REVISED

ANALYSIS

This ordinance amends Title 8 – Consumer Protection and Business Regulations of the Los Angeles County Code, relating to the operation of food facilities by:

- Adding "mobile food facility" to the definition of food facility;
- Establishing a semiannual letter grading and scoring program for mobile food facilities;
- Requiring owners of mobile food facilities and mobile support units to disclose current route information to Department of Public Health to provide the whereabouts of transient mobile food facilities and mobile support units and thereby facilitate timely inspections; and
- 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.

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DFM:vn

3-17-10 (requested)
10-6-10 (revised)

HOA.686989.1

ORDINANCE NO. _____

An ordinance amending Title 8 – Consumer Protection and Business Regulations of the Los Angeles County Code, relating to letter grading, route location disclosure and annual certification for mobile food facilities.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 8.04.142 is hereby amended to read as follows:

8.04.142 Food facility.

"Food facility" means any food establishment, food warehouse, milk warehouse, mobile food facility, mobile support unit, vehicle, vending machine, swap meet prepackaged food stand, mobile preparation unit, or any place used in conjunction with the operation of the above, including, but not limited to, storage facilities for food utensils, equipment, and materials.

SECTION 2. Section 8.04.200 is hereby amended to read as follows:

8.04.200 Food vehicle, retail.

A. "Retail food vehicle" means any motorized or nonmotorized conveyance or portable food service unit upon which prepackaged or approved unpackaged food is sold or offered for sale at retail. Categories of retail food vehicles include:

1. Animal food vehicle;
2. Bakery distributor vehicle (independent, retail);
3. Fish peddler vehicle;
4. Food vehicle – Department of Motor Vehicles exempt;
5. Food salvage distributor vehicle;

6. Fruit and vegetable vehicle;

7. Grocery distributor vehicle;

8. Independent ice distributor vehicle;

9. Independent retail meat vehicle;

10. Independent milk distributor vehicle, not a processor-owned milk delivery vehicle;

11. Industrial catering vehicle;

12. Limited food vehicle~~,~~; ~~from which the operator dispenses the food items described in Section 114265 of the California Health and Safety Code, and which has been designed, constructed and equipped to prevent the entrance of dust, debris and harborage of animals, birds and vermin, permitting storage out of doors at a commissary or other approved facility;~~

13. Unpackaged food vehicle~~,~~; ~~such as a food cart, from which the operator dispenses the food items described in Section 114265 of the California Health and Safety Code, and which must be stored inside a commissary or other approved facility;~~

14. Prepackaged food cart, a nonmotorized vehicle, from which the operator dispenses prepackaged and labeled food;

15. Any combination of the above;

16. Or any vehicle, including, but not limited to, a mobile food facility, from which animal food, bakery products, fish, shellfish, seafood, fruits, vegetables, meats, poultry, preserves, jelly, relish, milk or other dairy products, food or food

products, ice or beverages, whether in bulk, canned, wrapped, bottled, packaged, or any other form, are sold or kept for sale at retail or are distributed to the consumer.

B. Vehicles owned and operated by a fixed-location food market, restaurant or other business having a valid public health permit under this chapter to deliver food products from said establishment to other locations shall not be required to have a separate public health permit under this chapter.

SECTION 3. Section 8.04.225 is hereby amended to read as follows:

8.04.225 Grading, scoring method and letter grade card.

A. "Grading" means the letter grade issued by the county health officer at the conclusion of the routine inspection of a food ~~establishment~~ facility. The grade shall be based upon the scoring method set forth in this section resulting from the food official inspection report and shall reflect the food ~~establishment's~~ facility's degree of compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

B. "Scoring method" means a procedure used by the county health officer where a score is calculated by adding values predefined on the food official inspection report for violations that are observed during an inspection, and subtracting that total from 100. The resulting numerical sum, stated as a percentage, constitutes the score for the inspection.

