

CHAPTER 9

FOOD AND FOOD ESTABLISHMENTS

(For state law as to foods generally, see H & S C, Sec 26500 et seq.
As to food sanitation, see H & S C, Sec 28280 to 28345)

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Article I. In General

9-1 Compliance with state law. It shall be unlawful for any person or agent or employee of any person, to sell, offer for sale of distribute, or have in his possession for sale or distribution, any food which does not conform to the standards for production, distribution, preparation and sale of food as established in sections 28280 to 28299, Health and Safety Code of the state. (Ord. 301)

9-2 Storage of food.

- a) No food shall be exposed upon any street, or sidewalk, or upon any open vehicle except food in unbroken original packages, or fruit or vegetables whose whole rind or skin must be removed before eating.
- b) All milk, cream, cheese and butter and other dairy products; all meats and meat compounds; and seafood, to be eaten without previous cooking; and all pastries, pies, cakes, custards, prepared salads and salad dressings; and all other perishable foods which are ordinarily eaten without cooking; and all confections and candy, with the exception of uncooked fruits and vegetables, shall be kept within a fly-proof refrigerator or glassed-in or screened-in show case, or shall be kept covered at all times by a suitable fly-proof cover except when actual sale is being made.
- c) All fruit and vegetables shall be kept as least eighteen inches above the floor level at all times, or else be protected by a fly-proof glass case.
- d) Vegetables, fruits or other products when delivered to establishments, shall no be left upon the sidewalk any longer than is absolutely necessary to take them inside the establishment.
- e) All milk, cream and buttermilk, and fruit and vegetable juices, shall be kept in original container, and all milk, cream and buttermilk, ice cream, and all meats and fish, except smoked or preserved meats and fish, and fruit and vegetable juices, shall be kept refrigerated at all times at temperatures no higher than 50° F. except when actual sale is being made.

(Ord. 301)

9-3 Seizure, etc., of unwholesome food. The county health officer, his assistant, or his duly authorized representative, are hereby authorized and directed to seize and destroy or denaturize any tainted, diseased, decayed or partially decayed, or unwholesome meat, fish, poultry, shell fish, fowl, fruits, vegetables or other unwholesome food within the city. (Ord. 340)

(For state law as to adulterated food, see H & S C, sec 26520 to 26541)

9-4 Inspection stamps on meat. It shall be unlawful for any person or agent or employee of any person, to sell, offer for sale, distribute or have in possession for sale or distribution in the city, the flesh of any cattle, horse, sheep, lamb, swine or goat unless the same bears on each primal part thereof the “inspected and passed” stamp of an establishment operating under federal inspection, state inspection or approved municipal inspection. (Ord. 340)

9-5 Sale of sausage or meat product. It shall be unlawful for any person, or agent or employee of any person, to sell, offer for sale, distribute or have in possession for sale or distribution in the city any sausage or other meat product unless the same has been manufactured or prepared in accordance with the laws of the state. (Ord. 340)

9-6 Promulgation of rules and regulations. The county health officer is hereby authorized to promulgate such rules and regulations as may be necessary to insure the proper sanitation in all restaurants and food establishments and for all proper and orderly administration of this chapter. (Ord. 340)

Article II. Restaurants and Food Establishments

(For state law as to sanitation of restaurants, see
H & S C Sec. 28520 to 28696)

9-7 Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Food. All articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

Food establishment. Any public or private market, shop, store, delicatessen, candy factory, tortilleria or any other place, not a public eating or drinking establishment in or about which any food stuffs or provisions are kept, held, sold, prepared or compounded, or offered for sale for human consumption. Such establishment will specifically include but shall not be restricted to: Grocery stores and warehouses; candy and confectioners' plants or stores; bakeries; bottling works; food and condiment packing houses; fruit and vegetable stands; markets or other premises where meat or meat food products, sausage, fish, dressed poultry, rabbit or game are kept, stored, handled, manufactured or offered for sale; ice stations; all food processing or cannery plants of any type.

