

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



9-2

9:30 a.m. being the time set for public hearing on the Adoption of Ordinance 916, an Ordinance of the County of Riverside Regulating Cottage Food Operations, the chairman called the matter for hearing.

The chairman closed the public hearing.

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED the reading being waived, that an Ordinance bearing the following title, is adopted.

ORDINANCE 916

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
REGULATING COTTAGE FOOD OPERATIONS AND INCORPORATING BY  
REFERENCE HEALTH AND SAFETY CODE SECTIONS 113758, 114365, 11490,  
114405 AND 114409

Roll Call:

Ayes: Jeffries, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on January 29, 2013 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: January 29, 2013  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

(seal)

By: \_\_\_\_\_

Deputy

AGENDA NO.

9-2

xc: Environmental Health, MC, COB



1 A. Cottage Food Operation. An enterprise with gross annual sales limits set forth in  
2 subdivision (a) of section 113758 of the Health and Safety Code , is operated by a Cottage  
3 Food Operator and having not more than one full-time equivalent cottage food employee,  
4 not including a family member or household member of the Cottage Food Operator, and  
5 conducted within the Registered or Permitted Area of a private home where the Cottage  
6 Food Operator resides and where Cottage Food Products are prepared or packaged for  
7 direct, indirect, or direct and indirect sale to consumers pursuant to section 113758  
8 subdivision (b), subsections (4) and (5) of the Health and Safety Code. A Cottage Food  
9 Operation includes both of the following:

- 10 1. Class A cottage food operations may engage only in direct sales of cottage food products  
11 from the cottage food operation or other direct sales venues such as temporary events. A  
12 separate permit from the Department shall be required to operate a temporary food facility  
13 at such events.
- 14 2. Class B cottage food operations may engage in both direct sales and indirect sales of  
15 cottage food products such as a permitted third-party retail food facility.

16 B. Cottage Food Operator. An individual who owns and conducts a Cottage Food Operation  
17 in his or her private home.

18 C. Cottage Food Products. A specific list of not potentially hazardous foods approved by the  
19 California Department of Public Health and posted on its Internet Web site and that are  
20 prepared for sale in the kitchen of the Registered or Permitted Area of a Cottage Food  
21 Operation. Typical food items include baked goods without cream, custard, or meat  
22 fillings; candies; dried fruits and pastas; fruit pies; cereals; herbs; honey; jams and jellies;  
23 nuts; popcorn; roasted coffees and dried teas.

24 D. Department. Riverside County Department of Environmental Health.

25 E. Enforcement Officer. The Director of Environmental Health and his or her duly authorized  
26 designees.

27 F. Registered or Permitted Area. A private home kitchen described and authorized in the  
28 permit or registration for the Cottage Food Operation and used for the preparation,

1 packaging, storage, or handling of Cottage Food Products and related ingredients and/or  
2 equipment, and attached rooms within the home that are used exclusively for storage.  
3 Detached accessory buildings, including garages and guest quarters, enclosed patios and  
4 second units are not included as registered or permitted areas.

5  
6 Section 5. INSPECTIONS. The Department shall inspect Class B Cottage Food  
7 Operations upon the initial application as well as on an annual basis using an inspection form provided by  
8 the Department. Although Class A Cottage Food Operations are not subject to initial or routine  
9 inspections, the Enforcement Officer may access and inspect the Registered Area only if, on the basis of a  
10 consumer complaint, there is reason to suspect that unsafe food has been produced or there is another  
11 violation of this Ordinance. The Department may seek cost recovery, based on the hourly rate established  
12 in the current version of Ordinance 640 if additional inspections are required to ensure compliance with  
13 this Ordinance.

14  
15 Section 6. OPERATING REQUIREMENTS. Consistent with the operational  
16 requirements set forth in California Health and Safety Code Section 114365, et seq., a Cottage Food  
17 Operation shall comply with the following:

- 18 A. No Cottage Food Product preparation, packaging, or handling may occur concurrent with  
19 any other domestic activities, including, but not limited to, family meal preparation, guest  
20 entertaining or dishwashing.
- 21 B. No infants, small children, or pets may be in the Registered or Permitted area during the  
22 preparation, packaging, or handling of any Cottage Food Products.
- 23 C. Equipment and utensils used to produce Cottage Food Products shall be clean and  
24 maintained in a good state of repair.
- 25 D. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or  
26 handling of any Cottage Food Products shall be washed, rinsed, and sanitized before each  
27 use.
- 28

- 1 E. All food preparation and food and equipment storage areas shall be maintained free of  
2 rodents and insects.
- 3 F. No preparation, packaging, storage, or handling of Cottage Food Products and related  
4 ingredients and/or equipment shall occur outside of the Registered or Permitted Area.
- 5 G. Smoking shall be prohibited in the Registered or Permitted Area during the preparation,  
6 packaging, storing, or handling of Cottage Food Products and related ingredients and  
7 equipment.
- 8 H. A person with a contagious illness shall refrain from work in the Registered or Permitted  
9 Area of the Cottage Food Operation.
- 10 I. A person involved in the preparation or packaging of Cottage Food Products shall keep his  
11 or her hands and exposed portions of his or her arms clean and shall wash his or her hands  
12 before any food preparation or packaging activity.
- 13 J. Water used during the preparation of cottage food products shall meet potable drinking  
14 water standards.
- 15 K. A person who prepares or packages Cottage Food Products shall complete a food processor  
16 course instructed by the California Department of Public Health within three months of  
17 becoming registered or permitted.
- 18 L. A Cottage Food Operation shall properly package and label all Cottage Food Products in  
19 compliance with the Federal Food, Drug and Cosmetic Act (21 USC §343 et seq.).

20 Additional labeling requirements shall include:

- 21 1. The words "Made in a Home Kitchen"
- 22 2. A descriptive common product name
- 23 3. Name of the Cottage Food Operation
- 24 4. Registration or permit number
- 25 5. For Class B Cottage Food Operations, the name of the Department issuing the registration  
26 or permit number must also be stated
- 27 6. A listing of all ingredients in descending order of predominance by weight.
- 28

1 M. A cottage food operation shall comply with all standards, requirements and conditions as  
2 set forth in Section 18.53 of Ordinance No. 348.

3  
4 Section 7. REGISTRATION AND PERMIT. No person shall conduct a cottage food  
5 operation without holding a valid registration or permit issued by the Department. Application for a  
6 registration or permit shall be made to the Department upon a form issued by the Department, and shall be  
7 accompanied by a fee as listed below:

- |   |   |          |
|---|---|----------|
| 8 | • Registration for Class A Cottage Food Operation | \$145.00 |
| 9 | • Permit for Class B Cottage Food Operation       | \$290.00 |

10 The fees listed in this Section shall be valid until such time as Ordinance 640 is revised to incorporate  
11 these new fees therein. Any annual permit or registration shall be valid for no more than one year from  
12 the month of issue. The application shall not be deemed as completed unless accompanied with  
13 documentation indicating that all applicable planning/zoning requirements have been met. Class A  
14 Cottage Food Operators shall complete and submit a self-certification checklist provided by the  
15 Department at the time of application for registration. A registration or permit number shall be issued by  
16 the Department after the Enforcement Officer has determined that the Cottage Food Operation has  
17 conformed to this Ordinance. If it can readily be determined by the Department, by checking the Internet  
18 Web site of a neighboring County, that a Class B cottage food operation is currently permitted, then  
19 indirect sales of those Cottage Food Products may be allowed in Riverside County. A registration or  
20 permit is not transferrable.

