CSU Commentary:
County Health Department Review for Food Service Review on CSU Projects

**CALIFORNIA RETAIL FOOD CODE** *(Effective January 1, 2014)*


113705. The Legislature finds and declares that the public health interest requires that there be uniform statewide health and sanitation standards for retail food facilities to assure the people of this state that the food will be pure, safe, and unadulterated. Except as provided in Section 113709, it is the intent of the Legislature to occupy the whole field of health and sanitation standards for retail food facilities, and the standards set forth in this part and regulations adopted pursuant to this part shall be exclusive of all local health and sanitation standards relating to retail food facilities.

*[This is as broad as it gets. We the legislature direct...]*

113713. (a) Primary responsibility for enforcement of this part shall be with the local enforcement agency. Nothing in this part shall prevent the department from taking any necessary program or enforcement actions for the protection of the public health and safety.

*[The statutory delegation to local health departments]*

(b) The department shall provide technical assistance, training, standardization, program evaluation, and other services to local health agencies as necessary to ensure the uniform interpretation and application of this part, when an appropriation is made to the department for this purpose.

113715. Any construction, alteration, remodeling, or operation of a food facility shall be approved by the enforcement agency and shall be in accordance with all applicable local, state, and federal statutes, regulations, and ordinances, including but not limited to, fire, building, and zoning codes.

*[Construction activity is the trigger mechanism]*

113773. "Enforcement agency" means the department or the local health agency having jurisdiction over the food facility.

CHAPTER 13. Compliance and Enforcement
Article 1. Plan Review and Permits
114380. (a) A person proposing to build or remodel a food facility shall...

... (d) Except when a determination is made by the enforcement agency that the nonconforming structural conditions pose a public health hazard, existing food facilities that were in compliance with the law in effect on June 30, 2007, shall be deemed to be in compliance with the law pending replacement or renovation. If a determination is made by the enforcement agency that a structural condition poses a public health hazard, the food facility shall remedy the deficiency to the satisfaction of the enforcement agency.
(e) The plans shall be approved or rejected within 20 working days after receipt by the enforcement agency and the applicant shall be notified of the decision. Unless the plans are approved or rejected within 20 working days, they shall be deemed approved.  

[Timely action is required by the Enforcing Agency]

The [CSU] building department shall not issue a [CSU] building permit for a food facility until after it has received plan approval by the enforcement agency.  

[For CSU purposes, we are the building department, and we issue building permits]

114381.  
(a) A food facility shall not be open for business without a valid permit.  

(b) A permit shall be issued by the enforcement agency  

(f) Any person requesting the enforcement agency to undertake activity pursuant to Sections 114419.1 and 114419.3 shall pay the enforcement agency's costs incurred in undertaking the activity. The enforcement agency's services shall be assessed at the current hourly cost recovery rate.

Article 2. Enforcement

114390.  
(a) Enforcement officers shall enforce this part and all regulations adopted pursuant to this part.  

(e) A written report of the inspection shall be made and a copy shall be supplied or mailed to the owner, manager, or operator of the food facility.  

[I.e. You cannot just be told. It has to be in writing.]

114395. Except as otherwise provided in this part, any person who violates any provision of this part or regulation adopted pursuant to this part is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than twenty-five dollars ($25) or more than one thousand dollars ($1,000) or by imprisonment in the county jail for a term not exceeding six months, or by both fine and imprisonment. 

114397. The owner, manager, or operator of any food facility is responsible for any violation by an employee of any provision of this part or any regulation adopted pursuant to this part. Each day the violation occurs shall be a separate and distinct offense.

114405.  
(a) A permit may be suspended or revoked by a local enforcement officer for a violation of this part. Any food facility for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility for which the permit has been revoked shall close and remain closed until a new permit has been issued.

114409.  
(a) If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed.