

## Chapter 6.08

### FOOD HANDLING ESTABLISHMENTS<sup>1</sup>

#### Sections

6.08.010	Definitions.
6.08.020	Permits required – Issuance.
6.08.030	Permits – Nontransferable.
6.08.040	State provisions--Applicability.
6.08.050	Suspension of certificate--Hearing--Revocation.
6.08.060	Employment after certification.
6.08.070	Delegation to county health officer.
6.08.075	Approved building plans.
6.08.080	Penalties.

6.08.010 Definitions. The words and phrases used in this chapter shall have the following meanings:

- (1) "Food" means all articles used for human consumption as food, drink, confectionery, or condiment, whether simple or compound;
- (2) "Food establishment" means any building, room, stand, vehicle, enclosure, place, space, or area where any cooked or uncooked article of food is stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, distributed, served, or displayed excepting that private dwellings in which food is handled by and for only the occupants of those dwellings and their household guests are not included in this definition;
- (3) "Health officer" means the health officer of Marin County, or his authorized representative;
- (4) "Person" means an individual, firm, corporation, partnership, club, association, or organization;
- (5) "Employee" means any person working in a food establishment, whether with or without pay, who handles food during any phase of its storage, preparation, manufacture, distribution, serving, or display, or who comes in contact with food equipment, utensils, or machinery. (The owner of a food establishment, if engaged in food handling, is subject to the same requirements as any other person so engaged.) (Prior code §5300).

6.08.020 Permits required—Issuance. It is unlawful for any person to operate any food establishment within the town without a valid permit issued by the health officer, or his authorized representative. The permit shall bear the date of expiration and shall be displayed prominently in the place of business for which it is issued. (Ord. 330 §1, 1973: prior code §5301(part)).

---

<sup>1</sup> For statutory provisions pertaining to the regulation of food by local authorities, see H. & S. C.A. §26620 et seq.

6.08.030 Permits--Nontransferable. No permit to operate such place of business shall be issued until all of the provisions of this chapter and of Division 21 of the California Health and Safety Code, and all rules and regulations of the State Board of Public Health have been complied with. A permit is not transferable upon change of ownership of a food establishment. (Ord. 330 §2, 1973: prior code §5301(part)).

6.08.040 State provisions--Applicability. Inspections under this chapter shall be based upon provisions of the Division 21 of the California Health and Safety Code and on rules and regulations of the State Board of Public Health and subsequent modification thereof. (Ord. 330 §3, 1973: prior code §5301(part)).

6.08.050 Suspension of permit--Hearing--Revocation. A permit may be suspended by the health officer for violation of any provision of this chapter, but not until after the holder has been given an opportunity for a hearing before the health officer, except that a permit shall be immediately suspended if employees with contagious tuberculosis or other communicable disease are not immediately excluded from the food establishment as ordered by the health officer. After the hearing a reasonable time shall be allowed by the health officer for correction of the violations. During that correctional period the permit may be suspended, and the food establishment may be ordered closed during the suspension if the health officer deems such action necessary for the protection of the public health. The suspension shall be lifted if full compliance with sanitary requirements is obtained at the end of the time allowed; if compliance is not obtained, the permit shall then be revoked. (Ord. 330 §4, 1973: prior code §5301(part)).

6.08.060 Employment after certification. After the issuance of any permit hereunder, and during the full life of such permit, no person shall be employed in such food establishment except those whom the health officer has cleared or approved at the time of the permit issuance, or other personnel who has been approved by him thereafter, but prior to commencing work. (Ord. 330 §5, 1973: prior code §5301(part)).

6.08.070 Delegation to county health officer. The administration and enforcement of the provisions of this chapter are delegated to, and conferred upon, the Marin County health officer. (Prior code §5303).

6.08.075 Approved building plans. It is unlawful for any person to commence or perform any construction, reconstruction, remodeling or altering of any food establishment without first having the building plans therefor approved by the Marin County health department and the town building department. (Ord. 292 §1, 1969).

6.08.080 Penalties. Any violation of any of the provisions of this chapter shall be a misdemeanor and punishable as provided in Section 1.04.010 of this code. (Prior code §5304).