

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF YOLO AMENDING CHAPTER 3 OF TITLE 6 OF THE
YOLO COUNTY CODE REGARDING FOOD HANDLING

The Board of Supervisors of the County of Yolo hereby ordains as follows:

SECTION 1. Background and Findings.

Posting placards at food facilities as an indication of the health score is a proven method to improve compliance and reduce incidents of food-borne illness. A Green/Yellow/Red color-coded placard system, similar to the highly successful one used in Sacramento County, is recommended because of its clarity and simplicity. The proposed program would require a color-coded placard to be posted at the entrance of all retail food facilities after inspection by Environmental Health. A Green Pass placard would be issued if no more than one major violation was observed and corrected during the inspection. A Yellow Conditional Pass placard would be issued if two or more major violation were observed and corrected during the inspection. A Red Closed placard would be issue if violations creating an imminent health hazard were observed that could not be corrected during the inspection. A color-coded placarding system gives the public the ability to make an informed decision on where to eat and provides an incentive for operators to comply with food safety requirements. Environmental Health will provided resources for facilities on how to get a green placard.

As part of the 2016-2019 Strategic Plan the implementation of a placarding scorecard is specifically called out as part of a proactive, coordinated code enforcement effort under the goal of Safe Communities. The proposed ordinance would fulfill this measure of success in the Strategic Plan.

The proposed amendments to Chapter 3, Title 6 of the Yolo County Code include language changes to align the county code with the California Retail Food Code, add a section allowing for the posting of the color-coded placards and adds a provision for requiring food safety education

SECTION 2. Section 6-3.01 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.01 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) “Director of Environmental Health” shall mean the Director of the Yolo County Environmental Health Division or his/her designated employee.

(b) “Employee” shall mean any person who is engaged in the handling, preparation, packaging, or serving of food or drink, or in the handling of utensils used in the preparation, packaging, or serving of food or drink, or who is employed, with or without pay, at any time in any room in which food or drink is prepared, packaged, or served.

(c) “Food Facility” shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level as more fully defined in the California Health and Safety Code, Section 113789.

- (d) "Operator" shall mean every person, owner, or agent conducting the business of a Food Facility.
- (e) "Placard" shall mean a color-coded placard that describes the compliance status of the food facility at the most recent Routine Inspection or Re-Inspection. The color green shall be the primary color used for a "PASS" placard. The color yellow shall be the primary color used to a "CONDITIONAL PASS" placard. The color red shall be the primary color for the "CLOSED" placard.
- (f) "Re-Inspection" shall mean an inspection of any food facility by the Director of Environmental Health to determine compliance with an inspection report following a Routine Inspection, or any interim inspection conducted to determine compliance with specific regulations or legal requirements.
- (g) "Routine Inspection" shall mean an inspection of any food facility by the Director of Environmental Health to determine compliance with all applicable federal, state, and local laws and regulations pertaining to the protection of public health.

SECTION 3. Section 6-3.02 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.02. Permits.

On and after February 12, 1953, it shall be unlawful for any person to open, operate, or maintain a Food Facility without first obtaining a permit from the Director of Environmental Health.

SECTION 4. Section 6-3.03 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.03. Permits: Applications: Form.

Applications for permits shall be filed with the Director of Environmental Health and include the following information:

- (a) The name and address of the applicant and, if a partnership, corporation, or association, the names and addresses of all partners, and the names and addresses of the president, vice- president, secretary, and managing officer of the corporation or association; and
- (b) The location of the premises for which the permit is sought.

SECTION 5. Section 6-3.04 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.04. Permits: Granting. Conditions.

No permit shall be granted to any person to operate a Food Facility if the condition of the building, premises, equipment, or apparatus, or the reasonable facilities for the establishment, maintenance, conducting, or operating of the business, is insufficient, unfit, or incapable of being used for the proper maintenance of such business in a manner which will comply with:

- (a) The building and equipment requirements made mandatory by the provisions of this chapter;
- (b) All other laws of the County in any manner pertaining thereto;

(c) California Retail Food Code and all laws and statutes of the State of California in any manner pertaining to the operation of a Food Facility; and

(d) All rules and regulations regarding Food Facilities promulgated by the Director of Public Health of the State or by the Public Health Director of Environmental Health of the County.

SECTION 6. Section 6-3.05 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.05. Permits: Suspension and Revocation: Notices.