Restaurant. Any coffee shop, cafeteria, short order café, luncheonette, tavern, bar, sandwich stand, soda fountain, public school lunch room or cafeteria, labor and construction camp kitchens and dining rooms, public boarding house, club and other eating or drinking establishment which sells or offers for sale food to the public, as well as kitchens, box lunch establishments, catering services, barbecue pits in which food or drink is prepared on the premises for sale or distribution elsewhere, The term "restaurant" as used in this article shall also include all cafeterias or restaurants service commercial establishments as part of the organization and serving the public, whether as employees or visitors.

(Ord. 340)

9-8 Permit – Required; exception. It shall be unlawful for any person to operate or conduct a restaurant or food establishment or to sell, offer for sale distribute or have in possession for sale or distribution any food or drink intended for human consumption in the city, unless he possesses a permit to do so from the health officer of the county. No permit shall be required of any food processing plant, cannery or other food establishment licensed by the state department of health, by the bureau of meat inspection of the state department of agriculture or by the meat inspection division of the United States Department of Agriculture. (Ord. 340)

9-9 Same – Application. Any person intending to operate a restaurant or food establishment shall, before opening or operating such establishment, make application to the county health officer. (Ord. 340)

9-10 Same – Inspections of premises; issuance. Following receipt of the application by the county health officer, he shall make or cause to be made an inspection of the premises of the applicant, and if the provisions of this article and all other applicable state and county laws have been complied with by the applicant, the health officer shall certify that fact to the applicant and issue to him a permit to operate. (Ord. 340)

9-11 Same – Fees. Every application for a permit required by this article, except as hereinafter provided, shall be accompanied by a fee of ten dollars to cover the costs of inspection of the applicant's premises. No permit to operate shall be issued until this fee is paid; provided, that any applicant which is exempt from taxation as a nonprofit organization within the provisions of section 23701 of the Revenue and Taxation Code of the state shall be exempt from the payment of the fee hereinabove specified, but shall nevertheless be required by this article to obtain the permit. (Ord. 340 & 349)

9-12 Same – Display. Every permit required by this article shall at all time be displayed in a conspicuous place on the premises of the applicant to whom it was issued. (Ord. 340)

9-13 Same – Procedure upon change of management, etc. Every person who sells, exchanges, gives away, abandons or discontinues any restaurant or food establishment, within the unincorporated areas of the county, or who moves to a new location within such area, and every person who shall purchase or otherwise acquire any such restaurant or food establishment in such area, shall immediately notify the county health officer, his assistant or duly authorized representative as to the fact thereof. Such restaurant or food establishment shall be prohibited from operating after such sale, exchange, abandonment, discontinuance, change of location or purchase, until a new permit has been applied for and issued pursuant to the provisions of this article; provided, that the health officer may issue a new permit for any restaurant or food establishment upon change of location without fee, provided the owner or manager to whom the permit was issued remains the same, and provided further that the change of location meets the provisions of this article and the laws of the state. (Ord. 340 & 358)

9-14 Same – Suspension and revocation generally. If it is determined by the county health officer, following any investigation or inspection of a restaurant or food establishment, that the operator, owner or manager thereof has not complied with the provisions of this article or with the laws of the state, the health officer may, in his discretion, immediately suspend and seize the permit issued to operate the restaurant or food establishment. Any owner, operator or manager of a restaurant or food establishment whose permit has been suspended and seized shall have a reasonable time within which to correct the violation of this article or of the laws of the state, leading to such suspension and seizure, not to exceed thirty days, or such extension thereof as the health officer shall authorize. If such corrections are not made within the period allowed, the health officer shall revoke the permit. Provided, that when in the opinion of the county health officer any violation constitutes an immediate menace to public health such health official shall have the authority to summarily revoke such license and close the establishment until such time as such health menace has been abated. Whenever a permit has been suspended by the county health officer a notice of such suspension shall be displayed in a conspicuous place on the premises of the restaurant or food establishment where the suspension occurred. Any removal, alteration or defacement of such suspension notice shall constitute a misdemeanor, and shall be punishable as provided in this Code. (Ord. 340 & 358)

9-15 Same – Reinstatement of suspended permit. Before a suspended permit shall be reinstated, the owner, operator or manager of any restaurant or food establishment for which the permit to operate has been suspended shall be required to correct the conditions which caused the county health officer to suspend the permit. Upon such corrections, the permit to operate shall be returned at no additional cost to the permittee. (Ord. 340)