~~B~~C. "Letter grade card" means a card that may be posted by the county health officer at a food ~~establishment~~ facility upon completion of a routine inspection that indicates the letter grade of the ~~establishment~~ facility as determined by the county

health officer using the scoring method set forth in this section. For the purposes of this provision, a food ~~establishment~~ facility shall include a food ~~establishment~~ facility operating in conjunction with a food processing establishment. ~~Nothing in this chapter shall prohibit the county health officer from creating and using a letter grade card in combination with an inspection score card. The county health officer, in his discretion, shall determine whether to post the letter grade card, or the inspection score card, or both.~~

~~C~~D. The county health officer, in his discretion, may immediately close any food ~~establishment~~ facility which, upon completion of the routine inspection, does not achieve at least a "C" grade as defined herein. Nothing in this provision shall prohibit the county health officer from immediately closing any food ~~establishment~~ facility if, in his discretion, immediate closure is necessary to protect the public health.

~~D~~E. The letter grade for a food facility shall be based upon the final numerical percentage score set forth in the food official inspection report, as follows:

1. A grade of "A" shall indicate a final score of 90 percent or higher as determined by the county health officer;

2. A grade of "B" shall indicate a final score less than 90 percent but not less than 80 percent as determined by the county health officer;

3. A grade of "C" shall indicate a final score less than 80 percent but not less than 70 percent as determined by the county health officer.

SECTION 4. Section 8.04.275 is hereby amended to read as follows:

8.04.275 Inspection score card.

A. "Inspection score card" means a card that may be posted by the county health officer at a food ~~establishment~~ facility, upon completion of a routine inspection, that indicates the total numerical percentage score for the ~~establishment~~ facility as determined by the county health officer and as set forth in the food official inspection report. For the purposes of this provision, a food ~~establishment~~ facility shall include a food ~~establishment~~ facility operating in conjunction with a food processing establishment. ~~Nothing in this chapter shall prohibit the county health officer from creating and using an inspection score card in combination with a letter grade card. The county health officer, in his discretion, shall determine whether to post the inspection score card, the letter grade card, or both~~.

B. The county health officer, in his discretion, may immediately close any food ~~establishment~~ facility which, upon completion of the routine inspection, achieves a total numerical percentage score less than 70 percent as set forth in Section 8.04.225. Nothing in this provision shall prohibit the county health officer from immediately closing any food ~~establishment~~ facility if, in his discretion, immediate closure is necessary to protect the public health.

SECTION 5. Section 8.04.306 is hereby added to read as follows:

8.04.306 Mobile food facility.

"Mobile food facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. "Mobile food facility" does not include a "transporter" used to transport packaged food from a food facility, or other approved source to the consumer.

SECTION 6. Section 8.04.311 is hereby added to read as follows:

8.04.311 Mobile support unit.

"Mobile support unit" means a vehicle used in conjunction with a commissary or other permanent food facility that travels to and services mobile food facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes. The county health officer shall have the discretion to score a mobile support unit pursuant to the method set forth in Section 8.04.225.

SECTION 7. Section 8.04.337 is hereby amended to read as follows:

8.04.337 Notice of closure.

"Notice of closure" means a public notice that may be posted by the county health officer at a food ~~establishment~~ facility upon suspension or revocation of the ~~establishment' s~~ facility's public health permit and that results in the immediate closure of the ~~establishment~~ facility and the discontinuance of all operations of the food ~~establishment~~ facility, by order of the county health officer, because of violations of applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

SECTION 8. Section 8.04.403 is hereby added to read as follows:

8.04.403 Route location.

The owner/operator of a mobile food facility or mobile support unit shall complete a Mobile Food Facility Route Sheet, obtained from the county health officer, listing the complete address, telephone number and arrival/departure times of each location where

the retail food business is being conducted. The Mobile Facility Route Sheet shall be maintained on file at the Vehicle Inspection Program. The owner/operator of a mobile food facility or mobile support unit shall notify the county health officer of any significant changes to the Mobile Food Facility Route Sheet. Failure to provide an accurate and current Mobile Food Facility Route Sheet may result in suspension or revocation of the public health license or permit.

SECTION 9. Section 8.04.595 is hereby added to read as follows:

8.04.595 Public health license and permit - Annual certification inspection.

The owner/operator of a mobile food facility or mobile support unit shall obtain an annual certification inspection from the county health officer. The enforcement agency shall initially approve all mobile food facilities and mobile support units as complying with California Health and Safety Code Chapters 1-8, inclusive, 10 and 13. The county health officer shall then issue a certification sticker which shall be affixed to the mobile food facility or mobile support unit. The sticker will be valid during the fiscal year corresponding to the mobile food facility's or mobile support unit's current public health operating permit. Failure to secure an annual certification sticker shall result in a suspension or revocation of the public health license or permit.