The Director of Environmental Health shall suspend or revoke permits for violations of the provisions of this chapter and, whenever such action is warranted for the protection of the health and safety of the public, by notice in writing delivered personally or by mail to the operator.

SECTION 7. Section 6-3.06 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.06. Permits: Suspension and Revocation: Closing of Food Facilities.

Upon receipt of a notice of suspension or revocation of a permit, the operator shall close the Food Facility until such time as the order of suspension is rescinded by the Director of Environmental Health. The notice of suspension or revocation shall include a provision for an appeal hearing as described in the California Retail Food Code, Chapter 13, Article 3.

SECTION 8. Section 6-3.07 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.07. Inspections of Establishments: Frequency.

At least once every year or once every six (6) months the Director of Environmental Health shall cause every Food Facility located within the County to be inspected. The frequency of the inspections will be based on the risk level of the food facility. The Director of Environmental Health may temporarily require more frequent inspections when a food facility has shown poor compliance history and more frequent inspections are necessary to demonstrate consistent compliance and public health protection.

SECTION 9. Section 6-3.08 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.08. Posting of Placards.

(a) Upon completion of a routine inspection or re-inspection, the Director of Environmental Health shall post the appropriate placard at the food facility, as determined by the Director of Environmental Health. The placard shall be posted so as to be clearly visible to the general public and to patrons entering the food facility. "Clearly visible to the general public and to patrons" shall mean:

- (1) Posted in the front window of the food facility; or
- (2) Posted in a display case mounted on the outside front wall of the food facility; or
- (3) Posted in a location approved by the Director of Environmental Health to ensure proper notice to the general public and to patrons.

(b) If a food facility is operated in the same building as a separately permitted or licensed business, or if a facility shares a common patron entrance with a separately permitted facility or licensed business, or in the event of both, the Director of Environmental Health shall post the placard in the initial patron contact area, or in a location approved by the Director of Environmental Health.

(c) The placard shall not be altered, defaced, marred, camouflaged, hidden, or removed. It shall be unlawful to operate a food facility unless the placard is posted in accordance with this chapter. Failure to comply with this section may result in the suspension or revocation of the food facility permit and will be subject to a daily re-inspection and the associated fees.

(d) The Director of Environmental Health shall re-inspect every food facility at which a yellow "conditional pass" placard is posted within three (3) department business days of the posting of the yellow placard. Upon re-inspection, the appropriate placard shall be posted.

(e) A placard shall remain valid from the time of issuance until a new placard is issued at time of routine inspection, re-inspection or change of ownership.

(f) Food facility categories eligible for the placard program shall be determined by the department.

SECTION 10. Section 6-3.09 of Chapter 3, Title 6 is amended to read as follows:

Sec. 6-3.09. Mandatory Food Safety Education.

(a) When the Director of Environmental Health, during a Food Facility inspection, determines either of the following:

- (1) Repeated violation of critical factors affecting food safety; or
- (2) The owner or employee with Food Safety Certification has failed to ensure that all employees who handle unpackaged food have sufficient knowledge and understanding of how to safely prepare and serve food.

The Director of Environmental Health may require the owner to send all staff who engage in food preparation to a food safety education class provided or approved by the Yolo County's Division of Environmental Health.

(b) The food safety education class shall include, but not be limited to, the following:

- (1) Causes and contributing factors of food-borne illness, the relationship between time and temperature with respect to food-borne illness, and the relationship between personal hygiene and food safety;
- (2) Methods of preventing food contamination in all stages of food handling; and
- (3) Procedures for cleaning and sanitizing food handling equipment and utensils.

The owner shall pay a fee to cover the County's costs of providing the food safety education class to the owner's employees

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SECTION 10. Severability.

If any section, sub-section, sentence, clause, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

SECTION 11. Effective Date.

This ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

Introduced at a regular meeting of the Board of Supervisors held on the 22nd day of November, 2016, and passed and adopted by the Board of Supervisors of the County of Yolo, State of California, on the 13th day of December, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

Jim Provenza, Chair
Yolo County Board of Supervisors

Attest: Julie Dachtler, Deputy Clerk
Yolo County Board of Supervisors

Approved as to Form:
Philip J. Pogledich, County Counsel

By: _____
Deputy (Seal)

By: Hope P. Welton
Hope P. Welton, Senior Deputy