

*STAFF REPORT**CITY OF OCEANSIDE*

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DATE: January 30, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Neighborhood Services Department  
Housing and Code Enforcement Division

SUBJECT: **ORDINANCE AMENDING SECTIONS OF CHAPTER 12 OF THE CITY CODE TO EXTEND THE LETTER GRADING SYSTEM TO INCLUDE MOBILE FOOD FACILITIES**

**SYNOPSIS**

Staff recommends that the City Council introduce and subsequently adopt an Ordinance amending sections of Chapter 12 of the City Code to extend the letter grading system to include mobile food facilities.

**BACKGROUND**

San Diego County adopted an ordinance on July 25, 2012, to extend the letter grading system used for restaurants to include mobile food facilities (food trucks). This system will improve public notification, help customers easily identify vendors in good compliance, and provide more information about the overall condition of the mobile food facility. The County Department of Environmental Health (DEH) has requested that all jurisdictions within the County amend local ordinances to reference this grading system. To date, a majority of the cities in the county have adopted or are in the process of adopting similar Ordinances.

**ANALYSIS**

Amendments to Sections 12.54 and 12.55 of the Oceanside City Code are required to incorporate the requested changes by DEH. These changes will provide for City cooperation in a coordinated regional program by (1) adopting the County changes to the restaurant grading Ordinance by reference; (2) requiring that grade cards be posted by mobile food facilities that prepare food and that permit fees for cost recovery; and (3) authorizing the City Manager to enter into an agreement with the County of San Diego to implement this grading program within Oceanside.

**FISCAL IMPACT**

There is no fiscal impact to the City with the adoption of the Ordinance amendment. The County of San Diego Department of Environmental Health is responsible for the processing of health permits and the inspection of food establishments within the City. As of December 31, 2012, there were four mobile food facilities (hot food trucks) licensed to operate in Oceanside.

**COMMISSION OR COMMITTEE REPORT**

Does not apply.

**CITY ATTORNEY'S ANALYSIS**

The amendment to the Ordinance has been reviewed by the City Attorney and approved as to form.

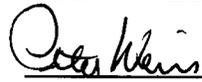
**RECOMMENDATION**

Staff recommends that the City Council introduce and subsequently adopt an Ordinance amending sections of Chapter 12 of the City Code to extend the letter grading system to include mobile food facilities.

PREPARED BY:

  
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David L. Manley  
Neighborhood Services Division Manager

SUBMITTED BY:

  
\_\_\_\_\_  
Peter A. Weiss  
City Manager

REVIEWED BY:

Barbara Hamilton, Assistant City Attorney  
Michelle Skaggs Lawrence, Deputy City Manager  
Margery M .Pierce, Neighborhood Services Director


Attachment: Ordinance Amendments



1 NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

2 SECTION 1. Oceanside City Code Sections 12.54 and 12.55 are hereby amended to  
3 read as follows:

4 **Sec. 12.54. – Letter Grades for Food Vending Vehicles.**

5 The provisions of the San Diego Code of Regulatory Ordinances concerning permanent  
6 and mobile food facilities, at Title 6, Division 1 of the County Code, are incorporated into this  
7 Code by reference.

8 **Sec. 12.55. – Department of Environmental Health Fees.**

9 All persons and businesses required to obtain a health-related permit or related service  
10 from the County of San Diego, Department of Environmental Health (DEH) pursuant to this  
11 code shall pay the County the fee established in the County Code for that permit or service,  
12 including delinquent payment fees.

13 SECTION 2. City Manager Action.

14 The City Manager is authorized to enter into an agreement(s) with the County of San  
15 Diego to implement the aforementioned grading program in the City of Oceanside

16 SECTION 3. Severability.

17 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be  
18 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision  
19 shall not affect the validity of the remaining portions of this Ordinance. The City Council  
20 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each  
21 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more  
22 sections, subsections, clauses or phrases be declared invalid or unconstitutional.

23 SECTION 4. The City Clerk of the City of Oceanside is hereby directed to publish this  
24 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)  
25 days after its passage in the North County Times, a newspaper of general circulation published  
26 in the City of Oceanside.

27 This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day from and after  
28 its final passage.

1 INTRODUCTION at a regular meeting of the City Council of the City of Oceanside,  
2 California, held on the \_\_\_ day of \_\_\_\_\_, 2013, and, thereafter,

3  
4 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
5 Oceanside, California, held on the \_\_\_ day of \_\_\_\_\_, 2013, by the following vote:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10 \_\_\_\_\_  
11 MAYOR, CITY OF OCEANSIDE

12 ATTEST:

APPROVED AS TO FORM:

13  
14 \_\_\_\_\_  
15 CITY CLERK

16 \_\_\_\_\_  
17 CITY ATTORNEY

18 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING SECTIONS 12.54 AND  
19 12.55 OF CHAPTER 12 OF THE CITY CODE TO EXTEND THE LETTER GRADING SYSTEM TO MOBILE FOOD  
20 FACILITIES  
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