21  
22 Section 8. ENFORCEMENT Notwithstanding the remedies set forth in California  
23 Health and Safety Code Sections 114390, 114405, and 114409, the Department reserves the right to issue  
24 administrative citations in accordance with Government Code Section 53069.4. An administrative citation  
25 may be issued for any violation of this Ordinance. The following procedures shall govern the imposition,  
26 enforcement, collection and administrative review of administrative citations and penalties.

27 A. Notice of Violation. If the violation is not corrected within the period stated in the notice of  
28 violation, or if the violation creates an immediate danger to health or safety, an

1 administrative citation may be issued by the Enforcement Officer. The notice of violation  
2 shall specify the manner in which the conditions of the Cottage Food Operation violate the  
3 provisions of this Ordinance and the corrective actions required to correct the condition or  
4 conduct. The notice shall also state that failure to come into compliance with this  
5 Ordinance could subject the registrant or permittee of the Cottage Food Operation to  
6 administrative and criminal penalties. The failure of the notice to set forth all required  
7 contents shall not affect the validity of the proceedings.

8 B. Content of Citation. The administrative citation shall be issued on a form approved by  
9 County Counsel and shall contain the information listed below. The failure of the citation  
10 to set forth all required contents shall not affect the validity of the proceedings.

- 11 1. Date, location and approximate time the violation was observed.
- 12 2. The Ordinance section violated and a brief description of the violation.
- 13 3. The amount of the administrative penalty imposed for the violation.
- 14 4. Instructions for the payment of the penalty, the time period by which it shall be  
15 paid, and the consequences of failure to pay the penalty within this time period.
- 16 5. Instructions on how to appeal the citation.
- 17 6. The signature of the Enforcement Officer.

18 C. Service of Citation.

- 19 1. If the registrant, permittee or other person who has violated the Ordinance is  
20 present at the scene of the violation, the Enforcement Officer shall attempt to obtain  
21 their signature on the administrative citation and shall deliver a copy of the  
22 administrative citation to them.
- 23 2. If the registrant, permittee or other person who has violated the Ordinance cannot  
24 be located at the property, then the administrative citation shall be posted in a  
25 conspicuous place on or near the property and a copy mailed by certified mail,  
26 return receipt requested to the registrant or permittee who has violated the  
27 Ordinance. The citation shall be mailed to the property address and/or the address  
28 listed for the owner on the last County Equalized Assessment Roll.

1           3.     The failure of any interested person to receive the citation shall not affect the  
2           validity of the proceedings.

3     D.     Administrative Penalties.

4           1.     The penalties assessed for each violation shall not exceed the following amounts:

- 5           a.     \$100.00 for a first violation;  
6           b.     \$200.00 for a second violation of the same Ordinance within one year; and  
7           c.     \$500.00 for each additional violation of the same Ordinance within one  
8           year.

9           2.     If the violation is not corrected, additional administrative citations may be issued  
10          for the same violation. The amount of the penalty shall increase at the rate specified  
11          above.

12          3.     Payment of the penalty shall not excuse the failure to correct the violation nor shall  
13          it bar further enforcement action.

14          4.     The penalties assessed shall be payable to the County of Riverside.

15     F.     Administrative Appeal.

16          1.     Notice of Appeal. The recipient of an administrative citation may appeal the  
17          citation by filing a written notice of appeal with the Department. The written notice  
18          of appeal must be filed within twenty (20) days of the service of the administrative  
19          citation. Failure to file a written notice of appeal within this time period shall  
20          constitute a waiver of the right to appeal the administrative citation. The notice of  
21          appeal shall contain the following information:

- 22          a.     A brief statement setting forth the appellant's interest in the proceedings;  
23          b.     A brief statement of the material facts which the appellant claims supports  
24          his/her contention that no administrative penalty should be imposed or that  
25          an administrative penalty of a different amount is warranted;  
26          c.     An address at which the appellant agrees notice of any additional  
27          proceeding or an order relating to the imposition of the administrative  
28          penalty may be received by mail.



1 d. The notice of appeal must be signed by the appellant.

2 2. Administrative Hearing. Upon a timely written request by the recipient of the  
3 administrative citation, an administrative hearing shall be held as follows:

4 a. Notice of Hearing. Notice of the administrative hearing shall be given at  
5 least ten (10) days before the hearing to the person requesting the hearing.  
6 The notice may be delivered to the person or may be mailed to the address  
7 listed in the notice of appeal.

8 b. Hearing Officer. The administrative hearing shall be held before the Board  
9 of Supervisors, the County Hearing Officer or the County Hearing Board.  
10 The hearing officer shall not be the Enforcement Officer who issued the  
11 administrative citation or their immediate supervisor or subordinate. The  
12 Board of Supervisors, the County Hearing Officer or the County Hearing  
13 Board may contract with a qualified provider to conduct administrative  
14 hearings or to process administrative citations.

15 c. Conduct of the Hearing. Except as may be required by the hearing officer,  
16 the Enforcement Officer who issued the administrative citation is not  
17 required to participate in the administrative hearing. The contents of the  
18 Enforcement Officer's file in the case shall be admitted as prima facie  
19 evidence of the facts stated therein. The hearing officer shall not be limited  
20 by the technical rules of evidence. If the person requesting the appeal fails  
21 to appear at the administrative hearing, the hearing officer shall make his or  
22 her determination based on the information contained in the notice of  
23 appeal.

24 d. Hearing Officer's Decision. The hearing officer's decision following the  
25 administrative hearing shall be delivered to the person requesting the  
26 hearing personally or sent by mail. The hearing officer may allow payment  
27 of the administrative penalty in installments, if the person provides evidence  
28 satisfactory to the hearing officer of an inability to pay the penalty in full.

1                   The hearing officer's decision shall contain instructions for obtaining  
2                   review of the decision by the superior court.

