

Council Meeting  
December 13, 2011

Honorable Mayor and Members  
 of the City Council  
 City Hall  
 Torrance, California

Members of the Council:

**SUBJECT: SECOND AND FINAL READING OF ORDINANCE 3753**

**RECOMMENDATION:**

Second and Final Reading of ORDINANCE NO. 3753 relating to Public Health and Food Safety.

**BACKGROUND:**

At the regular meeting of the City Council held on the 6th day of December 2011, this Ordinance was introduced and approved for its first reading by the following roll call vote:

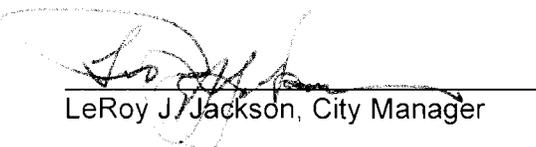
AYES:	COUNCILMEMBERS:	Brewer, Furey, Rhilinger, Sutherland, and Mayor Scotto.
NOES:	COUNCILMEMBERS:	None.
ABSTAIN:	COUNCILMEMBERS:	None.
ABSENT:	COUNCILMEMBERS:	Barnett and Numark.

Respectfully submitted,



Sue Herbers, CMC  
 City Clerk

NOTED:



LeRoy J. Jackson, City Manager

Attachment A: Ordinance 3753  
 B: Ordinance summary

**ORDINANCE NO. 3753**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE RELATING TO PUBLIC HEALTH  
AND FOOD SAFETY**

**WHEREAS**, the California Retail Food Code (Health and Safety Code sections 113700 et seq.) authorizes local agencies to adopt an evaluation or grading system for food facilities, including mobile food facilities; and

**WHEREAS**, in October 2010, Los Angeles County amended its Public Health laws to enhance food safety regulations of mobile food facilities; and

**WHEREAS**, California Government Code section 5022.9 specifically authorizes cities to enact ordinances which adopt by reference county codes; 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;

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

**SECTION 1**

Section 47.2.6 of the Torrance Municipal Code is amended to read in its entirety as follows:

**“47.2.6 – Readoption of County Code; Food Facility Grading**

- a) Sections 11.02.010 to 11.38.610, inclusive, with the exception of Sections 11.02.192, 11.04.030 to 11.04.330, 11.15.010 to 11.15.050, 11.16.060, 11.16.110, 11.91.010 to 11.19.040, 11.28.010 to 11.28.060, 11.36.010 to 11.36.080, 11.38.470 and 11.38.460, and Chapter 11.20 of the Health and Safety Code of the County of Los Angeles and all subsequent ordinances amending the incorporated sections of Title 11 of the Los Angeles County Code, are adopted and incorporated by this reference as if set forth in full in this Section. The adopted provisions of the Health and Safety Code fully express the will and intention of the City Council of the City of Torrance as to those matters relating to public health that are contained in the sections of the Los Angeles County Code incorporated and adopted by this Section.
- b) Sections 8.04.142, 8.04.165, 8.04.200, 8.04.225, 8.04.275, 8.04.306, 8.04.311, 8.04.337, 8.04.339, 8.04.403, 8.04.405, 8.04.595, 8.04.720 (to the extent that the fees set forth in this Section apply to food official inspections), 8.04.728, 8.04.752, 8.04.755, 8.04.790, 8.04.810, 8.04.817 and 8.04.943 of Title 8 of the Los Angeles County Code (Consumer Protection and Business Regulations) and all subsequent ordinances amending the incorporated sections of Title 8 of the Los Angeles County Code, are adopted and incorporated by this reference as if set forth in full in this Section. The adopted provisions of Title 8 of the Los Angeles County Code fully express the will and intention of the City Council of the City of Torrance as to those matters relating to public health that are contained in the sections of the Los Angeles County Code incorporated and adopted by this Section.
- c) The provisions of this Section, insofar as they are substantially the same as provisions of the Torrance Municipal Code relating to the same subject matter existing immediately preceding adoption of this Section, shall be construed as restatements and continuances, and not as new enactments.

- d) The issuance of a permit, certification, or approval under the provisions of this Section shall not constitute a waiver of any other requirement contained in the Torrance Municipal Code or any other law or ordinance, and all such requirements shall be complied with in addition to the obtaining of a permit, certification, or approval under the provisions of this Section.
- e) The issuance of a permit, certification, or approval under the provisions of this Section shall not constitute an approval of any violation of any provision of this Section, or any law or ordinance, and a permit, certification, approval, or other document purporting to give authority to violate any law or ordinance shall not be valid with respect thereto.
- f) Any person, group, corporation or association which prepares food for, or dispenses food to, members of the public shall comply with the provisions of the Los Angeles County Health and Safety Code, which are adopted and incorporated by this Section and which impose requirements for food handling, preparation, storage and treatment and for the packaging of box lunches, sandwiches and other prepared food.
- g) In the event of any conflict, inconsistency or ambiguity arises between the provisions of Title 8 and Title 11 of the Los Angeles County Code as adopted by this Section and any other provision of the Torrance Municipal Code, the provisions of the Torrance Municipal Code shall govern.
- h) A copy of Title 8 (Consumer Protection and Business Regulations) and of Title 11 (Health and Safety) of the Los Angeles County Code is on file in the Office of the City Clerk.”

## **SECTION 2**

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

## **SECTION 3**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then the decision will not affect the validity of the remaining portion of the ordinance. The City Council declares that it would have passed this ordinance and each of its sections, subsections, sentences, clauses and phrases, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid or unconstitutional.

## **SECTION 4**

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

**INTRODUCED** and **APPROVED** the 6th day of December, 2011.

**ADOPTED** and **PASSED** this \_\_\_\_\_ day of December, 2011.

APPROVED AS TO FORM:  
JOHN L. FELLOWS III, City Attorney

by \_\_\_\_\_  
Patrick Q. Sullivan, Assistant City Attorney

\_\_\_\_\_  
Mayor Frank Scotto

ATTEST:

\_\_\_\_\_  
Sue Herbers, CMC  
City Clerk

## Ordinance Summary

### TORRANCE CITY COUNCIL ORDINANCE NO. 3753

On \_\_\_\_\_, 2011, the City Council of the City of Torrance adopted Ordinance No. 3753 amending Section 47.2.6 of the Torrance Municipal Code.

The City Council amended Section 47.2.6 to incorporate the changes made to the Los Angeles County Code in October 2010. The changes to the Los Angeles County Code establish standards for the letter grading of Mobile Food Facilities requiring that the owners of the Mobile Food Facilities obtain annual certification, submit to semi-annual routine inspections, and provide the Department of Public Health with current route information. Additionally, the changes to the Los Angeles County Code will require the owners of Mobile Support Units to obtain annual certification, submit to an annual routine inspection, and provide the Department of Public Health with current route information.

*\*\*\*\*City Clerk to add a paragraph stating that copies of the ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.\*\*\*\**