SECTION 10. Section 8.04.752 is hereby amended to read as follows:

8.04.752 Posting requirements -- Penalty for noncompliance -- Documents available for public review.

A. Upon issuance by the county health officer, the health officer shall post at every food ~~establishment~~ facility the letter grade card~~,~~ or the inspection score card~~, or~~

~~both,~~ as determined by the county health officer, so as to be clearly visible to the general public and to patrons entering the ~~establishment~~ facility. "Clearly visible to the general public and to patrons" means:

1. Posted in the front window of the ~~establishment~~ food facility within five (5) feet of the front door or posted in a display case mounted on the outside front wall of the food facility within five (5) feet of the front door;

2. ~~Posted in a display case mounted on the outside front wall of the establishment within five feet of the front door~~ Posted adjacent to the pass out window on a mobile food facility, or on the customer service side of an unenclosed mobile food facility; or

3. Posted in a location as directed and determined in the discretion of the county health officer to ensure proper notice to the general public and to patrons.

B. In the event that a food ~~establishment~~ facility is operated in the same building or space as a separately licensed or permitted business, or in the event that a food ~~establishment~~ facility shares a common patron entrance with such a separately licensed or permitted business, or in the event of both, the county health officer shall post the letter grade card~~,~~ or the inspection score card~~, or both,~~ in the initial patron contact area, or in a location as determined in the discretion of the county health officer.

C. The letter grade card and the inspection score card shall not be defaced, marred, reproduced, copied, camouflaged, hidden or removed. It is unlawful to operate a food ~~establishment~~ facility unless the letter grade card~~,~~ or the inspection score card~~, or both,~~ as determined by the county health officer, is ~~or are~~ in place as set forth

hereunder. Removal of the letter grade card~~,~~ or the inspection score card~~, or both,~~ is a violation of this chapter and may result in the suspension or revocation of the public health permit and shall be punishable as specified in Section 8.04.930.

D. Every food ~~establishment~~ facility shall post a legibly lettered sign which displays the following information so as to be clearly visible to the general public and to patrons entering the ~~establishment~~ facility:

Any public health concerns regarding this ~~establishment~~ facility should be directed to the County of Los Angeles, Environmental Health office located at: _____ (local office address and telephone number to be provided by the county health officer).

E. The food official inspection report upon which the letter grade card~~,~~ or the inspection score card~~, or both, are~~ is based and all subsequent reports issued by the county health officer shall be maintained at the food ~~establishment~~ facility and shall be available to the general public and to patrons for review upon request. The food ~~establishment~~ facility shall keep the food official inspection report and all subsequent reports until such time as the county health officer completes the next routine inspection of the ~~establishment~~ facility and issues a new food official inspection report.

SECTION 11. Section 8.04.755 is hereby amended to read as follows:

8.04.755 Letter grade card and inspection score card -- Period of validity.

A letter grade card~~, an~~ or inspection score card~~, or both,~~ shall remain valid until the county health officer completes the next routine inspection of the food ~~establishment~~ facility.

SECTION 12. Section 8.04.943 is hereby amended to read as follows:

8.04.943 Public health permit suspension or revocation--Notice of closure.

A. Upon issuance of a written notice of suspension or revocation of the public health permit by the county health officer, the health officer shall post a notice of closure at the food ~~establishment~~ facility so as to be clearly visible to the general public and to patrons.

B. Upon issuance of the written notice of suspension or revocation of the public health permit by the county health officer, the food ~~establishment~~ facility shall immediately close to the general public and to patrons and shall discontinue all operations until the public health permit has been reissued or reinstated by order of the county health officer or until the ~~establishment~~ facility no longer operates as a food ~~establishment~~ facility.

C. The notice of closure shall remain posted until removed by the county health officer. Removal of the notice of closure by any person other than the county health officer or the refusal of a food ~~establishment~~ facility to close upon issuance of the written notice of suspension of the public health permit is a violation of this chapter and

may result in the suspension or revocation of the food ~~establishment's~~ facility's public health permit and shall be punishable as specified in Section 8.04.930.

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