3           F.           Review of Administrative Hearing Officer's Decision.

- 4           1.           Notice of Appeal. Within twenty (20) days of the date of the delivery or mailing of  
5                   the hearing officer's decision, a person may contest that decision by filing an  
6                   appeal to be heard by the superior court. The fee for filing the notice of appeal is  
7                   twenty-five dollars (\$25.00). The failure to file the written appeal and to pay the  
8                   filing fee within this period shall constitute a waiver of the right to an appeal and  
9                   the decision shall be deemed confirmed. A copy of the notice of appeal shall be  
10                  served in person or by first class mail upon the issuing agency by the contestant.
- 11          2.           Conduct of Hearing. The conduct of the appeal is a subordinate judicial duty and  
12                  may be performed by traffic trial commissioners and other subordinate judicial  
13                  officials at the direction of the presiding judge of the court. The appeal shall be  
14                  heard de novo, except that the contents of the issuing agency's file in the case shall  
15                  be received in evidence. A copy of the document or Instrument of the issuing  
16                  agency providing notice of the violation and imposition of the administrative  
17                  penalty shall be admitted into evidence as prima facie evidence of the facts stated  
18                  therein. The court shall request that the issuing agency's file on the case be  
19                  forwarded to the court, to be received within fifteen (15) days of the request.
- 20          3.           Judgment. The court shall retain the twenty-five dollar (\$25.00) fee regardless of  
21                  the outcome of the appeal. If the court finds in favor of the contestant, the amount  
22                  of the fee shall be reimbursed to the contestant by the Department. Any deposit of  
23                  the fine or penalty shall be refunded by the issuing agency in accordance with the  
24                  judgment of the court. If the fine or penalty has not been deposited and the decision  
25                  of the court is against the contestant, the issuing agency may proceed to collect the  
26                  penalty pursuant to any manner provided by law.

27   ///

28   ///

1           Section 9.     **NUISANCE DEFINED.**     Any Cottage Food Operation, whether  
2 permitted or not pursuant to the procedures of this Ordinance, found in violation of this Ordinance is  
3 hereby declared to be a public nuisance and dangerous to the health and safety of Riverside County.  
4

5           Section 10.    **CIVIL ACTIONS**

6        A.     Injunctive Relief and Abatement. Whenever, in the judgment of the Enforcement Officer,  
7 any person is engaged in or about to engage in any act or practice which constitutes or will  
8 constitute a violation of any provision of this Ordinance, or any rule, regulation, order,  
9 permit or conditions of approval issued thereunder, upon the request of the Enforcement  
10 Officer, the County Counsel or District Attorney may commence proceedings for the  
11 abatement, removal, correction and enjoinder thereof, and require the violator to pay civil  
12 penalties and/or abatement costs.

13        B.     Civil Remedies and Penalties. Any person, whether acting as principal, agent, employee,  
14 Owner, lessor, lessee, tenant, occupant, operator, contractor or otherwise, who willfully  
15 violates the provisions of this Ordinance or any rule, regulation, order or conditions of  
16 approval issued thereunder, shall be liable for a civil penalty not to exceed \$1,000.00 for  
17 each day or portion thereof, that the violation continues to exist. In determining the amount  
18 of the civil penalty to impose, the court shall consider all relevant circumstances,  
19 including, but not limited to, the extent of the harm caused by the conduct constituting a  
20 violation, the nature and persistence of such conduct, the length of time over which the  
21 conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or  
22 individual, and any corrective action taken by the violator.  
23

24           Section 11.    **COSTS AND DAMAGES.**     Any person, whether acting as a principal,  
25 agent, employee, Owner, lessor, lessee, tenant, occupant, operator or contractor, or otherwise, violating  
26 any provisions of this Ordinance or the rules, regulations, orders, permits or conditions of approval issued  
27 thereunder, shall be liable to the County of Riverside for costs of abatement and any damages suffered by  
28 the County, its agents and agencies, as a result of such violations.

1            Section 12.    RECOVERY OF ATTORNEYS' FEES IN NUISANCE ABATEMENT

2 CASES.        In any action, administrative proceeding, or special proceeding to abate a nuisance,  
3 attorneys' fees may be recovered by the prevailing party. In no action, administrative proceeding, or  
4 special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable  
5 attorneys' fees incurred by the County in the action or proceeding.

6  
7            Section 13.    REMEDIES AND PENALTIES.    All remedies and penalties provided

8 for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder  
9 shall not relieve such person from the responsibility of correcting, removing or abating the violation, nor  
10 prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of  
11 which any violation of this Ordinance or the rules, regulations, orders, Permits or conditions of approval  
12 issued thereunder is committed, continued, or permitted by such person, shall be deemed a separate and  
13 distinct offense.

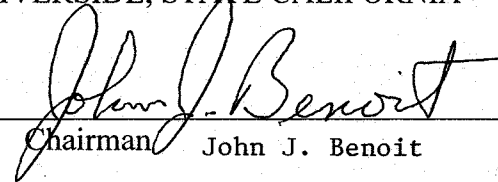
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15            Section 14.    SEVERABILITY.    If any provision, clause, sentence or paragraph of this

16 Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity  
17 shall not affect the other provisions or applications of the provisions of this Ordinance which can be given  
18 effect without the invalid provision or application, and to this end, the provisions of this Ordinance are  
19 hereby declared to be severable.

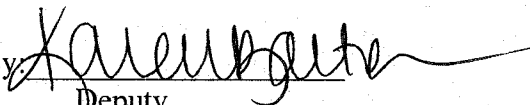
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1                    Section 15.    EFFECTIVE DATE.    This ordinance shall take effect thirty (30) days after  
2 its adoption.

3  
4                    BOARD OF SUPERVISORS OF THE COUNTY  
                         OF RIVERSIDE, STATE CALIFORNIA

5  
6                    By:   
                         Chairman    John J. Benoit

7                    ATTEST:    Kecia Harper-Ihem  
8                    CLERK OF THE BOARD:

9                    By:   
10                    Deputy

11                    (SEAL)

12  
13  
14                    APPROVED AS TO FORM

15                    By:   
16                    ERIC STOPHER  
17                    Deputy County Counsel

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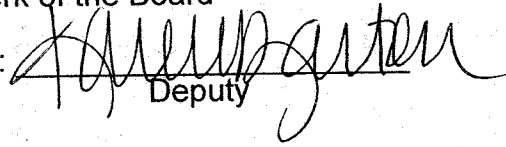
STATE OF CALIFORNIA        )  
  )  
COUNTY OF RIVERSIDE        )        ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on January 29, 2013, the foregoing ordinance consisting of 15 Sections was adopted by the following vote:

AYES:        Jeffries, Stone, Benoit and Ashley  
NAYS:        None  
ABSENT:     Tavaglione

DATE:        January 29, 2013

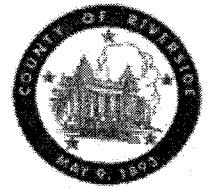
KECIA HARPER-IHEM  
Clerk of the Board

BY:   
Deputy

SEAL

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

928



**FROM:** Department of Environmental Health

**SUBMITTAL DATE:**  
December 18, 2012

**SUBJECT:** Riverside County Ordinance No. 916 Regulating Cottage Food Operations

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Introduce and set for public hearing Ordinance No. 916, an Ordinance of the County of Riverside Regulating Cottage Food Operations; and
2. Authorize the Clerk of the Board to place an advertisement for public hearing in the appropriate local publications; and
3. Upon the close of the public hearing, adopt Ordinance No. 916.

**BACKGROUND:** On September 21, 2012, AB 1616 was approved to create a defined set of standards for cottage food operations in California. AB 1616 becomes effective January 1, 2013. This ordinance designates the Riverside County Department of Environmental Health as the local enforcement agency and sets Riverside County's regulatory course as allowed under AB1616.

