

CITY OF SAN ANSELMO

ORDINANCE NO. 478

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF SAN ANSELMO BY ADDING CHAPTER 6 TO TITLE 5 THEREOF, REGULATING FOOD HANDLING IN THE CITY OF SAN ANSELMO

THE CITY COUNCIL OF THE CITY OF SAN ANSELMO DO ORDAIN AS FOLLOWS:

SECTION 1. There is hereby added to Title 5 of the San Anselmo Municipal Code a new Chapter numbered 6 entitled

"Regulations for Food Handlers", as follows:

ARTICLE 1. DEFINITIONS

5-6.101 "Food" as referred to in this Ordinance means all articles used for human consumption as food, drink, confectionery, or condiment, whether simple or compound.

5-6.102 "Food Establishment" as referred to in this Ordinance 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.

5-6.103 "Health Officer" as referred to in this Ordinance means the Health Officer of Marin County, or his authorized representatives.

5-6.104 "Person" as referred to in this Ordinance means an individual, firm, corporation, partnership, club, association, or organization.

5-6.105 "Employee" as referred to in this Ordinance 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).

ARTICLE 2. CERTIFICATES

5-6.201 It shall be unlawful for any person to operate any food establishment within the City of San Anselmo without a valid certificate issued by the County Health Officer or his authorized representative. Such certificate shall bear the date of expiration and shall be displayed prominently in the place of business for which it is issued.

No certificate to operate such place of business shall be issued until all of the provisions of this Ordinance and of the California Restaurant Act, and all rules and regulations of the State Board of Public Health, have been complied with. Further, no certificate to operate shall be issued until there is presented to the County Health Officer satisfactory evidence that each and every employee of the establishment has had, within the preceding twelve months, an appropriate test indicating freedom from tuberculosis in a communicable stage. Such test shall be a negative minifilm or other x-ray of the chest or a negative tuberculin skin test. If the test done to satisfy this requirement does not definitely indicate freedom from contagious tuberculosis and further medical investigation of the food handler is necessary in order to reach a definite conclusion, the food handler may, at the discretion of the Health Officer, continue to work pending completion of necessary medical studies, if, in the opinion of the Health Officer, no public health hazard will arise as a result of the individual's continued employment as a food handler. If a food establishment has in its employ one or more persons who are being allowed by the Health Officer to continue to work pending completion of tests to determine the presence or absence of contagious tuberculosis, such establishment shall be issued a certificate that shall expire at a date determined by

the Health Officer but not later than three months from date of issuance. When all employees of a food establishment have been proven free of tuberculosis in a communicable state and all other requirements of this Ordinance have been met, a regular certificate to operate shall be issued that shall be valid for six months from date of issuance. If contagious tuberculosis is proven in any of the employees of a food establishment, such employees shall be immediately excluded from the food establishment; if such employees are not excluded, the certificate to operate shall be immediately suspended by the Health Officer for the protection of the public health. A certificate is not transferable upon change of ownership of a food establishment.

Inspections under this Ordinance shall be based upon provisions of the California Restaurant Act and on rules and regulations of the State Board of Public Health and subsequent modification thereof.

A certificate may be suspended by the Health Officer for violation of any provision of this Ordinance - but not until after the holder has been given an opportunity for a hearing before the Health Officer except that a certificate 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 certificate 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 certificate shall then be revoked.

ARTICLE 3. EMPLOYMENT AFTER CERTIFICATION

5-6.301 After the issuance of any certificate hereunder, and during the life thereof, no person shall be employed or work in the

particular food establishment except (1) those persons cleared by the Health Officer when the said certificate was issued, and (2) those persons cleared by the Health Officer, prior to commencing work in the particular establishment after the certificate was issued.

SECTION 2. PENALTIES

Any person who operates a food establishment within the City of San Anselmo without a valid certificate from the County Health Officer is guilty of a misdemeanor.

SECTION 3. VALIDITY OF ORDINANCE

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of San Anselmo hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SECTION 4. EFFECTIVE DATE AND PUBLISHING

This Ordinance shall be published once in full, fifteen (15) days after its final passage in the Ross Valley Times, a daily newspaper of general circulation, printed, published and circulated in the City of San Anselmo, and shall be in full force and affect thirty (30) days from and after its final passage.

The above and foregoing Ordinance was read and introduced at a regular meeting of the City Council of San Anselmo held on Tuesday the 13th day of February, 1962, and was thereafter at a regular meeting of the City Council held on the 27th day of February, 1962, duly passed and adopted by the following vote:

AYES: Councilmen Rouse, Smith, Inanchini, Bushmuth, Little
NOES: Councilmen none
ABSENT: Councilmen none

Carlton G. Little
Mayor

ATTEST:

Arvita Gannon
City Clerk