

ORDINANCE NO. 492
(AS AMENDED THROUGH 492.10)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
492 REGULATING FOOD FACILITIES AND INCORPORATING BY REFERENCE
ORDINANCE 725

The Board of Supervisors of the County of Riverside Ordains as Follows:

SECTION 1. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

- A. "Food Facilities"** shall mean any facility as defined in California Health and Safety Code section 113789. These are commonly referred to as restaurants, markets, delis, cafeterias, or similar operations; and nonpermanent food facilities such as vending machines, mobile support units, certified farmers' markets, and mobile food facilities. This definition includes commercial food establishments.
- B. "Enforcement Officer"** shall mean the Director of the Department of Environmental Health and his or her duly authorized designees.
- C. "Food Preparation"** shall mean food preparation as defined in Section 113790 of the California Health and Safety Code.
- D. "Official Inspection Form"** shall mean the form provided by the Department of Environmental Health.
- E. "Permanent Food Facility"** shall mean any food facility as defined by California Health and Safety Code section 113849.

SECTION 2. GRADING.

- A.** All Permanent Food Facilities shall be inspected and graded uniformly using an Official Inspection Form. The grade of each Permanent Food Facility shall be determined by the Enforcement Officer using the scoring method provided on the Official Inspection Form. The grade of each Permanent Food Facility shall be evidenced by the posting of a grade card bearing the letter, "A", "B" or "C."
 - 1.** The letter "A" shall indicate a score of ninety percent (90%) or higher, and indicates that the Permanent Food Facility passed the inspection by meeting those minimum health standards as set forth by the State of California in the California Health and Safety Code sections 113700, et seq., and interpreted by the Enforcement Officer. Grade "A" cards shall be printed in Blue on High-Impact White Styrene Plastic.
 - 2.** The letter "B" shall indicate a score of less than ninety percent (90%), but not less than eighty percent (80%), and indicates that the Permanent Food Facility has not passed the inspection and does not meet minimum health standards. Grade "B" cards shall be printed in Green on High-Impact White Styrene Plastic.

3. The letter "C" shall indicate a score of less than eighty percent (80%), and indicates that the Permanent Food Facility has failed the inspection and has conditions existing which may pose a potential or actual threat to public health and safety. The food facility may also be ordered closed, with its permit being suspended or revoked by the Enforcement Officer. Grade "C" cards shall be printed in red on High-Impact White Styrene Plastic.
- B. The Grade Card shall be provided by the Enforcement Officer and shall be nine inches by eleven inches (9" x 11") in size. The grade letter shall not be more than five inches (5") in height.
- C. The Grade Card shall be posted in a conspicuous place selected by the Enforcement Officer, at or near each entrance to the Permanent Food Facility used by its patrons, and shall be removed only by the Enforcement Officer.
- D. It shall be unlawful to operate a Permanent Food Facility unless the grade card is in place as posted by the Enforcement Officer.
- E. Permanent Food Facilities which are not engaged in Food Preparation shall not be required to post a Grade Card.

SECTION 3. INSPECTIONS.

- A. The Enforcement Officer shall inspect each Permanent Food Facility at regular intervals. All permanent Food Facilities shall comply with those requirements set forth in the California Health and Safety Code sections 113700, et seq.
- B. A signed copy of the Official Inspection Form shall be delivered to the owner, operator, or person in charge of the Permanent Food Facility who shall sign in receipt thereof.
- C. Any Permanent Food Facility that has received a "B" or "C" grade shall receive a re-inspection within five (5) working days of the initial inspection, or as otherwise arranged with the facility operator, to assure that the violations have been corrected. The grade "B" or "C" shall remain posted at the Permanent Food Facility, indicating to the public that the particular Permanent Food Facility failed to maintain minimum health standards during its most recent routine inspection performed by the Department of Environmental Health.
- D. If, after a re-inspection of the Permanent Food Facility, the score is not ninety percent (90%) or higher, any or all of the following legal actions may ensue:
 1. Administrative hearing offered for the suspension or revocation of the permit pursuant to California Health and Safety Code sections 114405, et seq.
 2. Issuance of a citation.
 3. Initiation of civil, criminal or other legal proceedings.