(Continued)

*Steve Van Stockum*

Steve Van Stockum, Director  
Department of Environmental Health

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 00.00	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 00.00	Budget Adjustment:	No
	Annual Net County Cost:	\$ 00.00	For Fiscal Year:	12/13

<b>SOURCE OF FUNDS:</b> Department of Environmental Health budget	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading and is set for public hearing January 29, 2013 at 9:30 a.m.

Ayes: Jeffries, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione  
Date: January 8, 2013  
xc: Environmental Health, COB

Kecia Harper-Ihem  
Clerk of the Board

By: *Kecia Harper-Ihem*

UNAPPROVED COUNTY COUNSEL  
 BY: *Eric Stopner*  
 DATE: 12/18/12  
 Departmental Concurrence

Dep't Recomm.:  Consent  Policy  
 Per Exec. Ofc.:  Consent  Policy

**FISCAL:** The approval of this ordinance will result in no cost to the County; implementation expenses will be paid through registration and permit fees.

Pursuant to Board Policy A-67, initiation of Ordinance No. 916 was approved by the Board of Supervisors on November 27, 2012 as Item 3.11

RCED DEC10 12 AM 9:59

RECEIVED RIVERSIDE COUNTY  
CLERK AND BOARD SUPERVISORS  
2012 DEC 11 PM 1:55

8.52



SUMMARY OF PROPOSED ORDINANCE NO. 916

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
REGULATING COTTAGE FOOD OPERATIONS  
AND INCORPORATING BY REFERENCE HEALTH AND SAFETY CODE  
SECTIONS 113758, 114365, 114390, 114405 AND 114409

This summary is presented pursuant to California Government Code Section 25124(b); a certified copy of the full text of Ordinance No. 916 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside located at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

Ordinance No. 916 establishes minimum standards that apply to cottage food operations, cottage food operators, and cottage food products. Cottage food, in general terms, is the in-home preparation of low-risk food for sale on a small scale, usually by one or two persons, that occurs in local communities. Ordinance 916 requires cottage food operations and cottage food operators to become registered or permitted and to maintain minimum sanitary conditions in the preparation of the food, including the preparation area, the preparation utensils, and the packaging of the foods. The purpose of Ordinance 916 is to ensure the safety of both the cottage food operators as well as the ultimate consumer of the cottage food to prevent harm.

Ordinance 916 is consistent with recently enacted state law based on the passage of AB 1616 that codified, and made legal, the preparation of cottage food in local communities. The major components of Ordinance No. 916 do the following:

Incorporate, by reference, and restates the statutory scheme resulting from the enactment of AB 1616, including definitions of cottage food operations, requirements of the two types of cottage food operations, the inspection authority of the Enforcement Officer, the license suspension procedures, and the procedures for the temporary closure of imminent health hazards.

Sets the registration and permit fees in order to obtain the approval required to operate a cottage food operation.

Contains the penalties for violations of the ordinance requirements, which include monetary administrative penalties, injunctive relief, abatement and/or other civil remedies.

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.23

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Environmental Health regarding the Introduction of Ordinance No. 916, an Ordinance of the County of Riverside Regulating Cottage Food Operations is continued to Tuesday, January 8, 2013 at 9:00 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on December 18, 2012 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: December 18, 2012  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

(seal)

By:  Deputy

AGENDA NO.  
3.23

xc: Environmental Health, CQB

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ORDINANCE NO. 916

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
REGULATING COTTAGE FOOD OPERATIONS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that small businesses play an important role in helping economies recover and prosper. The Board of Supervisors further finds that there is a growing movement to support community-based food production and seeks to connect safe food to local communities, small businesses, and environmental sustainability.

Section 2. PURPOSE. The purpose of this Ordinance is to establish and clarify local requirements relating to training, sanitation, preparation, labeling, and permissible types of sales subjecting a cottage food operation to inspections under specified circumstances.

Section 3. AUTHORITY. Assembly Bill 1616 was passed on September 21, 2012 adding and amending sections to the Government Code and Health and Safety Code, relating to food safety. These changes create a state-mandated local program. This ordinance is adopted pursuant to the Board of Supervisors' police power as set forth under Article XI, section 7 of the California Constitution. This Ordinance shall be administered and implemented by the Riverside County Department of Environmental Health.

Section 4. DEFINITIONS. As used in this ordinance, the following terms are consistent with California Health and Safety Code Section 113758 and shall have the following meanings:

- A. Cottage food operation. An enterprise with gross annual sales limits having not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator. A cottage food operation includes both of

1 the following:

2 1. Class A cottage food operations may engage only in direct sales of cottage food  
3 products from the cottage food operation or other direct sales venues such as  
4 temporary events. A separate permit from the Department shall be required to operate  
5 a temporary food facility at such events.

6 2. Class B cottage food operations may engage in both direct sales and indirect sales of  
7 cottage food products such as a permitted third-party retail food facility.

8 B. Cottage food operator. An individual who owns and conducts a cottage food operation in  
9 his or her private home.

10 C. Cottage food products. A specific list of not potentially hazardous foods approved by the  
11 California Department of Public Health and posted on its Internet Web site. Typical food  
12 items include baked goods without cream, custard, or meat fillings; candies; dried fruits  
13 and pastas; fruit pies; cereals; herbs; honey; jams and jellies; nuts; popcorn; roasted coffees  
14 and dried teas.

15 D. Department. Riverside County Department of Environmental Health

16 E. Enforcement officer. The Director of Environmental Health and his or her duly authorized  
17 designees.

18 F. Registered or permitted area. A private home kitchen used for the preparation, packaging,  
19 storage, or handling of cottage food products and related ingredients and/or equipment, and  
20 attached rooms within the home that are used exclusively for storage. Garages and  
21 enclosed patios are not included.

22  
23 Section 5. INSPECTIONS. The Department shall inspect Class B cottage food  
24 operations upon the initial application as well as on an annual basis using an inspection form provided by  
25 the Department. Although Class A cottage food operations are not subject to initial or routine  
26 inspections, the enforcement officer may access and inspect the registered area only if, on the basis of a  
27 consumer complaint, there is reason to suspect that unsafe food has been produced or there is another  
28 violation of this Ordinance. The Department may seek cost recovery, based on the hourly rate established

1 the following:

2 1. Class A cottage food operations may engage only in direct sales of cottage food  
3 products from the cottage food operation or other direct sales venues such as  
4 temporary events. A separate permit from the Department shall be required to operate  
5 a temporary food facility at such events.

6 2. Class B cottage food operations may engage in both direct sales and indirect sales of  
7 cottage food products such as a permitted third-party retail food facility.

8 B. Cottage food operator. An individual who owns and conducts a cottage food operation in  
9 his or her private home.

10 C. Cottage food products. A specific list of not potentially hazardous foods approved by the  
11 California Department of Public Health and posted on its Internet Web site. Typical food  
12 items include baked goods without cream, custard, or meat fillings; candies; dried fruits  
13 and pastas; fruit pies; cereals; herbs; honey; jams and jellies; nuts; popcorn; roasted coffees  
14 and dried teas.

