ITEM NO. 36

ORDINANCE NO.

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

WHEREAS, the City Council has adopted Ordinance No. 83-14, which has been codified as Chapter 12 of the City Code;

WHEREAS, said Ordinance pertains to Food and Food Establishments;

WHEREAS, Sections 12.50 through 12.65 of the City Code provide regulations regarding Food Vending Vehicles;

WHEREAS, fixed location food facilities throughout San Diego County are currently scored against food safety criteria by County inspectors and assigned a letter grade based on that score, but mobile food facilities are not graded; and

WHEREAS, to better inform the public, the County is extending the letter grade system currently used for restaurants to mobile food facilities, and did so on July 25, 2012 by amending the County Code of Regulatory Ordinances, specifically sections 61.101 to 61.115 of Chapter 1, Division 1, Title 6; and

WHEREAS, the changes to the County Code of Regulatory Ordinances and related changes to the Oceanside City Code 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 to make safe dining choices; and

WHEREAS, mobile food facilities operate in multiple jurisdictions. Therefore, establishing an effective grading system for mobile food facilities requires cooperation across city boundaries, allowing the County the authority to enforce posting of letter grades in all local jurisdictions; and

WHEREAS, the ordinance provides for City cooperation in a coordinated regional program by adopting the County changes to the restaurant grading ordinance by reference and by requiring that grade cards be posted by mobile food facilities that prepare food and that permit fees for cost recovery are paid by operators of mobile food facilities that prepare food.

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

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

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

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

Sec. 12.55. – Department of Environmental Health Fees.

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

SECTION 2. City Manager Action.

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

SECTION 3. Severability.

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

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

This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2013, and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the ____ day of _____, 2013, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR, CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

Barbara Hamilton, ASST.
CITY ATTORNEY

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