

CHAPTER NO. 2021- O-2021-22

**AN ORDINANCE AMENDING CHAPTER 6.68 TO THE GENERAL ORDINANCE CODE OF THE
COUNTY OF ALAMEDA**

Whereas, the Board of Supervisors (the Board) is the governing body of the local enforcement agency for food facilities in Alameda County, with the exception of those in the City of Berkeley; and

Whereas, California Health and Safety Code Section 113000 seq. known as the California Retail Food Code, was amended to add Microenterprise Home Kitchen Operations as a type of food facility; and

Whereas, Health and Safety Code Section 114367 provides that the Board has the ability to "Opt-In" and allow Microenterprise Home Kitchen Operations Facilities within the enforcement agency's jurisdiction in accordance with the requirements of the California Retail Food Code; and

Whereas, this Board has determined that it will "Opt-In" and authorizes the permitting of Microenterprise Home Kitchen Operations within the enforcement agency's jurisdiction in accordance with the requirements of the California Retail Food Code

Now therefore the Board of Supervisors of the County of Alameda ordains that Chapter 6.68 of the General Ordinance is amended as follows:

SECTION I

The name of the ordinance is hereby revised to **"THE RETAIL FOOD FACILITY ORDINANCE"**

SECTION II

6.68.010. Declarations of Findings is amended by adding the following as the second paragraph:

The Board of Supervisor finds that California Health and Safety Code Section 113000 seq. (the California Retail Food Code) was amended to add Microenterprise Home Kitchen Operations as a type of food facility. Health and Safety Code Section 114367 provides the governing body of the local enforcement agency for Food Facilities the ability to allow Microenterprise Home Kitchen Operations Facility within the enforcement agency's jurisdiction in accordance with the requirements of the California Retail Food Code. This Chapter authorizes the permitting of Microenterprise Home Kitchen Operations

6.68.040 Definitions is amended by adding the following definition:

"Food Facility" or "Retail Food Facility" shall have the same meaning as Food Facility in the California Retail Food Code.

SECTION III

Article X. Section 6.68.300 is added to the ordinance as follows:

ARTICLE X - Microenterprise Home Kitchen Operations

6.68.300 Microenterprise Home Kitchen Operations.

- A. The permitting of Microenterprise Home Kitchen Operations is authorized in the jurisdiction. Microenterprise Home Kitchen Operations must meet all Food Facility requirements, unless they are statutorily exempt.
- B. A Microenterprise Home Kitchen Operation may not operate without a Health Permit issued by ACDEH, which is valid for up to one year and may be renewed annually.
- C. Microenterprise Home Kitchen Operations are exempt from the Grading and Placard Requirements of this Chapter.
- D. The right is reserved to opt out of allowing and permitting Microenterprise Home Kitchen Operations through an amendment to this Chapter.

SECTION IV

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Passed and adopted this 18th day of May 2021 by the Board of Supervisors of Alameda County, California.

AYES: Supervisors Haubert, Chan, Miley and President Carson - 4

NOES: None

EXCUSED: Supervisor Valle - 1

Keith Carson

Keith Carson, President, Board of Supervisors

APPROVED AS TO FORM:

Donna Ziegler, County Counsel

DocuSigned by:

Kathleen Pacheco

By:

52DC00217B8F4BB...

Kathleen Pacheco, Senior Deputy County Counsel