

ORDINANCE NUMBER 979

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, REPEALING CHAPTER 7.18 OF THE PERRIS MUNICIPAL CODE AND ADDING CHAPTER 7.18 REGULATING FOOD ESTABLISHMENTS AND FOOD FACILITIES*

*WHEREAS*, the Legislature of the State of California has found and determined that the public health, interest and welfare require that there be uniform statewide health and sanitation standards for retail food facilities to assure people of this state that food will be pure, safe and unadulterated; and

*WHEREAS*, through the enactment of the California Retail Food Facilities Law, the Legislature has established such health and sanitation standards and has delegated primary responsibility for their enforcement to local agencies; and

*WHEREAS*, the Department of Environmental Health Services for the County of Riverside has adopted interpretive guidelines to aid in its enforcement of the California Retail Food Facilities Law; and

*WHEREAS*, it is the desire of the City of Council of the City of Perris to ensure that retail food facilities conducting business within the City of Perris comply with the health and sanitation guidelines established by the Department of Environmental Health Services for the County of Riverside.

*NOW, THEREFORE*, the City Council of the City of Perris hereby ordains as follows:

*SECTION 1.* Chapter 7.18 of the Perris Municipal Code is hereby repealed in its entirety.

*SECTION 2.* A new Chapter 7.18 is hereby added to the Perris Municipal Code to read as follows:

*CHAPTER 7.18*

*REGULATION OF FOOD ESTABLISHMENTS AND FOOD FACILITIES*

*Sections:*

7.18.010

*Definitions*

7.18.020	<i>Grading</i>
7.18.030	<i>Inspections</i>
7.18.040	<i>Permits</i>
7.18.050	<i>Criminal Penalties</i>
7.18.060	<i>Public Nuisance Declaration</i>
7.18.070	<i>Civil Penalties</i>
7.18.080	<i>Right of Inspection</i>
7.18.090	<i>Severability</i>

*Section 7.18.010 Definitions.* The following definitions shall apply in the interpretation and enforcement of this ordinance:

- A. "Food Establishment" shall mean a food establishment as defined in the California Uniform Retail Food Facilities Law, Section 27520 of the California Health and Safety Code. These are commonly referred to as restaurants, markets, delis or similar operations.
  
- B. "Food Facilities" shall mean a food facility as defined in the Section 27521 of the California Health and Safety Code. These are commonly referred to as wholesale food facilities, vehicles, vending machines, satellite food distribution facilities, open-air barbecues, certified farmers markets, stationary food preparation units and mobile food preparation units. This definition also includes commercial food establishments.
  
- C. "Enforcement Officer" shall mean the Director of the Department of Environmental Health Services and his or her duly authorized Environmental Health Specialists.
  
- D. "Food Preparation" shall mean food preparation as defined in Section 27522 of the California Health and Safety Code.
  
- E. "Official Inspection Form" shall mean the form provided by the Department of Environmental Health Services.

*Section 7.18.020 Grading.*

- A. All food establishments and food facilities shall be inspected and graded

uniformly using an official inspection form. The grade of each food establishment shall be determined by the Enforcement Officer using the scoring method provided on the Official Inspection Form. The grade of each food establishment shall be evidenced by the posting of a Grade Card bearing the letter, "A", "B" or "C."

1. The letter "A" shall indicate a score of ninety percent (90%) or higher, and indicates that the food establishment passed the inspection by meeting those minimum health standards as set forth by the State of California in the California Retail Food Facilities Law, California Health and Safety Code, Chapter 4, Sections 27520, et seq. and interpreted by the Enforcement Officer. Grade "A" Cards shall be printed in Blue on High-Impact White Styrene Plastic.

2. The letter "B" shall indicate a score of less than ninety percent (90%), but not less than eighty percent (80%), and indicates that the food establishment has not passed the inspection and does not meet minimum health standards. Grade "B" Cards shall be printed in Green on High-Impact White Styrene Plastic.

3. The letter "C" shall indicate a score of less than eighty percent (80%), and indicates that the food establishment has failed the inspection and has conditions existing which may pose a potential or actual threat to public health and safety. The facility may also be ordered closed, with its permit being suspended or revoked by the Enforcement Officer. Grade "C" Cards shall be printed in red on High-Impact White Styrene Plastic.

B. The Grade Card shall be provided by the Enforcement Officer and shall be nine inches by eleven inches (9" x 11") in size. The grade letter shall not be more than five inches (5") in height.

C. The Grade Card shall be posted in a conspicuous place selected by the Enforcement Officer, at or near each entrance to the food establishment used by its patrons, and shall be removed only by the Enforcement Officer.

