

ORDINANCE NO. 1656

AN ORDINANCE OF THE CITY OF CHULA VISTA REPEALING SECTIONS 8.12.010 THROUGH 8.12.090 AND ADDING NEW SECTIONS 8.12.010 THROUGH 8.12.110 OF THE CHULA VISTA MUNICIPAL CODE, RELATING TO FOOD HANDLERS

The City Council of the City of Chula Vista does hereby ordain as follows:

SECTION I: That Sections 8.12.010 through 8.12.090 of the Chula Vista Municipal Code be, and the same are hereby repealed.

SECTION II: That new Sections 8.12.010 through 8.12.110 be, and the same are hereby, added to the Chula Vista Municipal Code to read as follows:

8.12.010 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 Title 8 of this Code who handles food in such manner that some portion of his clothing or body or body discharges might come in contact with such food or with the utensils used in connection therewith.

8.12.020 Director

For the purposes of this chapter, "Director" shall mean the Director of the San Diego County Department of Public Health or his duly appointed deputy or representative.

8.12.030 Department

For the purposes of this chapter, "Department" shall mean the San Diego County Department of Public Health.

8.12.040 Food Handler Required To Have Authorization.

No person shall act or be engaged as a food handler unless such person holds an authorization to act or be engaged as a food handler issued by the Department or by such other qualified person or agency as may be designated by the Director to issue such authorizations on forms approved by the Director. No authorization issued pursuant to this section shall be valid for more than four years from the date of issuance thereof. A "Food Handler Registration Card", issued by the Department within the four years immediately preceding the effective date of this chapter, and not revoked, shall be deemed to be an authorization within the meaning of this section.

The provisions of this section shall not apply to persons engaged or employed in:

- A. The production, harvesting or packaging of fruits or vegetables either in the fields or in packing houses.
- B. Drying or dehydrating fruits or vegetables on the premises where such fruits or vegetables are produced.
- C. The production, slaughtering, packaging, distribution, or sale of poultry or poultry products.
- D. The production, harvesting, packaging, or sale of fruits or vegetables on the premises where such fruits or vegetables are produced.
- E. A retail food production or marketing establishment as defined in Section 28802 of the California Health and Safety Code.

8.12.050 Employment of Food Handlers.

No person who owns or operates a business, occupation or establishment for which a permit is required by Title 8 of this Code shall employ, permit or authorize any person to act or be engaged as a food handler in said business, occupation or establishment unless such person has an authorization to act as a food handler as provided in Section 8.12.040 unless such person is exempt from the requirement to hold and carry such authorization pursuant to Section 8.12.040.

8.12.060 Testing for Tuberculosis.

Any person required by Section 8.12.040 to have and carry an authorization to act as a food handler shall submit to an intradermal tuberculin skin test or an x-ray, as appropriate, performed by the Department or by such other qualified person or agency as may be designated by the Director. Such intradermal tuberculin skin test or x-ray shall be repeated every four years.

8.12.070 Transmissible Disease.

No person who has contracted or is afflicted with a disease or infection determined by the Director to be a danger to public health transmissible either directly or through food or drink to other persons, or who is known or suspected to be a carrier of organisms causing such disease, or who has come in contact with any person afflicted with such communicable disease or infection, shall act or be engaged or employed as a food handler.

8.12.080 Transmissible Disease - Medical Examination - Exclusion.

Whenever information that the possibility of transmission of disease determined by the Director to be a danger to public health exists in a food handler

or in any business, occupation or establishment for which a permit is required by Title 8 of this Code is presented to the Director, he shall investigate conditions and take appropriate action. The Director may, after investigation, and for reasonable cause, require any of the following measures to be taken:

- A. The immediate exclusion by the Director of any food handler from the affected business, or establishment.
- B. The immediate closing of any affected business or establishment until, in the opinion of the Director, no further danger of the outbreak of disease exists.
- C. Medical examination of the owner, employee, and his co-employees, with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner, employee or co-employee from that or any other food establishment operation, until a medical or laboratory examination shows that the person is not infected with, or a carrier of, any such disease in a communicable form.

8.12.090 Retesting or Examination - Suspension of Food Handler Authorization - Appeal.

Whenever the Director has reason to suspect that a person holding an authorization to act as a food handler has contracted tuberculosis or any transmissible disease determined by the Director to be a danger to public health, the Director may require such person to resubmit to the tests specified in Section 8.12.060, or such other examination as the Director may require.

In any such case, the Director may suspend the authorization to act as a food handler until said person has submitted to said tests or such other examination as the Director may require. After such test or examination the Director shall reinstate the authorization to act as a food handler of any such person found to be free of transmissible disease. The Director shall either continue the suspension of, or revoke, the authorization to act as a food handler of any person found to be afflicted with a transmissible disease. The Director may require that any suspended or revoked authorization to act as a food handler be surrendered to the Director.

Any person whose authorization to act as a food handler is suspended or revoked pursuant to this section may appeal such suspension or revocation pursuant to this section. Such appeal shall be done in accordance with the procedures established in Sections 8.08.140 through 8.08.250 and 8.08.270 through 8.08.300 of this Title.

8.12.100 Fees.

No fee shall be charged for any test or examination made pursuant to this chapter by the Department. The County of San Diego and the City of Chula Vista shall not be liable for any fee or charge made for any test, x-ray or examination required by this chapter that is not made by the Department.

8.12.110 Violation - Penalty.

Any person who violates any provision of this chapter is guilty of a misdemeanor and each offense shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the County Jail for a term not exceeding six months, or by both such fine and imprisonment.

SECTION III: This ordinance shall take effect and be in force on the thirty-first day from and after its passage and approval.

Presented and Approved as to form by

George D. Lindberg
George D. Lindberg, City Attorney

ADOPTED AND APPROVED by the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA, this 23rd day of December, 1975, by the following vote, to-wit:

- AYES: Councilmen Hyde, Egdahl, Scott, Hobel, Hamilton
- NAYES: Councilmen None
- ABSENT: Councilmen None

Thomas D. Hamilton
Mayor of the City of Chula Vista

ATTEST *Jennie M. Zulass*
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, _____, City Clerk of the City of Chula Vista, California, DO HEREBY CERTIFY that the above is a full, true and correct copy of Ordinance No. _____, and that the same has not been amended or repealed. DATED _____.

City Clerk