15 D. Department. Riverside County Department of Environmental Health

16 E. Enforcement officer. The Director of Environmental Health and his or her duly authorized  
17 designees.

18 F. Registered or permitted area. A private home kitchen used for the preparation, packaging,  
19 storage, or handling of cottage food products and related ingredients and/or equipment, and  
20 attached rooms within the home that are used exclusively for storage. Garages and  
21 enclosed patios are not included.

22  
23 Section 5. INSPECTIONS. The Department shall inspect Class B cottage food  
24 operations upon the initial application as well as on an annual basis using an inspection form provided by  
25 the Department. Although Class A cottage food operations are not subject to initial or routine  
26 inspections, the enforcement officer may access and inspect the registered area only if, on the basis of a  
27 consumer complaint, there is reason to suspect that unsafe food has been produced or there is another  
28 violation of this Ordinance. The Department may seek cost recovery, based on the hourly rate established

1 in the current version of Ordinance 640 if additional inspections are required to ensure compliance with  
2 this Ordinance.

3  
4 Section 6. OPERATING REQUIREMENTS. Consistent with the operational  
5 requirements set forth in California Health and Safety Code Section 114365, et seq., a cottage food  
6 operation shall comply with the following:

- 7 A. No cottage food preparation, packaging, or handling may occur concurrent with any other  
8 domestic activities, including, but not limited to, family meal preparation, guest  
9 entertaining or dishwashing.
- 10 B. No infants, small children, or pets may be in the registered or permitted area during the  
11 preparation, packaging, or handling of any cottage food products.
- 12 C. Equipment and utensils used to produce cottage food products shall be clean and  
13 maintained in a good state of repair.
- 14 D. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or  
15 handling of any cottage food products shall be washed, rinsed, and sanitized before each  
16 use.
- 17 E. All food preparation and food and equipment storage areas shall be maintained free of  
18 rodents and insects.
- 19 F. No preparation, packaging, storage, or handling of cottage food products and related  
20 ingredients and/or equipment shall occur outside of the registered or permitted area.
- 21 G. Smoking shall be prohibited in the registered or permitted area during the preparation,  
22 packaging, storing, or handling of cottage food products and related ingredients and  
23 equipment.
- 24 H. A person with a contagious illness shall refrain from work in the registered or permitted  
25 area of the cottage food operation.
- 26 I. A person involved in the preparation or packaging of cottage food products shall keep his  
27 or her hands and exposed portions of his or her arms clean and shall wash his or her hands  
28 before any food preparation or packaging activity.

1 J. Water used during the preparation of cottage food products shall meet potable drinking  
2 water standards.

3 K. A person who prepares or packages cottage food products shall complete a food processor  
4 course instructed by the California Department of Public Health within three months of  
5 becoming registered or permitted.

6 L. A cottage food operation shall properly package and label all cottage food products in  
7 compliance with the Federal Food, Drug and Cosmetic Act (21 USC §343 et seq.).

8 Additional labeling requirements shall include:

- 9 1. The words "Made in a Home Kitchen"
- 10 2. A descriptive common product name
- 11 3. Name of the Cottage Food Operation
- 12 4. Registration or permit number
- 13 5. For Class B Cottage Food Operations, the name of the Department issuing the registration  
14 or permit number must also be stated
- 15 6. A listing of all ingredients in descending order of predominance by weight.

16  
17 Section 7. REGISTRATION AND PERMIT. No person shall conduct a cottage food  
18 operation without holding a valid registration or permit issued by the Department. Application for a  
19 registration or permit shall be made to the Department upon a form issued by the Department, and shall be  
20 accompanied by a fee as listed below:

- |    |   |          |
|----|---|----------|
| 21 | • Registration for Class A Cottage Food Operation | \$72.50  |
| 22 | • Permit for Class B Cottage Food Operation       | \$290.00 |

23 The fees listed in this Section shall be valid until such time as Ordinance 640 is revised to incorporate  
24 these new fees therein. Any annual permit or registration shall be valid for no more than one year from  
25 the month of issue. The application shall not be deemed as completed unless accompanied with  
26 documentation indicating that all applicable planning/zoning requirements have been met. Class A  
27 cottage food operators shall complete and submit a self-certification checklist provided by the Department  
28 at the time of application for registration. A registration or permit number shall be issued by the

1 J. Water used during the preparation of cottage food products shall meet potable drinking  
2 water standards.

3 K. A person who prepares or packages cottage food products shall complete a food processor  
4 course instructed by the California Department of Public Health within three months of  
5 becoming registered or permitted.

6 L. A cottage food operation shall properly package and label all cottage food products in  
7 compliance with the Federal Food, Drug and Cosmetic Act (21 USC §343 et seq.).

8 Additional labeling requirements shall include:

- 9 1. The words "Made in a Home Kitchen"
- 10 2. A descriptive common product name
- 11 3. Name of the Cottage Food Operation
- 12 4. Registration or permit number
- 13 5. For Class B Cottage Food Operations, the name of the Department issuing the registration  
14 or permit number must also be stated
- 15 6. A listing of all ingredients in descending order of predominance by weight.

16  
17 Section 7. REGISTRATION AND PERMIT. No person shall conduct a cottage food  
18 operation without holding a valid registration or permit issued by the Department. Application for a  
19 registration or permit shall be made to the Department upon a form issued by the Department, and shall be  
20 accompanied by a fee as listed below:

- |    |   |          |
|----|---|----------|
| 21 | • Registration for Class A Cottage Food Operation | \$72.50  |
| 22 | • Permit for Class B Cottage Food Operation       | \$290.00 |

23 The fees listed in this Section shall be valid until such time as Ordinance 640 is revised to incorporate  
24 these new fees therein. Any annual permit or registration shall be valid for no more than one year from  
25 the month of issue. The application shall not be deemed as completed unless accompanied with  
26 documentation indicating that all applicable planning/zoning requirements have been met. Class A  
27 cottage food operators shall complete and submit a self-certification checklist provided by the Department  
28 at the time of application for registration. A registration or permit number shall be issued by the



1 Department after the enforcement officer has determined that the cottage food operation has conformed to  
2 this Ordinance. If it can readily be determined by the Department, by checking the Internet Web site of a  
3 neighboring County, that a Class B cottage food operation is currently permitted, then indirect sales of  
4 those cottage food products may be allowed in Riverside County. A registration or permit is not  
5 transferrable.

6  
7 Section 8. ENFORCEMENT Notwithstanding the remedies set forth in California  
8 Health and Safety Code Sections 114390, 114405, and 114409, the Department reserves the right to issue  
9 Administrative Citations in accordance with Government Code Section 53069.4. An administrative  
10 citation may be issued for any violation of this Ordinance. The following procedures shall govern the  
11 imposition, enforcement, collection and administrative review of administrative citations and penalties.

