

ORDINANCE NO. 2479

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING AND REPLACING ARTICLE II (HEALTH CODE) OF CHAPTER 13 (HEALTH AND SANITATION) OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE DIVISION 1 (PUBLIC HEALTH) OF TITLE 11 (HEALTH AND SAFETY), INCLUDING THE RULES AND REGULATIONS APPENDED THERETO, AND DIVISION 1 (PUBLIC HEALTH LICENSES) OF TITLE 8 (CONSUMER PROTECTION, BUSINESS AND WAGE REGULATIONS) OF THE LOS ANGELES COUNTY CODE

WHEREAS, the Los Angeles County Department of Public Health has historically provided public health services to the City of West Covina; and

WHEREAS, in connection with the County's provision of public health services, the City of West Covina previously adopted by reference the Public Health Code of the County of Los Angeles as Article II (Health Code) of Chapter 13 (Health and Sanitation) of the West Covina Municipal Code; and

WHEREAS, most provisions of Article II of Chapter 13 have not been updated in several decades; and

WHEREAS, the West Covina City Council desires to establish a local health department to establish local control over public health issues and better serve the community; and

WHEREAS, to maintain consistency regarding the regulations applicable to public health within West Covina, the City Council desires to continue to utilize the County's Health Code as the City's Health Code, with certain amendments; and

WHEREAS, the City Council desires to repeal and replace the existing provisions of Article II of Chapter 13 of the West Covina Municipal Code and adopt by reference Division 1 (Public Health) of Title 11 (Health and Safety) of the Los Angeles County Code, including the Rules and Regulations appended thereto in accordance with Section 11.02.160 of said Code, in order to ensure the City's public health regulations are up to date; and

WHEREAS, the City Council further desires to adopt by reference Division 1 (Public Health Licenses) of Title 8 (Consumer Protection, Business and Wage Regulations) to establish a public health license and public health permit system that is consistent with the County's system; and

WHEREAS, the City desires that the West Covina Municipal Code language be revised effective July 1, 2021; and

WHEREAS, this Ordinance is being adopted in accordance with the provisions of Government Code section 50022.1 *et seq.*; and

WHEREAS, all legal prerequisites prior to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Repeal and Replacement of Article II of Chapter 13. Article II (Health Code) of Chapter 13 (Health and Sanitation) of the West Covina Municipal Code is hereby repealed and replaced as follows:

ARTICLE II. – HEALTH CODE

Sec. 13-20. – Title.

This article shall be known as the West Covina Health Code.

Sec. 13-21. – Purpose.

It is the intent of this article to provide regulations and standards for certain operations, enterprises or activities which, if not regulated, may adversely affect the public health. It is further the intent to provide regulations and standards that equal or exceed all applicable state laws. It is declared that if this article's provisions do not encompass all of the statutes or state regulations, that such statutes and regulations are included and required for conformance as a part of this article. These regulations and standards are established to provide a healthful community living and working environment; to reduce conditions favorable to the harboring and breeding of insects, rodents and other vermin; to prevent the spread of disease and related human discomfort; to reduce the hazards of fire; and to prevent unsightliness which may result in the depreciation of property values and interfere with the comfortable enjoyment of life.

Sec. 13-22. – Adoption of county health code and licensing provisions.

Subject to the amendments, deletions, and additions set forth in this article, the provisions of Division 1 (Health Code) of Title 11 (Health and Safety) of the Los Angeles County Code, including the rules and regulations appended thereto in accordance with Section 11.02.160 of said Code, and the provisions of Division 1 (Public Health Licenses) of Title 8 (Consumer Protection, Business and Wage Regulations) of the Los Angeles County Code, are adopted by reference as the West Covina Health Code.

A certified copy of Division 1 of Title 11 of the Los Angeles County Code as adopted by the city, including the rules and regulations appended thereto, and of Division 1 of Title 8 of the Los Angeles County Code as adopted by the city, shall be kept on file and available for public inspection during normal business hours in the office of the city clerk.

Sec. 13-23. – Interpretation.

The following rules shall govern the interpretation of the provisions of this article and of the provisions adopted by reference herein, including the related rules and regulations:

- (a) As used herein, “County Health Code” refers to Division 1 of Title 11 and Division 1 of Title 8 of the Los Angeles County Code, as adopted and amended in this article.
- (b) Unless the context otherwise requires, whenever the word “county” appears in the County Health Code, it shall be interpreted and deemed to mean “city.”
- (c) Unless the context otherwise requires, whenever the word “Los Angeles” appears in the County Health Code, it shall be interpreted and deemed to mean “West Covina.”
- (d) Unless the context otherwise requires, whenever the phrases “county health officer” or “director” appear in the County Health Code, they shall be interpreted and deemed to mean the director of the city’s health department.
- (e) The provisions of the County Health Code and of the West Covina Municipal Code shall be construed so as to supplement one another. If any apparently conflicting or inconsistent provisions may not reasonably be so construed, the provisions of the West Covina Municipal Code shall prevail.
- (f) The definition or regulation of any activity, condition, or structure in the County Health Code shall not be interpreted or deemed to allow the conduct of any such activity, or the construction or maintenance of any such condition or structure, as may be otherwise prohibited or restricted by any other laws of the city heretofore or hereafter adopted.