D. It shall be unlawful to operate a food establishment unless the Grade Card is in place as posted by the Enforcement Officer.

E. Private schools and public schools shall not be required to post a Grade Card.

F. Food facilities and food establishments which are not engaged in food preparation shall not be required to post a Grade Card.

*Section 07.18.030 Inspection.*

A. The Enforcement Officer shall inspect each food facility and food establishment at regular intervals. All food establishments and food facilities shall comply with those requirements set forth in the California Uniform Retail Food Facilities Law, as amended appearing in California Health and Safety Code Sections 27500, et seq.

B. A signed copy of the Official Inspection Form shall be delivered to the owner, operator, or person in charge of the food establishment or food facility who shall sign in receipt therefor.

C. Any food establishment or facility that has received a "B" or "C" grade shall receive a reinspection within five (5) working days of the initial inspection, or as otherwise arranged with the facility operator, to assure that the violations have been corrected. The Grade "B" or "C" shall remain posted at the food establishment, indicating to the public that the particular food establishment failed to maintain minimum health standards during its most recent routine inspection performed by the Department of Environmental Health Services.

D. If, after a reinspection of the food establishment or facility, the score is not ninety percent (90%) or higher, any or all of the following legal actions may ensue:

1. Administrative hearing offered for the suspension or revocation of the license pursuant to Health and Safety Code Sections 27580, et seq.

2. Issuance of a citation.

3. Initiation of civil, criminal or other legal proceedings.

E. Notwithstanding the foregoing, the Enforcement Officer may order immediate closure of a facility or establishment pursuant to Health and Safety Code Section 27582 whenever he reasonably believes the facility or establishment to present an immediate danger to the public health or safety.

F. Any reinspection following legal actions, other than one (1) reinspection following an initial administrative hearing, will result in the operator being charged an hourly on-site fee.

*Section 7.18.040 Permits.* No person shall operate a food establishment or facility without holding

a valid permit issued by the Department of Environmental Health Services. Application for a permit shall be made to the Department of Environmental Health Services upon a form provided by the Department, and shall be accompanied by a fee as has been established by resolution of the City Council. A permit shall be valid for not more than one (1) year.

*Section 7.18.050 Criminal Penalties.*

A. Any person violating any provision of this ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each day during which any violation of this ordinance is committed or allowed to exist.

B. Any individual convicted of a violation of this ordinance shall be:

1. Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00), but not to exceed one hundred dollars (\$100.00) for the first offense.

2. Guilty of an infraction and punished by a fine of not less than one hundred dollars (\$100.00), but not to exceed two hundred (\$200.00) for the second offense.

3. The third and any subsequent offense shall constitute a misdemeanor, and shall be punishable by a fine of not less than five hundred dollars (\$500.00), but not to exceed one thousand dollars (\$1,000.00) and/or six (6) months in the County jail, or both.

C. Notwithstanding the foregoing, a first or second offense may be charged and prosecuted as a misdemeanor.

D. Payment of any penalty herein shall not relieve an individual from the responsibility of correcting the violations as noted on the official Inspection Report Form.

*Section 7.18.060 Public Nuisance Declaration.* In addition, any violation of this ordinance is hereby deemed to be a public health nuisance and may be abated by the Enforcement Officer, irrespective of any other remedy hereinabove provided.

*Section 7.18.070 Civil Penalties.* Any person who willfully violates any provision of this ordinance or any other rules or regulations adopted by the Department of Environmental Health

Services pursuant to this ordinance, in addition to any criminal penalties, shall be liable for a civil penalty of between fifty dollars (\$50.00) and two hundred fifty dollars (\$250.00) for each day of violation. The enforcement agency shall be authorized to file and maintain an action in a court of appropriate jurisdiction to collect any such civil penalty arising under this section.

*Section 7.18.080 Right of Inspection.* Pursuant to California Health and Safety Code Section 27560, the Enforcement Officer shall have the right to inspect any food facility or establishment, or any facility suspected of being a food establishment or facility, at any reasonable time. If inspection is refused, the permit may be suspended or revoked, and/or the owner or operator shall be guilty of an infraction or misdemeanor offense.

*7.18.090 Severability.* If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of applications of the provisions of this ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION 3.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its passage.

ADOPTED, SIGNED and APPROVED this 14th day of March, 1994.

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MAYOR OF THE CITY OF PERRIS

Attest:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) ss  
CITY OF PERRIS            )

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 979 was introduced at a regular meeting held the 28th day of

February, 1994, and adopted by the City Council at a regular meeting held the 14th day of March, 1994, by the following called vote:

Ayes: Fletcher, Long, Torres and Baitinger

Noes: Denney

Absent: None

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City Clerk