

ORDINANCE NO. 2916

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA AMENDING THE CHULA VISTA
MUNICIPAL CODE BY ADDING CHAPTER 8.21 RELATING
TO THE REGULATION OF WHOLESALE FOOD
WAREHOUSES

WHEREAS, wholesale food warehouses are not adequately regulated by the State of California; and

WHEREAS, recent inspections of some of these food warehouses by the County of San Diego (hereinafter "County") have revealed rodent infestations, mishandling of recalled food, and other conditions that could lead to food borne illness; and

WHEREAS, the County responded to these problems by enacting Ordinance No. 9525 (New Series), which established a mandatory permit program, a permit fee, and regulatory requirements applicable to wholesale food warehouses; and

WHEREAS, because the food stored in wholesale food warehouses is frequently distributed across city boundaries, an effective regional food warehouse permitting and regulatory program requires enactment of consistent regulatory ordinances throughout the County and cooperation between cities and the County to implement that ordinance; and

WHEREAS, the County cannot enforce its wholesale food warehousing regulation in the City of Chula Vista (hereinafter "City") without the City adopting those regulations as its own; and

WHEREAS, the City has an agreement in place with the County that provides for certain services related to public health and sanitation to be provided by the County within the City; and

WHEREAS, the City desires that the County also implement the permitting and regulatory program established by this ordinance.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain:

SECTION I. That Section 8.21.010 of the Chula Vista Municipal Code is amended to read:

Chapter 8.21

WHOLESALE FOOD WAREHOUSES

Sections:

- 8.21.010 Purpose and intent.**
- 8.21.020 Adoption of San Diego County Ordinance Regulating Wholesale Food Warehouses By Reference.**
- 8.21.030 Administration and enforcement.**
- 8.21.040 Fees.**

8.21.010 Purpose and intent.

Wholesale food warehouses are not adequately regulated by the State of California and recent inspections of some of these food warehouses by the county of San Diego have revealed rodent infestations, mishandling of recalled food, and other conditions that could lead to food borne illness.

Therefore, it is the purpose of the city council to adopt, in accordance with the requests of the County of San Diego, the regulatory ordinances adopted in CVMC Section 8.21.020 by the county for the regulation of wholesale food warehouses. Furthermore, it is the intent of the city council through the adoption of the ordinances as they may currently read or hereinafter be amended by reference to assist in every way in carrying out the wholesale food warehouse regulatory program being conducted by the county.

8.21.020 Adoption of San Diego County Ordinance regulating wholesale food warehouses by reference.

The City Council adopts the provisions of the County of San Diego Code of Regulatory Ordinances concerning permitting and regulation of wholesale food warehouses, codified at sections 61.212 through 61.256, by reference and incorporates these provisions into the Chula Vista Municipal Code as if set forth in full. The City Council concurs with the determination that sections 61.212 through 61.256 (the wholesale food warehousing ordinances of the county) may be implemented throughout the county as it presently exists or as may be amended or supplemented in the future by the county without further approval by the city council. Sections 61.212 through 61.256 of the County of San Diego Code of Regulatory Ordinances, which relate to wholesale food warehousing, shall be maintained on file in the office of the City Clerk.

8.21.030 Administration and enforcement.

The County of San Diego Department of Environmental Health is 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. The County Department of Environmental Health shall also be responsible for enforcing the provisions of this chapter.

8.21.040 Fees.

Every person regulated by this chapter shall pay the required fee or fees associated with administration and enforcement of the wholesale food warehouse permit and inspection program, including, but not limited to, a permit fee, fee for inspection, fee for failure to file an application, late fee, and finance charge. The exact amount and method of application of the fee or fees shall be determined by the county of San Diego and kept on file at the County Department of Environmental Health and the Office of the City Clerk. Such fees may be adopted, amended or supplemented by the County without approval by the City Council. The County of San Diego shall retain all fees and charges collected by it from regulated wholesale food warehouse owners or operators.

SECTION II. The City already has an agreement in place with the County of San Diego that provides for certain services related to public health and sanitation to be provided by the County within the City. The City desires that the County also implement the permitting and regulatory program established by this ordinance. The City Manager is hereby authorized to enter into any supplemental or modified agreement with the County of San Diego that may be needed to effect this purpose.

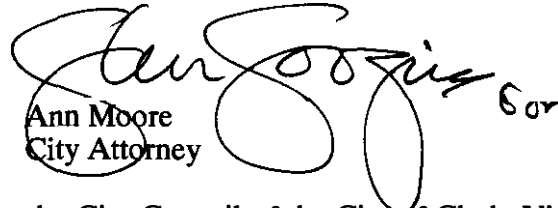
SECTION III. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Submitted by

Approved as to form by



Robert A. Leiter
Planning and Building Director



Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 27th day of May, 2003, by the following vote:

AYES:	Councilmembers:	McCann, Rindone, Salas and Padilla
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Davis



Stephen Padilla, Mayor

ATTEST:



Susan Bigelow, City Clerk

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

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2916 had its first reading at a regular meeting held on the 27th day of May, 2003 and its second reading and adoption at a regular meeting of said City Council held on the 3rd day of June, 2003.

Executed this 3rd day of June, 2003.



Susan Bigelow, City Clerk