shall be at least six inches (6") off the floor, sloped toward floor sinks at a rate of one quarter inch (1/4") per foot, and shall terminate at least one inch (1") above the overflow rim of the floor sink. Floor sinks shall be located so that they are readily accessible for inspection, cleaning, and repairs, and not located in a walkway. Waste lines shall not cross any aisle, traffic area, or door opening. Floor sinks are not permitted inside walk-in units unless they are indirectly connected to the sewer system through a legal air gap.

Section 55. Section 61.254 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.254. AISLES AND WORK SPACE.

Aisles or working spaces between equipment or between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties in accordance with local building and fire codes.

Section 56. Section 61.255 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.255. FLOOR DRAINS.

Adequate floor drains shall be provided in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on to the floor.

Section 57. Section 61.256 is hereby added to the San Diego County Code, to read as follows:

SEC. 61.256. TRANSPORTATION OF FOOD.

No person shall carry, transport, or convey any food for commercial purposes unless such food is protected from contamination. All potentially hazardous foods shall also be kept at a temperature pursuant to SEC. 61.232 (TEMPERATURE REQUIREMENTS). All vehicle food compartments shall be maintained clean, sanitary, and in good repair.

Section 59. Section 61.405 is hereby amended to read as follows:

SEC. 61.405. DEPARTMENT OF ENVIRONMENTAL HEALTH REPRESENTATIVES.

The Director of the Department of Environmental Health shall be responsible for the enforcement of compliance with this chapter. The County Department of Environmental Health shall have the authority to adopt reasonable rules and regulations for the implementation of this chapter. The Department of Environmental Health may provide rules and regulations for alternative signs and notices and placement of required signs and notices applicable to persons or entities employing fewer than ten (10) employees.

Section 60. Section 65.104 is hereby amended to read as follows:

SEC. 65.104. RENEWAL OF PERMIT, LICENSE OR REGISTRATION.

A permit, license, or registration issued pursuant to this Title 6 shall expire on the last day of the month of the one year anniversary month in which the permit was issued and shall be renewed annually, except as set forth as follows:

(a) The permit for sewage pumping vehicles shall expire on December 31 of each year. The permit for newly permitted mobile food facilities and mobile food preparation units and newly permitted food vending machines shall also expire on December 31 of each year. "Newly permitted" is defined as "not permitted to the same owner or operator within the last three years by the Department of Environmental Health." The annual fees shall be pro-rated as follows:

1. If the permit is issued during the period of January 1, to June 30, the full annual rate is due.
2. If the permit is issued after June 30, the rate shall be one-half (½) of the annual rate or at full cost recovery whichever is more.

(b) The operating permit for underground storage tanks shall be renewed as per Sections 68.1003 and 68.1009 of this Code.

At the time application is made, there shall be paid to the Department of Environmental Health the required annual fee, which fee is due and payable each year by the expiration date of the permit.

Section 61. Section 66.316 is hereby amended to read as follows:

SEC. 66.316. PERMIT REQUIRED.

It shall be unlawful for any person to engage in the business of operating a Tattoo Parlor Establishment, or a Mobile Tattoo Vehicle without first applying for and receiving approval of a permit from the Director of the Department of Environmental Health. Tattoo Artists/Body Art Technicians shall only operate from a permitted tattoo parlor establishment or mobile tattoo vehicle.

Section 62. Section 66.901 is hereby amended to read as follows:

SEC. 66.901. DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE STATE HOUSING LAW.

The Director of the Department of Environmental Health, in addition to his other duties, is hereby designated as the officer to enforce and is charged with the enforcement of the provisions of the State Housing Law pertaining to sanitation, ventilation, use or occupancy of apartment houses, lodging houses, dwellings and hotels within the unincorporated territory of the County and in incorporated cities where the Department of Environmental Health is designated as the housing authority.

Section 63. Section 66.907 is hereby added to the San Diego County Code, to read as follows:

SEC. 66.907. FEES FOR UNLICENSED ACTIVITIES

- (a) The County shall recover the cost of the Director's enforcement activities when they are otherwise not regulated by a permit as a health regulated business. The County shall also recover any reasonable costs that it may incur in connection with the collection of such fees.
- (b) The fee shall be assessed when the Director has issued an official inspection report requiring correction of a condition found to exist.
- (c) The fee shall be determined by the enforcement effort made to obtain correction. The fee shall be assessed at the approved hourly rate as specified in SEC. 65.107.

SEC. 66.908. FEES FOR SAMPLE COLLECTION, LABORATORY COSTS, AND PROJECT OVERSIGHT

- (a) The County shall recover the cost of the Director's investigation and enforcement activities for lead hazards when they are related to sample collection, laboratory costs, and abatement project oversight. The County shall also recover any reasonable costs that it may incur in connection with the collection of such fees.

- (b) The fee shall be determined by the enforcement effort made to obtain correction and shall also be in addition to any permit issued for a health regulated business. The fee shall be assessed to the property owner at the approved hourly rate as specified in SEC. 65.107(l) of this code, and for all laboratory costs associated with sampling and analysis.