

Chapter 8.10

FOOD AND FOOD ESTABLISHMENTS

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Stat. Ref.: Sanitation of restaurants, see H. & S.C.A. §§ 28540 – 28584; sanitation requirements in food processing establishments, see H. & S.C.A. §§ 28280 – 28299; fruit containers, see H. & S.C.A §§ 28310 – 28322; bakeries, see H. & S.C.A §§ 28190 – 28216 (California Bakery Sanitation Law).

8.10.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Food" shall include all articles used for food, drink, confectionery or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.

(b) "Food establishment" shall mean and include any public or private market, shop, store, delicatessen, candy factory, storehouse, warehouse, cold storage plant or other plant or other place not a public eating or drinking establishment in or about which any food, foodstuffs or provisions are kept, held, sold, prepared or compounded or offered for sale for human consumption. Such establishments will specifically include but shall not be restricted to grocery stores and warehouses, candy and confectioners' plants or stores, bakeries, bottling works, food and condiment packers, fruit and vegetable stands, markets or other premises where meat or meat food products, sausage, fish, dressed poultry, rabbit or game are kept, stored, handled, manufactured or offered for sale, ice stations and all food processing or cannery plants of any type.

(c) "Restaurant" shall mean any coffee shop, cafeteria, short order cafe, luncheonette, tavern, bar, sandwich stand, soda fountain, public school lunch room or cafeteria, labor and construction camp kitchens and dining rooms, public boardinghouse, club and any other eating or drinking establishment which sells or offers for sale food to the public, as well as kitchens, box lunch establishment, catering services, barbecue pits in which food or drink is prepared on the premises for sale or distribution elsewhere. Such term shall also include all cafeterias or restaurants serving commercial establishments as part of the organization and serving the public, whether as employees or visitors.

(d) "Utensils" shall include kitchenware, tableware, glassware, cutlery, containers, machinery, implements, receptacles used in processing, storage, distribution or serving of food or drink. (Ord. 942, Art. 1. Formerly § 12-1).

8.10.020 Permit – Required – Exceptions.

It shall be unlawful for any person to operate or conduct a restaurant or food establishment or to sell, offer for sale, distribute or have in possession for sale or distribution any food or drink intended for human consumption in the City unless such person shall possess a permit to do so from the Health Officer and has paid therefor the permit fee required to be paid by SCCC [8.10.040](#).

No permit shall be required of any food processing, cannery or other food establishment licensed by the State Department of Health, by the Bureau of Meat Inspection of the State Department of Agriculture or by the Meat Inspection Division of the United States Department of Agriculture. (Ord. 942, Art. 2 § 1. Formerly § 12-2).

8.10.030 Permit – Application – Examination of premises – Issuance and transferability renewal.

Application for the permit required in the preceding section shall be made in writing to the Health Officer. The Health Officer shall, upon receipt of such application, make or cause to be made an examination of the premises for which such permit is requested. If, upon examination, the Health Officer, his/her assistant or his/her duly authorized representative shall find such premises and the equipment therein to be in accordance with the laws of the State, the requirements of this chapter and the rules and regulations of the Health Officer of the City, the Health Officer shall issue a revocable permit for the conduct of such business. Such permit shall be issued annually for the calendar year and shall not be transferable. Renewal of permits shall be applied for and acted upon in the same manner. (Ord. 942, Art. 2 § 2. Formerly § 12-3).

8.10.040 Permit – Fee.

The permit fee for conducting a restaurant or food establishment shall be as established by Council resolution from time to time. (Ord. 942, Art. 2 § 3. Formerly § 12-4).

8.10.050 Permit – Denial for failure to meet certain specifications.

The City Health Officer is hereby empowered to deny or withhold a permit for which an application has been made if, in his/her judgment, the building, premises, equipment, apparatus or reasonable facilities for the establishing, maintaining, conducting or operating the business or institution for which a permit is requested are insufficient, unfit or incapable of being used, maintained or established to comply with this chapter or any other ordinances of the City or the rules and regulations of the City Health Officer or laws of the State. (Ord. 942, Art. 2 § 4. Formerly § 12-5).

8.10.060 Permit – Suspension or revocation for refusal to comply with State or local regulations.

The Health Officer of the City may suspend or revoke any permit authorized by this chapter whenever he finds that the holder of such a permit fails or refuses to comply with the laws of the State, this chapter or any rules and regulations of the City Health Officer. (Ord. 942, Art. 2 § 5. Formerly § 12-6).

8.10.070 Operation of business after suspension or revocation, etc., of permit prohibited.

If any permit issued pursuant to this chapter shall be denied, suspended or revoked by the Health Officer, it shall be unlawful during the period of such denial, revocation or suspension for any person to sell or traffic in any food or drink products in the City at such establishment. (Ord. 942, Art. 2 § 4. Formerly § 12-7).

8.10.080 Notification of City Health Officer upon sale or discontinuance of business.

Every person who shall sell, exchange, give away, abandon or discontinue any restaurant or food establishment within the city and every person who shall purchase or otherwise acquire any such restaurant or food establishment within the city shall immediately notify the Health Officer, his/her assistant or his/her duly authorized representative as to the fact thereof. (Ord. 942, Art. 2 § 6. Formerly § 12-8).

8.10.090 Sanitary rules and regulations to be made by City Health Officer.

The City Health Officer is hereby authorized to make such additional rules and regulations as may be necessary to secure the proper sanitation of all restaurants or food establishments and for the proper and orderly administration of this chapter. (Ord. 942, Art. 2 § 7. Formerly § 12-9).

8.10.100 Presence of certain persons on business premises prima facie evidence of intent of business owner to sell food.

The presence in or about any place of business of any person dealing in food or in or about any vehicle used by any such person for the delivery of any food shall be prima facie evidence of intent on the part of such person to sell the same and of the fact that he is holding or offering the same for sale. (Ord. 942. Formerly § 12-10).

8.10.110 Duty of Health Officer to seize adulterated, etc., food.

The Health Officer, his/her assistant and his/her duly authorized representative are hereby authorized and directed to seize and destroy or denature any tainted, diseased, decayed or partially decayed or unwholesome meat, fish, shell fish, fowl, fruits, vegetables or other unwholesome food found within the city. (Ord. 942. Formerly § 12-11).

Stat. Ref.: For State law as to Pure Foods Act, see H. & S.C.A. §§ 26500 to 26599.

8.10.120 Inspection required prior to sale of meat.

It shall be unlawful for any person or agent or employee of any person to sell, offer for sale, distribute or have in possession for sale or distribution in the City the flesh of any cattle, horse, sheep, lamb, swine or goat unless the same bears on each primal part thereof the "Inspected and Passed" stamp of an establishment operating under Federal or State inspection or approved municipal inspection. (Ord. 942. Formerly § 12-12).

Stat. Ref.: For State law as to meat and meat inspection generally, see Ag. C.A. §§ 18751 to 18755.

8.10.130 Sale of certain food products prohibited unless manufactured or prepared in accordance with State law.

It shall be unlawful for any person or agent or employee of any person to sell, offer for sale, distribute or have in possession for sale or distribution in the City any sausage or other meat food product

unless the same has been manufactured or prepared in accordance with the laws of the State. (Ord. 942. Formerly § 12-13).

The Santa Clara City Code is current through Ordinance 2056, and legislation passed through November 15, 2022.

Disclaimer: The City Clerk's Office has the official version of the Santa Clara City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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