12 A. Notice of Violation. If the violation is not corrected within the period stated in the notice of  
13 violation, or if the violation creates an immediate danger to health or safety, an  
14 administrative citation may be issued by the Enforcement Officer. The notice of violation  
15 shall specify the manner in which the conditions of the Cottage Food Operation violate the  
16 provisions of this Ordinance and the corrective actions required to correct the condition or  
17 conduct. The notice shall also state that failure to come into compliance with this  
18 Ordinance could subject the registrant or permittee of the Cottage Food Operation to  
19 administrative and criminal penalties. The failure of the notice to set forth all required  
20 contents shall not affect the validity of the proceedings.

21 B. Content of Citation. The administrative citation shall be issued on a form approved by  
22 County Counsel and shall contain the information listed below. The failure of the citation  
23 to set forth all required contents shall not affect the validity of the proceedings.

- 24 1. Date, location and approximate time the violation was observed.
- 25 2. The Ordinance section violated and a brief description of the violation.
- 26 3. The amount of the administrative penalty imposed for the violation.
- 27 4. Instructions for the payment of the penalty, the time period by which it shall be
- 28

1                   paid, and the consequences of failure to pay the penalty within this time period.

2                   5.       Instructions on how to appeal the citation.

3                   6.       The signature of the Enforcement Officer.

4                   C.       Service of Citation.

5                   1.       If the registrant or permittee who has violated the Ordinance is present at the scene  
6                   of the violation, the Enforcement Officer shall attempt to obtain their signature on  
7                   the administrative citation and shall deliver a copy of the administrative citation to  
8                   them.

9                   2.       If no one can be located at the property, then the administrative citation shall be  
10                  posted in a conspicuous place on or near the property and a copy mailed by  
11                  certified mail, return receipt requested to the registrant or permittee who has  
12                  violated the Ordinance. The citation shall be mailed to the property address and/or  
13                  the address listed for the Owner on the last County Equalized Assessment Roll.

14                 3.       The failure of any interested person to receive the citation shall not affect the  
15                 validity of the proceedings.

16                 D.       Administrative Penalties.

17                 1.       The penalties assessed for each violation shall not exceed the following amounts:

18                   a.       \$100.00 for a first violation;

19                   b.       \$200.00 for a second violation of the same Ordinance within one year; and

20                   c.       \$500.00 for each additional violation of the same Ordinance within one  
21                   year.

22                 2.       If the violation is not corrected, additional administrative citations may be issued  
23                 for the same violation. The amount of the penalty shall increase at the rate specified  
24                 above.

25                 3.       Payment of the penalty shall not excuse the failure to correct the violation nor shall  
26                 27  
28

1 paid, and the consequences of failure to pay the penalty within this time period.

2 5. Instructions on how to appeal the citation.

3 6. The signature of the Enforcement Officer.

4 C. Service of Citation.

5 1. If the registrant or permittee who has violated the Ordinance is present at the scene  
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12 violated the Ordinance. The citation shall be mailed to the property address and/or  
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18 a. \$100.00 for a first violation;

19 b. \$200.00 for a second violation of the same Ordinance within one year; and

20 c. \$500.00 for each additional violation of the same Ordinance within one  
21 year.

22 2. If the violation is not corrected, additional administrative citations may be issued  
23 for the same violation. The amount of the penalty shall increase at the rate specified  
24 above.

25 3. Payment of the penalty shall not excuse the failure to correct the violation nor shall  
26  
27  
28

1                   it bar further enforcement action.

2                   4.       The penalties assessed shall be payable to the County of Riverside.

3       E.       Administrative Appeal.

4                   1.       Notice of Appeal. The recipient of an administrative citation may appeal the  
5                   citation by filing a written notice of appeal with the Department. The written notice  
6                   of appeal must be filed within twenty (20) days of the service of the administrative  
7                   citation. Failure to file a written notice of appeal within this time period shall  
8                   constitute a waiver of the right to appeal the administrative citation. The notice of  
9                   appeal shall contain the following information:

- 10                   a.       A brief statement setting forth the appellant's interest in the proceedings;  
11                   b.       A brief statement of the material facts which the appellant claims supports  
12                   his/her contention that no administrative penalty should be imposed or that  
13                   an administrative penalty of a different amount is warranted;  
14                   c.       An address at which the appellant agrees notice of any additional  
15                   proceeding or an order relating to the imposition of the administrative  
16                   penalty may be received by mail.  
17                   d.       The notice of appeal must be signed by the appellant.

18                   2.       Administrative Hearing. Upon a timely written request by the recipient of the  
19                   administrative citation, an administrative hearing shall be held as follows:

- 20                   a.       Notice of Hearing. Notice of the administrative hearing shall be given at  
21                   least ten (10) days before the hearing to the person requesting the hearing.  
22                   The notice may be delivered to the person or may be mailed to the address  
23                   listed in the notice of appeal.  
24                   b.       Hearing Officer. The administrative hearing shall be held before the  
25                   Director. The hearing officer shall not be the Enforcement Officer who  
26                   issued the administrative citation or their immediate supervisor or  
27                   subordinate. The Director may contract with a qualified provider to conduct  
28

1 administrative hearings or to process administrative citations.

2 c. Conduct of the Hearing. Except as may be required by the hearing officer,  
3 the Enforcement Officer who issued the administrative citation shall not  
4 participate in the administrative hearing. The contents of the Enforcement  
5 Officer's file in the case shall be admitted as prima facie evidence of the  
6 facts stated therein. The hearing officer shall not be limited by the technical  
7 rules of evidence. If the person requesting the appeal fails to appear at the  
8 administrative hearing, the hearing officer shall make his or her  
9 determination based on the information contained in the notice of appeal.

10 d. Hearing Officer's Decision. The hearing officer's decision following the  
11 administrative hearing shall be delivered to the person requesting the  
12 hearing personally or sent by mail. The hearing officer may allow payment  
13 of the administrative penalty in installments, if the person provides evidence  
14 satisfactory to the hearing officer of an inability to pay the penalty in full.  
15 The hearing officer's decision shall contain instructions for obtaining  
16 review of the decision by the superior court.

17 F. Review of Administrative Hearing Officer's Decision.

18 1. Notice of Appeal. Within twenty (20) days of the date of the delivery or mailing of  
19 the hearing officer's decision, a person may contest that decision by filing an  
20 appeal to be heard by the superior court. The fee for filing the notice of appeal is  
21 twenty-five dollars (\$25.00). The failure to file the written appeal and to pay the  
22 filing fee within this period shall constitute a waiver of the right to an appeal and  
23 the decision shall be deemed confirmed. A copy of the notice of appeal shall be  
24 served in person or by first class mail upon the issuing agency by the contestant.

25 2. Conduct of Hearing. The conduct of the appeal is a subordinate judicial duty and  
26 may be performed by traffic trial commissioners and other subordinate judicial  
27 officials at the direction of the presiding judge of the court. The appeal shall be  
28

1 administrative hearings or to process administrative citations.

