

**ORDINANCE NO. 434**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN,  
ADDING CHAPTER 32 TO TITLE 8 OF THE CITY OF ARVIN  
MUNICIPAL CODE CONCERNING FOOD SAFETY EDUCATION**

WHEREAS, the City Council is committed to protecting the public health, safety and welfare of the community, and to meet these goals it is necessary for the City Council to adopt measures, from time to time, to meet threats to the public health, safety, and welfare; and

WHEREAS, assuring that food is safe for consumption and has been prepared under conditions and using practices that are safe and sanitary, is necessary for the public health, safety and welfare; and

WHEREAS, facilities who have repeatedly demonstrated violations of critical risk factors affecting food safety, that fail to ensure that all employees handling unpackaged food have sufficient knowledge and understanding of how to safely prepare and serve food, or that have demonstrated poor decision making skills with regarding to food safety pose a risk to public health, safety and welfare; and

WHEREAS, education of persons who are involved with factors affecting food safety is a key component for assuring that food is safe for consumption; and

WHEREAS, to avoid the continuing threat to public health, safety and welfare, the County of Kern has adopted an ordinance implementing a mandated educational component for certain facilities involved with food; and

WHEREAS, to coordinate efforts, promote consistent standards, and to ensure the public health, safety and welfare within the City's limits, the City hereby desires to adopt the County of Kern's ordinance by reference.

**NOW, THEREFORE**, the City Council of the City of Arvin does hereby ordain as follows:

**Section 1.** The Recitals set forth above are true and correct and incorporated herein.

**Section 2.** Chapter 32 of Title 8 of the Arvin Municipal Code is hereby added to read in its entirety:

**Chapter 8.32 – FOOD SAFETY EDUCATION**

**8.32.010 – Kern County Ordinance Chapter 8.59—Adopted.**

Except as otherwise stated in this code, the rules, regulations, provisions and conditions as set forth in Chapter 8.59 (entitled "Food Safety Education") of Title 8 of the ordinance

of the County of Kern, as adopted and amended by Kern County, is hereby adopted. A copy of said publication is on file in the office of the city clerk.

**9.31.020 – Penalties.**

In accordance with California Government Code Section 50022.4, the City of Arvin hereby also adopts the penalty provisions contained in Chapter 8.59 of Title 8 of the ordinances of Kern County entitled “Food Safety Education,” which are set forth in full as follows:

**(1) 8.59.050 - Required knowledge demonstration.**

Attendees will be required to pass a food safety education competency examination following the conclusion of the presentation of the course contents. The competency examination will not be given without attendance of the food safety education course.

A. Failure to pass the competency examination with a seventy-five percent (75%) accuracy rate will result in the requirement to retake the course.

B. Failure to pass the competency examination with a seventy-five percent (75%) accuracy rate after the second attempt will result in suspension of the facility's health permit until at least a seventy-five percent (75%) accuracy rate has been demonstrated, unless a viable written corrective action plan is provided to and approved by the department indicating that the employee who has failed to pass the competency exam will no longer engage in food preparation and/or service until he/she has passed the competency examination.

**Section 3.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 4. Publication.** The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, section 36933.

**Section 5. Effective Date.** This Ordinance shall become effective thirty (30) days from the adoption of this Ordinance.

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**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the 06<sup>th</sup> day of September, 2016, and adopted the Ordinance after the second reading at a regular meeting held on the 20<sup>th</sup> day of September 2016, by the following roll call vote:

AYES: CM Ortiz, CM Robles, CM Gurrola, MPT Madrigal, Mayor Flores

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

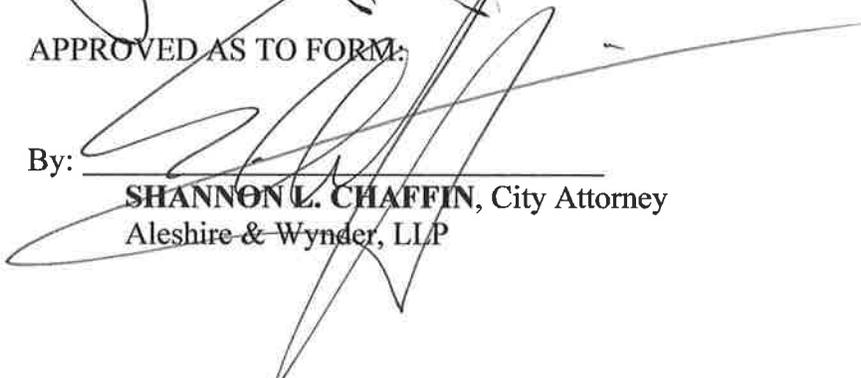
ATTEST:

  
\_\_\_\_\_  
CECILIA VELA, City Clerk

**ARVIN CITY COUNCIL**

By:   
\_\_\_\_\_  
**JOSE FLORES, Mayor**

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
**SHANNON L. CHAFFIN, City Attorney**  
Aleshire & Wynder, LLP

I, \_\_\_\_\_, City Clerk of the City of Arvin, California, DO  
HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and  
adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.