- E. Notwithstanding the foregoing, the Enforcement Officer may order immediate closure of a Food Facility pursuant to California Health and Safety Code section 114409 whenever the Enforcement Officer reasonably believes the Food Facility to present an immediate danger to the public health or safety.
- F. Any re-inspections following legal actions, other than one (1) re-inspection following an initial administrative hearing, will result in the operator being charged an hourly on-site fee.

SECTION 4. PERMITS. No person shall operate a Food Facility or establishment without holding a valid permit issued by the Department of Environmental Health. Application for a permit shall be made to the Department of Environmental Health upon a form provided by the Department, and shall be accompanied by a fee as required by Ordinance No. 640. A permit shall be valid for not more than one (1) year.

SECTION 5. CRIMINAL PENALTIES.

- A. Any person violating any provision of this ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each day during which any violation of this ordinance is committed or allowed to exist.
- B. Any individual convicted of a violation of this ordinance shall be:
 - 1. Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00), but not to exceed one hundred dollars (\$100.00) for the first offense.
 - 2. Guilty of an infraction and punished by a fine of not less than one hundred dollars (\$100.00), but not to exceed two hundred dollars (\$200.00) for the second offense.
 - 3. The third and any subsequent offense shall constitute a misdemeanor, and shall be punishable by a fine of not less than five hundred dollars (\$500.00), but not to exceed one thousand dollars (\$1,000.00) and/or up to six (6) months in the County jail, or both.
- C. Notwithstanding the foregoing, a first or second offense may be charged and prosecuted as a misdemeanor.
- D. Payment of any penalty herein shall not relieve an individual from the responsibility of correcting the violations as noted on the official Inspection Report Form.
- E. The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

SECTION 6. PUBLIC NUISANCE DECLARATION. In addition, any violation of this ordinance is hereby deemed to be a public health nuisance and may be abated by the Enforcement Officer, irrespective of any other remedy hereinabove provided.

SECTION 7. CIVIL PENALTIES. Any person who willfully violates any provision of this ordinance or any other rules or regulations adopted by the Department of Environmental Health pursuant to this ordinance, in addition to any criminal penalties, shall be liable for a civil penalty of between fifty dollars (\$50.00) and two hundred fifty dollars (\$250.00) for each day of violation. The enforcement agency shall be authorized to file and maintain an action in a court of appropriate jurisdiction to collect any such civil penalty arising under this section.

SECTION 8. RIGHT OF INSPECTION. Pursuant to California Health and Safety Code Section 113925, the Enforcement Officer shall have the right to inspect any Food Facility or establishment, or any facility suspected of being a food establishment or facility, at any reasonable time. If inspection is refused, the permit may be suspended or revoked, and/or the owner or operator shall be guilty of an infraction or misdemeanor offense.

SECTION 9. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 10. This ordinance shall take effect thirty (30) days after its adoption.

Adopted:

492 11/04/1963 (Eff: 12/12/1963)

Amended:

492.1 11/30/1971 (Eff: 12/29/1971)

492.2 12/02/1975 (Eff: 12/31/1975)

492.3 Item 6.2 of 05/13/1980 (Eff: 06/11/1980)

492.4 Item 6.1 of 07/15/1980 (Eff: 08/13/1980)

492.5 Item 3.2 of 02/28/1984 (Eff: 03/29/1984)

492.6 Item 3.2 of 02/21/1989 (Eff: 03/22/1989)

492.7 Item 11.5 of 06/14/1992 (Eff: 07/13/1992)

492.8 Item 3.1 of 09/17/1996 (Eff: 10/17/1996)

492.9 Item 15.6 of 05/22/2007 (Eff: 06/21/2007)

492.10 Item 9.5 of 06/23/2009 (Eff: 07/23/2009)