2 c. Conduct of the Hearing. Except as may be required by the hearing officer,  
3 the Enforcement Officer who issued the administrative citation shall not  
4 participate in the administrative hearing. The contents of the Enforcement  
5 Officer's file in the case shall be admitted as prima facie evidence of the  
6 facts stated therein. The hearing officer shall not be limited by the technical  
7 rules of evidence. If the person requesting the appeal fails to appear at the  
8 administrative hearing, the hearing officer shall make his or her  
9 determination based on the information contained in the notice of appeal.

10 d. Hearing Officer's Decision. The hearing officer's decision following the  
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20 appeal to be heard by the superior court. The fee for filing the notice of appeal is  
21 twenty-five dollars (\$25.00). The failure to file the written appeal and to pay the  
22 filing fee within this period shall constitute a waiver of the right to an appeal and  
23 the decision shall be deemed confirmed. A copy of the notice of appeal shall be  
24 served in person or by first class mail upon the issuing agency by the contestant.
- 25 2. Conduct of Hearing. The conduct of the appeal is a subordinate judicial duty and  
26 may be performed by traffic trial commissioners and other subordinate judicial  
27 officials at the direction of the presiding judge of the court. The appeal shall be  
28

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

7 3. Judgment. The court shall retain the twenty-five dollar (\$25.00) fee regardless of  
8 the outcome of the appeal. If the court finds in favor of the contestant, the amount  
9 of the fee shall be reimbursed to the contestant by the Department. Any deposit of  
10 the fine or penalty shall be refunded by the issuing agency in accordance with the  
11 judgment of the court. If the fine or penalty has not been deposited and the decision  
12 of the court is against the contestant, the issuing agency may proceed to collect the  
13 penalty pursuant to any manner provided by law.

14  
15 Section 9. CIVIL ACTIONS

16 A. Injunctive Relief and Abatement. Whenever, in the judgment of the Enforcement Officer,  
17 any person is engaged in or about to engage in any act or practice which constitutes or will  
18 constitute a violation of any provision of this Ordinance, or any rule, regulation, order,  
19 Permit or conditions of approval issued thereunder, upon the request of the Enforcement  
20 Officer, the County Counsel or District Attorney may commence proceedings for the  
21 abatement, removal, correction and enjoinder thereof, and require the violator to pay civil  
22 penalties and/or abatement costs.

23 B. Civil Remedies and Penalties. Any person, whether acting as principal, agent, employee,  
24 Owner, lessor, lessee, tenant, occupant, operator, contractor or otherwise, who willfully  
25 violates the provisions of this Ordinance or any rule, regulation, order or conditions of  
26 approval issued thereunder, shall be liable for a civil penalty not to exceed \$1,000.00 for  
27 each day or portion thereof, that the violation continues to exist. In determining the amount  
28 of the civil penalty to impose, the court shall consider all relevant circumstances,

1 including, but not limited to, the extent of the harm caused by the conduct constituting a  
2 violation, the nature and persistence of such conduct, the length of time over which the  
3 conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or  
4 individual, and any corrective action taken by the violator.

5  
6 Section 10. COSTS AND DAMAGES. Any person, whether acting as a principal,  
7 agent, employee, Owner, lessor, lessee, tenant, occupant, operator or contractor, or otherwise, violating  
8 any provisions of this Ordinance or the rules, regulations, orders, Permits or conditions of approval issued  
9 thereunder, shall be liable to the County of Riverside for costs of abatement and any damages suffered by  
10 the County, its agents and agencies, as a result of such violations.

11  
12 Section 11. RECOVERY OF ATTORNEYS' FEES IN NUISANCE ABATEMENT  
13 CASES. In any action, administrative proceeding, or special proceeding to abate a nuisance,  
14 attorneys' fees may be recovered by the prevailing party. In no action, administrative proceeding, or  
15 special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable  
16 attorneys' fees incurred by the County in the action or proceeding.

17  
18 Section 12. REMEDIES AND PENALTIES. All remedies and penalties provided  
19 for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder  
20 shall not relieve such person from the responsibility of correcting, removing or abating the violation, nor  
21 prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of  
22 which any violation of this Ordinance or the rules, regulations, orders, Permits or conditions of approval  
23 issued thereunder is committed, continued, or permitted by such person, shall be deemed a separate and  
24 distinct offense.

25  
26 Section 13. SEVERABILITY. If any provision, clause, sentence or paragraph of this  
27 Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity  
28 shall not affect the other provisions or applications of the provisions of this Ordinance which can be given



1 including, but not limited to, the extent of the harm caused by the conduct constituting a  
2 violation, the nature and persistence of such conduct, the length of time over which the  
3 conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or  
4 individual, and any corrective action taken by the violator.

5  
6 Section 10. COSTS AND DAMAGES. Any person, whether acting as a principal,  
7 agent, employee, Owner, lessor, lessee, tenant, occupant, operator or contractor, or otherwise, violating  
8 any provisions of this Ordinance or the rules, regulations, orders, Permits or conditions of approval issued  
9 thereunder, shall be liable to the County of Riverside for costs of abatement and any damages suffered by  
10 the County, its agents and agencies, as a result of such violations.

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18 Section 12. REMEDIES AND PENALTIES. All remedies and penalties provided  
19 for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder  
20 shall not relieve such person from the responsibility of correcting, removing or abating the violation, nor  
21 prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of  
22 which any violation of this Ordinance or the rules, regulations, orders, Permits or conditions of approval  
23 issued thereunder is committed, continued, or permitted by such person, shall be deemed a separate and  
24 distinct offense.

25  
26 Section 13. SEVERABILITY. If any provision, clause, sentence or paragraph of this  
27 Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity  
28 shall not affect the other provisions or applications of the provisions of this Ordinance which can be given

1 effect without the invalid provision or application, and to this end, the provisions of this Ordinance are  
2 hereby declared to be severable.

3 Section 14. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after  
4 its adoption.

5  
6 BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE CALIFORNIA

7 By: \_\_\_\_\_

8 Chairman

9  
10 ATTEST:

11 CLERK OF THE BOARD:

12  
13 By: \_\_\_\_\_  
Deputy

14  
15  
16  
17 (SEAL)

18  
19 APPROVED AS TO FORM

20 By:  \_\_\_\_\_  
ERIC STOPHER  
21 Deputy County Counsel



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

January 10, 2013

THE PRESS ENTERPRISE  
ATTN: LEGALS  
P.O. BOX 792  
RIVERSIDE, CA 92501

E-MAIL: [legals@pe.com](mailto:legals@pe.com)  
FAX: (951) 368-9018

RE: INTRODUCTION OF ORDINANCE NO. 916 REGULATING COTTAGE FOOD  
OPERATIONS

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, January 13, 2013**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*McGil*

Cecilia Gil, Board Assistant to  
KECIA HARPER-IHEM, CLERK OF THE BOARD

**Gil, Cecilia**

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**From:** mtinajero@pe.com on behalf of Master, PEC Legals <legalsmaster@pe.com>  
**Sent:** Thursday, January 10, 2013 9:16 AM  
**To:** Gil, Cecilia  
**Subject:** Re: [Legals] FOR PUBLICATION: Introduction of Ord. No. 916

Received for publication on Jan. 13. Proof with cost to follow.

