

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE REPEALING AND REPLACING SECTION 4.56.070 OF CHAPTER
4.56 OF TITLE 4 OF THE SAN MATEO COUNTY ORDINANCE CODE, WHICH
ESTABLISHES THE POSTING OF INSPECTION RESULTS FOR FOOD
FACILITIES**

The Board of Supervisors of the County of San Mateo, State of California,

ORDAINS as follows:

SECTION 1. Section 4.56.070 of Chapter 4.56 of Title 4 of the San Mateo County Ordinance Code is hereby repealed and replaced with a new section 4.56.070 to be entitled and to be read as follows:

4.56.070 – Posting of Placards

- (a) Upon completion of a routine inspection or re-inspection of a food facility, Environmental Health Services Division staff (Staff) shall post at the food facility the appropriate placard, as determined by the Director of Environmental Health Services Division (Director), or his or her designee, indicating the compliance status of said food facility with respect to food handling practices. The placard shall be posted in a location that is clearly visible to the general public and patrons entering the food facility.

“Clearly visible to general public and patrons” means:

1. Posted in the window of the food facility within five feet of its main entrance; or
2. Posted in a display case mounted on the outside wall of the food facility within five feet of its main entrance; or
3. Posted in a location approved by the Director, or his or her designee, to ensure proper notice to the general public and patrons of fixed and mobile food facilities.

In the event a food facility is operated in the same building as a separately permitted or licensed business, or in the event that a food facility shares a common patron entrance with a separately permitted facility or licensed business, or in the event of both, Staff shall post the placard in the food facility’s initial point of sale area or in a location approved by the Director, or his or her designee.

- (b) The placard is the property of San Mateo County and shall not be defaced, marred, camouflaged, hidden, obstructed in any way, removed, and/or placed at a height or location that the Director, or his or her designee, determines contradicts the intent of this Section. It is unlawful to operate a food facility

- unless the placard is posted in accordance with this Section.
- (c) The placard shall remain in force from the time of issuance until a new placard is issued at the completion of a routine inspection, re-inspection, or change of ownership.
 - (d) Upon a finding by Staff that a food facility permit holder has violated any provision of this Section, Staff may issue an administrative order requiring that the violation be corrected. For any repeat violation of this Section, a food facility permit holder may be subject to a fine of up to five hundred dollars (\$500.00) per violation.
 - 1. Notice of the fine shall be served by certified mail with a description of the underlying violation(s) and supporting facts. The notice shall set forth the right to lodge an appeal to the Director, or his or her designee, contesting the imposition of the fine.
 - 2. Appeals must be made in writing, and shall set forth the factual basis for disputing the violation(s). If a food facility permit holder would like to request a hearing for its appeal, that request must be stated in the appeal. Appeals must be addressed to the Director, and must be received within fifteen (15) days of the date appearing on the notice of the fine.
 - 3. After reviewing the appeal, the Director shall prepare his or her decision in writing and send it to the food facility permit holder via certified mail. The decision shall constitute a final administrative order with no additional right to appeal.
 - 4. If the fine is not paid within thirty (30) days from the date appearing on the notice of the fine or the notice of decision from the Director after the appeal, the fine may be referred to a collection agency and may affect the status of the food facility's operating permit.

SECTION 2. In accordance with applicable law, the Director shall formulate standards and/or guidelines for determining the compliance status of each food facility with respect to its safe food handling practices and the corresponding color of its placard. These standards and guidelines shall be published on the Environmental Health Services Division website and may otherwise be made available to the public upon request.

SECTION 3. This Ordinance shall be effective thirty (30) days from the passage date thereof.

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