9-16 Same – Procedure upon revocation. In case a permit has been revoked, it shall not be reinstated, and the owner, operator or manager of a restaurant or food establishment whose permit has been revoked shall forthwith cease to operate such restaurant or food establishment and shall only be entitled to commence such operation after making a new application as provided for in section 9-9, and after having received a new permit to operate. (Ord. 340)

9-17 Evidence of intent to sell food. The presence in or about the place of business of any person dealing in food, or in or about any vehicle used by any such person for the delivery of food, shall be prima facie evidence of intent on the part of such person to sell the same and the fact that he is holding or offering the same for sale. (Ord. 340)

Article III. Food Handlers

9-18 Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Food. Any substance eaten or drunk for nourishment or refreshment of the body, whether such food be in storage, in process of preparation or ready to serve.

Operator. Any person, whether the owner or not, engaged in managing or supervising the dispensing of, or the preparation of food in a public eating place.

Public eating place. Every restaurant, lunchroom, tea room, soda fountain, buffet, grill room, lunch counter, coffee shop, sandwich stand, dining room, public boarding house, hotel, club, beer parlor, cocktail lounge and every other place, where food or drink are prepared or dispensed or both, and every public place where food or drinks are prepared to be consumed by the public on the premises, and all kitchens, commissaries and other rooms appurtenant thereto, or connected therewith. All places where sandwiches, lunches, box lunches and unpackaged foods are prepared or dispensed, or both, for sale or gift to the public shall also be classified as “public eating places.” (Ord. 341)

9-19 Certificate of registration – Required. It shall be unlawful for any person to work in or be employed in a public eating place without first having obtained a food handler’s certificate of registration or otherwise complied with the provision of this article.

(Ord. 341)

9-20 Same – Application: transferability; physical examination; fee; issuance; term; revocation. It shall be the duty of every person before he is employed in any public eating place, or within forty-eight hours thereafter any every operator before he engages in the dispensing or preparation of food, to report to the office of the county health department nearest his place of employment and to apply for a food handler’s certificate of registration. Such certificates are transferable. All such persons who apply for registration shall either submit to a physical examination by the health officer when required, or shall submit satisfactory evidence of a recent physical examination, including blood serology and x-ray of chest by a licensed physician indicating no infection of a communicable disease.

Upon payment of a fee of two dollars a food handler’s certificate of registration shall be issued, which certificate shall be good for twelve months from the date of issuance. Such cards are revocable by the county health officer whenever the holder becomes infected with a communicable disease. (Ord. 341 & 363)

9-21 Same – Display. Every owner or operator of a public eating place shall maintain and display on the premises of his establishment the food handler’s certificate of registration issued by the county health officer to persons employed therein. The certificate displayed shall at all times remain the property of the registrant. This display shall be subject to inspection by the health officer or his duly authorized representative at all times when the public eating place or any portion thereof is open to the public. (Ord. 341)

9-22 Same – Duplicate. Any person who has lost his certificate of registration before the expiration date thereof may apply to the office of the county health department nearest his place of employment and obtain a copy upon the payment of a fee of fifty

cents. Such copy shall expire on the same date as the original certificate of registration issued. (Ord. 341)

9-23 Examination of school cafeteria workers. If the governing body of any school district has provided for the physical examination of any operator in any school cafeteria under its jurisdiction, and in the opinion of the health officer such examination complies with this article and is sufficient to protect the patrons of such school cafeteria, the health officer may accept such examination in lieu of the examination provided for in this article and on the basis of such examination issue certificates to such operators. (Ord. 341)

9-24 Duty of operators of public eating places. It shall be the duty of the operators of a public eating place to inform the health office by mail or by other means of communication within twenty-four hours after the employment of person who has obtained a food handler's certificate of registration from the health officer. It shall be unlawful for any owner or operator of a public eating place knowingly to continue the employment of any person for a period in excess of forty-eight hours without obtaining from the employee a food handler's certificate of registration issued by the county health officer. (Ord. 341)

9-25 Reports of illness. It shall be the duty of the operator or owner of all public eating places to report as soon as possible to the health officer any illness of a communicable nature of any employees of the establishment. (Ord. 341)