On Thu, Jan 10, 2013 at 8:35 AM, Gil, Cecilia <[CCGIL@rcbos.org](mailto:CCGIL@rcbos.org)> wrote:

One more...Introduction of Ordinance, for publication on Sunday, January 13, 2013. Please confirm. THANK YOU!

*Cecilia Gil*

Board Assistant to the  
Clerk of the Board of Supervisors  
[951-955-8464](tel:951-955-8464)

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RIVERSIDE, CA 92502-1147  
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FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

January 10, 2013

THE DESERT SUN  
ATTN: LEGALS  
P.O. BOX 2734  
PALM SPRINGS, CA 92263

E-MAIL: [legals@thedesertsun.com](mailto:legals@thedesertsun.com)  
FAX: (760) 778-4731

RE: INTRODUCTION OF ORDINANCE NO. 916 REGULATING COTTAGE FOOD  
OPERATIONS

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, January 13, 2013**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Mcgil*

Cecilia Gil, Board Assistant to  
KECIA HARPER-IHEM, CLERK OF THE BOARD

**Gil, Cecilia**

---

**From:** Moeller, Charlene <CMOELLER@palmspri.gannett.com>  
**Sent:** Thursday, January 10, 2013 8:52 AM  
**To:** Gil, Cecilia  
**Subject:** RE: FOR PUBLICATION: Introduction of Ord. No. 916

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**Charlene Moeller** | Media Sales Legal Notice Coordinator

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---

**From:** Gil, Cecilia [<mailto:CCGIL@rcbos.org>]  
**Sent:** Thursday, January 10, 2013 8:39 AM  
**To:** tds-legals  
**Subject:** FOR PUBLICATION: Introduction of Ord. No. 916

One more...Introduction of Ordinance, for publication on Sunday, January 13, 2013. Please confirm. THANK YOU!

*Cecilia Gil*

Board Assistant to the  
Clerk of the Board of Supervisors  
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.  
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1<sup>st</sup> Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, January 29, 2013 at 9:30 a.m.** to consider adoption of the following ordinance:

**SUMMARY OF PROPOSED ORDINANCE NO. 916**

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
REGULATING COTTAGE FOOD OPERATIONS  
AND INCORPORATING BY REFERENCE HEALTH AND SAFETY CODE  
SECTIONS 113758, 114365, 114390, 114405 AND 114409**

This summary is presented pursuant to California Government Code Section 25124(b); a certified copy of the full text of Ordinance No. 916 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside located at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

Ordinance No. 916 establishes minimum standards that apply to cottage food operations, cottage food operators, and cottage food products. Cottage food, in general terms, is the in-home preparation of low-risk food for sale on a small scale, usually by one or two persons, that occurs in local communities. Ordinance 916 requires cottage food operations and cottage food operators to become registered or permitted and to maintain minimum sanitary conditions in the preparation of the food, including the preparation area, the preparation utensils, and the packaging of the foods. The purpose of Ordinance 916 is to ensure the safety of both the cottage food operators as well as the ultimate consumer of the cottage food to prevent harm.

Ordinance 916 is consistent with recently enacted state law based on the passage of AB 1616 that codified, and made legal, the preparation of cottage food in local communities. The major components of Ordinance No. 916 do the following:

Incorporate, by reference, and restates the statutory scheme resulting from the enactment of AB 1616, including definitions of cottage food operations, requirements of the two types of cottage food operations, the inspection authority of the Enforcement Officer, the license suspension procedures, and the procedures for the temporary closure of imminent health hazards.

Sets the registration and permit fees in order to obtain the approval required to operate a cottage food operation.

Contains the penalties for violations of the ordinance requirements, which include monetary administrative penalties, injunctive relief, abatement and/or other civil remedies.

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the hearing or may appear and be heard in support or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1<sup>st</sup> Floor, Post Office Box 1147, Riverside, CA 92502-1147

Dated: January 10, 2013

Kecia Harper-Ihem, Clerk of the Board  
By: Cecilia Gil, Board Assistant



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FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

February 5, 2013

THE PRESS ENTERPRISE  
ATTN: LEGALS  
P.O. BOX 792  
RIVERSIDE, CA 92501

FAX: (951) 368-9018  
E-MAIL: [legals@pe.com](mailto:legals@pe.com)

RE: ADOPTION OF ORDINANCE NO. 916

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Thursday, February 7, 2013**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Mcgil*

Cecilia Gil, Board Assistant to  
KECIA HARPER-IHEM, CLERK OF THE BOARD



**Gil, Cecilia**

---

**From:** neller@pe.com on behalf of Master, PEC Legals <legalsmaster@pe.com>  
**Sent:** Tuesday, February 05, 2013 8:05 AM  
**To:** Gil, Cecilia  
**Subject:** Re: [Legals] FOR PUBLICATION: Adoption of Ord. No. 916

Received for publication on 2/7

-Nick

Thank You!



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**Please Note:** Deadline is 10:30 AM two (2) business days prior to the date you would like to publish.

**\*\*Additional days required for larger ad sizes\*\***

On Mon, Feb 4, 2013 at 4:58 PM, Gil, Cecilia <[CCGIL@rcbos.org](mailto:CCGIL@rcbos.org)> wrote:

One more, for publication on Thursday, Feb. 7, 2013. Please confirm. THANK YOU!

***Cecilia Gil***

Board Assistant to the  
Clerk of the Board of Supervisors

951-955-8464

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*Mcgil*

Cecilia Gil, Board Assistant to  
KECIA HARPER-IHEM, CLERK OF THE BOARD

**Gil, Cecilia**

---

**From:** Moeller, Charlene <CMOELLER@palmspri.gannett.com>  
**Sent:** Tuesday, February 05, 2013 9:16 AM  
**To:** Gil, Cecilia  
**Subject:** RE: FOR PUBLICATION: Adoption of Ord. No. 916

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**Charlene Moeller** | Media Sales Legal Notice Coordinator

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**From:** Gil, Cecilia [<mailto:CCGIL@rcbos.org>]  
**Sent:** Monday, February 04, 2013 4:58 PM  
**To:** tds-legals  
**Subject:** FOR PUBLICATION: Adoption of Ord. No. 916

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*Cecilia Gil*

Board Assistant to the  
Clerk of the Board of Supervisors  
951-955-8464

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BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

SUMMARY OF ORDINANCE NO. 916

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
REGULATING COTTAGE FOOD OPERATIONS  
AND INCORPORATING BY REFERENCE HEALTH AND SAFETY CODE  
SECTIONS 113758, 114365, 114390, 114405 AND 114409

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Sets the registration and permit fees in order to obtain the approval required to operate a cottage food operation.

Contains the penalties for violations of the ordinance requirements, which include monetary administrative penalties, injunctive relief, abatement and/or other civil remedies.

**EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after its adoption.

John J. Benoit, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **January 29, 2013**, the foregoing Ordinance consisting of fifteen (15) sections was adopted by said Board by the following vote:

AYES: Jeffries, Stone, Benoit, and Ashley  
NAYS: None  
ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board  
By: Cecilia Gil, Board Assistant