

REPORT TO CITY COUNCIL

DATE: MARCH 23, 2011

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: INTRODUCTION OF ORDINANCE NO. 385 REGARDING MOBILE FOOD FACILITIES PUBLIC HEALTH REQUIREMENTS

In December 1997, the County of Los Angeles amended its Health and Safety Code to address health concerns raised about the operations of food facilities, including establishing the letter grade and inspection score system. The County urged all cities in the County to adopt the same. In response, the City of Agoura Hills adopted Ordinance No. 98-286 on April 8, 1998, which amended Section 5100. "Adoption of health code," and created "Section 5102. Adoption of public health licenses regulations." The effect of the City Ordinance was to adopt by reference the related County Code sections.

More recently, on October 19, 2010, the Los Angeles County Board of Supervisors adopted County Ordinance No. 2010-0045, enhancing the current public health requirements for inspection grading and posting of letter grades to include mobile food facilities. The County Ordinance took effect on November 18, 2010. More specifically, according to the County Counsel, the County Ordinance amends Title 8 – Consumer Protection and Business Regulations of the Los Angeles County Code relating to the operation of food facilities by:

1. Adding "mobile food facility" to the definition of food facility.
2. Establishing a semi-annual letter grading and scoring program for mobile food facilities.
3. Requiring owners of mobile food facilities and mobile support units to disclose current route information to the County Department of Public Health to provide the whereabouts of transient mobile food facilities and mobile support units and thereby facilitate timely inspections; and
4. Establishing an annual certification inspection for mobile food facilities and mobile support units to ensure that food equipment meets applicable installation and design standards according to state law.

In a letter to the Mayor dated November 15, 2010, the Executive Officer of the County of Los Angeles Board of Supervisors urged each city in the County to adopt a conforming municipal ordinance, thereby ensuring Countywide enforcement of Ordinance No. 2010-0045.

Attached is the Mobile Food Facilities Public Health Requirements Ordinance Amendment. The Ordinance amends Sections 5100 and 5102 of the Agoura Hills Municipal Code by incorporating by reference the most recent County Ordinance that took effect on November 18, 2010, and deleting the reference to the prior amendment of March 1, 1998.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and introduce Ordinance No. 11-385, Mobile Food Facilities Public Health Requirements.

Attachment: Ordinance No. 11-385

ORDINANCE NO. 11-385

**AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA,
AMENDING THE HEALTH CODE OF THE CITY OF AGOURA HILLS,
SECTIONS 5100 AND 5102 OF CHAPTER 1 OF TITLE V SANITATION
AND HEALTH, WHICH INCORPORATES BY REFERENCE THE
HEALTH AND SAFETY CODE OF THE COUNTY OF LOS ANGELES**

WHEREAS, California Government Code Section 50022.9 specifically authorizes cities to enact ordinances that adopt by reference county codes; and

WHEREAS, incorporation of Los Angeles County public health laws by the City is required before such laws can be enforced by County inspectors within the City Agoura Hills; and

WHEREAS, effective enforcement of state and local public health laws is a critical component of the City's overall commitment to protecting the health and welfare of its citizens, work force and visitors; and

WHEREAS, the City is committed to working together with the County of Los Angeles to undertake effective enforcement of state and local public health laws; and

WHEREAS, in December 1997 the County of Los Angeles amended its Health and Safety Code to address health concerns raised regarding the operations of food facilities, including establishing the letter grade and inspection score system, and, in response, the City of Agoura Hills adopted Ordinance No. 98-286 on April 8, 1998, amending Section 5100 and creating Section 5102 of the Municipal Code; and

WHEREAS, on October 19, 2010 the County of Los Angeles adopted County Ordinance No. 2010-0045, which became effective on November 18, 2010, enhancing current public health requirements for inspection grading and posting of letter grades to include mobile food facilities, and urged all cities in the County to adopt the same.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Sections 5100 and 5102 of Chapter 1 of Article V of the Agoura Hills Municipal Code are hereby amended to read as follows:

“5100. Adoption of health code.

‘Except as provided herein, Title 11, Health and Safety, Division 1, Health Code of the Los Angeles County Code, as amended and in effect on ~~March 1, 1998~~ November 18, 2010, is

hereby adopted by reference as the health code of the City of Agoura Hills. In the event that any conflict or ambiguity arises between the provisions of the health code adopted in this section and any other provisions of the Agoura Hills Municipal Code, the provisions of the Agoura Hills Municipal Code shall prevail.'

5102. Adoption of public health licenses regulations.

'Except as provided herein, Title 8, Consumer Protection and Business Regulations, Division 1, Public Health Licenses of the Los Angeles County Code, as amended and in effect on ~~March 1, 1998~~ November 18, 2010, is hereby adopted by reference as the public health licenses regulations of the City of Agoura Hills. In the event that any conflict or ambiguity arises between the provisions of the public health licenses regulations adopted in this section and any other provisions of the Agoura Hills Municipal Code, the provisions of the Agoura Hills Municipal Code shall prevail.'"

Section 2. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 3. The City Clerk shall certify the adoption of this Ordinance and cause its publication in accordance with applicable law.

PASSED, APPROVED, AND ADOPTED this 23rd day of March 2011, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney