

ORDINANCE NO. 567  
(AMENDED THRU 567.4)  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
REGULATING FOOD HANDLERS

**Section 1. PURPOSE AND INTENT.** It is the purpose and intent of this ordinance to attain a uniform standard by requiring all food handlers in the County of Riverside to demonstrate through process of examination that they possess an adequate knowledge of the health and safety principles and practices within the food industry.

**Section 2. DEFINITIONS.** As used in this ordinance, the following words and phrases shall have the following meanings:

- a. **"Food Handler Certificate"** – A statement issued by the Department certifying that a person has satisfactorily demonstrated his or her competency in food safety principles and practices.
- b. **"Food Handler Training Materials"** - The manual prepared and distributed to food handlers by the Department that describes acceptable procedures and safe and healthy practices pertaining to the retail food service industry, or any other format of training as approved by the Department.
- c. **"Department"**- Riverside County Environmental Health Department, its Director or his/her designated representative.

**Section 3. FOOD HANDLER CERTIFICATE REQUIRED.** No person shall engage in any work, occupation or employment which requires the handling of any food, liquor or material intended for human consumption or the handling of any dishes or other articles used in the preparation or service of food or drink for human consumption, who does not hold or produce a Food Handler Certificate as required by this ordinance within 7 days after engaging or serving in such work, occupation or employment. No owner, manager or agent of such owner, or person in charge of any establishment or business shall retain in the employ thereof for the performance of such services, any person who does not hold and produce a Food Handler Certificate as required by this ordinance within 7 days of commencing work as a food handler.

**Section 4. EXEMPTION.** Any person who engages or serves or seeks employment relating to domestic or household work or to temporary, occasional or intermittent functions of bona fide not for-profit organizations, or students in public or private schools under the age of 16 engaged in school food operations shall be exempt from the provisions of Section 3 of this ordinance. However, any volunteers, including, but not limited to, those listed above, working for more than 25 days per year shall be required to obtain the food handler certificate. Any volunteers not possessing a valid Food Handler Certificate must work under direct supervision of a certified food handler at all times.

**Section 5. APPLICATION FOR FOOD HANDLER CERTIFICATE.** Any person who is engaged or intends to engage in an occupation or employment for which a Food Handler Certificate is required by Sections 3 or 4 of this ordinance, shall file with the Department an application for such certificate or a renewal in such form as the Department may require. The application shall be

accompanied by a non-refundable fee, as referenced in Ordinance No. 640, and a valid photo identification.

**Section 6. QUALIFICATION FOR FOOD HANDLER CERTIFICATE.** To qualify for the issuance or renewal of a Food Handler Certificate as required by Sections 3 or 4 of this ordinance, the applicant shall have demonstrated his or her knowledge of acceptable practices in the safe and sanitary preparation, service, storage, distribution and sale of food and beverages and the proper sanitation of equipment and facilities. Such demonstration of knowledge shall be by satisfactorily passing an examination conducted by the Department on those subjects listed above and based on the practices and procedures set forth in the Food Handler Training Materials. A copy of the latest edition of the Food Handler Training Materials shall be made available by the Department to those persons applying for a Food Handler Certificate or renewal.

**Section 7. ISSUANCE OF FOOD HANDLER CERTIFICATE.** When qualified pursuant to Section 6 of this ordinance, the applicant shall be issued a Food Handler Certificate containing the following information: certificate number, name, expiration date and attesting signature. Such certificate shall expire at the end of the month that occurs 2 years after the date it was issued.

**Section 8. DUPLICATE FOOD HANDLER CERTIFICATE.** Duplicate Food Handler Certificates may be issued at any of the Environmental Health offices with valid photo identification and payment of appropriate fees as outlined in Ordinance 640. Duplicate certificates are also available with payment of the online fee at no additional cost.

**Section 9. REVOCATION OF FOOD HANDLER CERTIFICATE.** The Food Handler Certificate may be revoked by the Department upon evidence indicating repeated or continuing violations of accepted practices and procedures in the preparation, service, storage, distribution, or sale of food or beverages, lack of ability to demonstrate knowledge of these practices and procedures, or upon evidence indicating falsification of information required for issuance of such certificate.

**Section 10. APPEAL.** Any person who has an application for a Food Handler Certificate denied or revoked by the Department, may appeal such denial or revocation by filing a written notice of appeal with the Department, within 10 days after the date of denial or revocation. A written notice of appeal should briefly set forth the reasons why the denial or revocation is not proper. The Department shall give notice of the time and place of the hearing to the appellant.

Such appeal shall be heard by a hearing officer who may affirm, amend or reverse the decision or take such other action as it deems appropriate. In conducting the hearing, the hearing officer shall not be limited by the technical rules of evidence.

**Section 11. DISPLAY OF FOOD HANDLER CERTIFICATE.** Any person required to have a Food Handler Certificate shall immediately submit such certificate to his or her employer. It shall be the duty of every employer to keep on continuous display at the place of employment the Food Handler Certificates of all persons employed therein so they may be viewed by the Department at inspections. A current list of all employees shall also be provided for comparison when requested by the Department. Upon termination of employment, each unexpired certificate shall be returned to the employee.

**Section 12. VIOLATION.**

The remedies provided by this Ordinance are cumulative and in addition to any other remedies available at law or in equity.

- a. ADMINISTRATIVE CITATIONS AND PENALTIES.** In addition to the remedies and penalties contained in this Ordinance, and in accordance with Government Code Section 53069.4, an enforcement officer may issue an administrative citation for any violation of this Ordinance. The following procedures shall govern the imposition, enforcement, collection and administrative review of administrative citations and penalties.
- 1. Content of Citation.** The administrative citation shall be issued on a form approved by County Counsel and shall at a minimum contain the following information:
    - i.** Date, location and approximate time the violation was observed.
    - ii.** The ordinance violated and a brief description of the violation.
    - iii.** The amount of the administrative penalty imposed for the violation.
    - iv.** Instructions for the payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within this time period.
    - v.** Instructions on how to appeal the citation.
    - vi.** The signature of the enforcement officer.
    - vii.** The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.
  - 2. Service of Citation.**
    - i.** If the proprietor, owner, employee, certificate holder, agent, occupant or other person who has violated the Ordinance is present at the scene of the violation, the enforcement officer shall attempt to obtain their signature on the administrative citation and shall deliver a copy of the administrative citation to them.
    - ii.** If the proprietor, owner, employee, certificate holder, agent, occupant or other person who has violated the Ordinance is a business, and the business owner is on the premises, the enforcement officer shall attempt to deliver the administrative citation to the business owner or proprietor. If the enforcement officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or other supervising employee of the business.
    - iii.** If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner of the business, occupant and/or other person who has violated the Ordinance.
    - iv.** The failure of any interested person to receive the citation shall not affect the validity of the proceedings.
  - 3. Administrative Penalties.**
    - i.** The penalties assessed for each violation shall not exceed the following amounts:
      - a)** \$100.00 for a first violation;
      - b)** \$200.00 for a second violation of this Ordinance within one (1) year from the date of the first violation; and
      - c)** \$500.00 for each additional violation of this Ordinance within one (1) year from the date of the first violation.
    - ii.** If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of the penalty shall increase at the rate specified above.
    - iii.** Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
    - iv.** The penalties assessed shall be payable to the County of Riverside.
  - 4. Administrative Appeal**
    - i.** **Notice of Appeal.** The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Department. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation as set forth in Section 12.a.2. Failure to file a written notice of appeal within this time

period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on the Administrative Citation Appeal forms, that are available at all Environmental Health offices, and shall be accompanied by payment of the full penalty assessment, and shall contain the following information:

- a) A brief statement setting forth the appellants interest in the proceedings;
  - b) A brief statement of the material facts which the appellant claims supports their contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
  - c) An address at which the appellant agrees notice of any additional proceeding or an order relating to the imposition of the administrative penalty may be received by mail.
  - d) The notice of appeal must be signed, under penalty of perjury, by the appellant.
- ii. Administrative Hearing. Upon a timely written request by the recipient of the administrative citation, an administrative hearing shall be held as follows:
- a) Notice of Hearing. Notice of the administrative hearing shall be given at least ten (10) days before the hearing to the person requesting the hearing. The notice may be delivered to the person or may be mailed to the address listed in the notice of appeal.
  - b) Hearing Officer. The administrative hearing shall be held before the Director of the Department of Environmental Health or his/her designee. The hearing officer shall not be the enforcement officer who issued the administrative citation or said enforcement officer's immediate supervisor. The Department may contract with a qualified provider to conduct administrative hearings or to process administrative citations.
  - c) Conduct of the Hearing. The Enforcement Officer who issued the administrative citation shall not be required to, but may, participate in the administrative hearing. The contents of the enforcement officer's file in the case shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal fails to appear at the administrative hearing, the hearing officer shall make his or her determination based on the information contained in the notice of appeal and the Enforcement Officer's file.
  - d) Hearing Officer's Decision. The hearing officer, based upon the evidence submitted, shall either dismiss or uphold the citation. The citation recipient shall receive a refund of the full penalty assessment if the citation is dismissed. The hearing officer's decision following the administrative hearing shall be personally delivered to the person requesting the hearing or sent by first class mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full. The hearing officer's decision shall contain instructions for obtaining review of the decision by the superior court.
5. Review of Administrative Hearing Officer's Decision.
- i. Notice of Appeal. Within twenty (20) days of the date of the delivery or mailing of the hearing officer's decision, a person may contest that decision by filing an appeal to be heard by the Superior Court. The failure to file the written appeal and to pay the court filing fee within this period shall constitute a waiver of the right to an appeal and the decision shall be deemed confirmed. A copy of the notice of appeal shall be served in person or by first class mail upon the issuing agency by the contestant.
  - ii. Conduct of Hearing. The conduct of the appeal is a subordinate judicial duty and may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court. The appeal shall be

heard de novo, except that the contents of the issuing agency's file in the case shall be received in evidence. A copy of the document or instrument of the issuing agency providing notice of the violation and imposition of the administrative penalty shall be admitted into evidence as prima facie evidence of the facts stated therein. The court shall request that the issuing agency's file on the case be forwarded to the court, to be received within fifteen (15) days of the request.

- iii. Judgment. The court shall retain the court's filing fee regardless of the outcome of the appeal. If the court finds in favor of the contestant, the amount of the fine or penalty shall be reimbursed to the contestant by the local agency. Any deposit of the fine or penalty shall be refunded by the issuing agency in accordance with the judgment of the court. If the fine or penalty has not been deposited and the decision of the court is against the contestant, the issuing agency may proceed to collect the penalty pursuant to the procedures set forth in this Ordinance, or in any other manner provided by law.

**Section 13. REPEAL.** Ordinance No. 466 is hereby repealed.

**Section 14.** This Ordinance shall take effect thirty (30) days after its adoption.

**Adopted:**

567 11/29/1977 (Eff: 12/28/1977) (Oper. 01/01/1978)

**Amended:**

567.1 05/16/1978 (Eff: 09/17/1981)

567.2 08/18/1981 (Eff: 09/17/1981)

567.3 Item 9.1 of 11/24/2009 (Eff: 12/24/2009)

567.4 Item 9-5 of 07/16/2013 (Eff: 08/15/2013)