Sec. 13-24. – Numbering of code.

To provide consistency between this article and the provisions of the Los Angeles County Code adopted herein, the actual section of the Los Angeles County Code shall be retained in this article and shall be preceded by the prefix 13-20-1. For example, a violation of the posting requirements for letter grades, Section 8.04.752 of the Los Angeles County Code, shall be cited as a violation of this Code, Section 13-20-1-8.04.752.

Sec. 13-25. – Amendments to County Health Code.

The County Health Code, as adopted by Section 13-22 of this article, is amended as follows:

- (a) Section 8.04.720 of the County Health Code is amended to reflect the city’s fee schedule, as adopted by resolution of the city council and as amended from time to time.
- (b) Section 8.04.728 is amended to reflect the city’s service charges, as adopted by resolution of the city council and as amended from time to time.

Sec. 13-26. – Penalties for violation.

(a) Criminal penalties.

1. General. Violation of any of the provisions of this article or the County Health Code adopted by reference herein is a misdemeanor punishable by a fine of not more than \$1,000.00, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this article or the County Health Code is committed, continued or permitted makes such violation of a separate offense.
2. Operating without a public health license or permit. A violation of Section 8.04.932 of the County Health Code is a misdemeanor punishable by fine of not more than \$1,000.00, or imprisonment in the county jail for a period not exceeding six months, or both.
3. Violation of health officer orders. Any person who, after notice, violates, or who, upon demand of the health officer, refuses or neglects to conform to any rule, regulation, order or directive prescribed by the health officer, is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00, or imprisonment in the county jail for a period not exceeding six months, or both.

(b) Administrative penalties.

1. General. Violation of any of the provisions of this article or the County Health Code adopted by reference herein may be punished as a criminal offense or by the issuance of an administrative citation in accordance with article X of chapter 15 of this Code. The administrative fines shall be in the amounts set forth in article X of chapter 15 of this Code, or such greater fine amounts as authorized by California law. In the event of an inconsistency between the authorized amount of such fines pursuant to article x of chapter 15 and of those authorized by California law, the greater fine amount may be imposed.
2. Operating without a public health license or permit. A violation of Section 8.04.932 of the County Health Code may be punished as a criminal offense or by the issuance of an administrative citation in accordance with article X of chapter 15 of this Code.

Sec. 13-27. – Penalties for late fee payments.

- (a) If any fee required by this article or by the County Health Code adopted by reference herein is not paid prior to the delinquency date, in addition to such fee, the licensee or permittee shall pay a penalty equal to 25 percent (25%) of the fee or fifty dollars (\$50.00), whichever is greater, plus an additional amount equal to one and one-half percent (1.5%) of the license or permit fee owed for each month the fee plus penalties remain delinquent, commencing the first day of the first calendar month that begins at least sixty (60) days after the delinquency date.

1. If the fee and penalty as described in subsection (a) is not paid within ninety (90) days after the delinquency date, a certificate of lien may be recorded against the licensee or permittee as authorized by Section 101345 of the California Health and Safety Code.
 2. Upon recordation of a certificate of lien described herein, an additional penalty fee of fifteen dollars (\$15.00) shall be paid by the licensee or permittee.
- (b) A community event organizer application or a temporary food facility application shall be considered late if submitted less than fourteen (14) calendar days prior to the start of the event for which the application is submitted. Any application considered late shall be subjected to a penalty fee equal to twenty-five percent (25%) of the permit fee or fifty dollars (\$50.00), whichever is greater.

SECTION 2. Environmental Compliance. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment because it generally maintains the status quo, and is merely a mechanism to change which entity enforces applicable law. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. Effective Date. This Ordinance shall take effect on the 31st day after adoption. Section 1 of this Ordinance, which repeals and replaces Article II of Chapter 13 of the West Covina Municipal Code, shall amend the West Covina Municipal Code on July 1, 2021.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED on the ____ day of _____, 2021.

Letty Lopez-Viado
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2479 was introduced at a regular meeting of the City Council held on the 16th day of March, 2021, and adopted at a regular meeting of the City Council held on the ____ day of _____, 2021, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Lisa Sherrick
Assistant City Clerk