ORDINANCE NO. 2024-05

ORDINANCE AUTHORIZING THE PERMITTING OF MICROENTERPRISE HOME KITCHEN OPERATIONS THROUGHOUT CONTRA COSTA COUNTY

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I. SUMMARY. This ordinance adds Article 413-3.20 to the County Ordinance Code to authorize and regulate microenterprise home kitchen operations throughout Contra Costa County in accordance with California Health and Safety Code sections 114367 through 114367.6.

SECTION II. Article 413-3.20 is added to the County Ordinance Code to read:

Article 413-3.20. MICROENTERPRISE HOME KITCHEN OPERATIONS

413-3.2002 Purpose and Applicability.

(a) The purpose of this article is to authorize the permitting of microenterprise home kitchen operations in accordance with Health and Safety Code sections 114367 through 114367.6, to allow for small-scale, direct food sales from home-based food facilities to prioritize locally prepared foods to consumers. This will allow small-scale entrepreneurs entry into the retail food economy and will help provide them with access to guidelines, training, and safety resources.

(b) The requirements of this article apply within all incorporated and unincorporated areas of Contra Costa County, in accordance with Health and Safety Code section 114367. (Ord. 2024-05 § 2.)

413-3.2004 Definitions. For purposes of this article, the following words and phrases have the following meanings:

(a) "MEHKO operator" means the resident of a private home who holds a microenterprise home kitchen operation permit and is responsible for the operation of the microenterprise home kitchen operation.

(b) "Microenterprise home kitchen operation" or "MEHKO" has the meaning set forth in Health and Safety Code section 113825.

(c) "Permitted area" has the meaning set forth in Health and Safety Code section 114367.2. (Ord. 2024-05 § 2.)

413-3.2006 Microenterprise Home Kitchen Operation Permits.

(a) A microenterprise home kitchen operation may not operate without a valid permit issued by the health officer.

(b) An application for a microenterprise home kitchen operation must be made on a form provided by the Environmental Health Division. The applicant must specify the equipment and standard operating procedures the applicant proposes to use in compliance with Health and Safety Code section 114367.2(c).

(c) A MEHKO operator shall successfully pass an approved and accredited food safety certification examination, in compliance with Health and Safety Code section 113947.1, and submit proof of certification, with the application for a microenterprise home kitchen operation permit.

(d) A permit may only be issued after the health officer has conducted an initial inspection of the proposed microenterprise home kitchen operation location, as authorized by Health and Safety Code section 114367.2(d)(1), and determined that the proposed microenterprise home kitchen operation and its method of operation complies with the requirements of Health and Safety Code sections 114367 through 114367.6.

(e) A microenterprise home kitchen operation permit is valid for one year. The permit year for a microenterprise home kitchen operation permit is March 1 through February 28 (29). A microenterprise home kitchen operation permit may be renewed annually, and is not transferable.

(f) The fee for the issuance of a microenterprise home kitchen operation permit, as authorized by Health and Safety Code section 114367.2(i), will be in an amount established by the Board of Supervisors, and subject to Article 413-3.1210.

(g) A microenterprise home kitchen operation permit may be modified, suspended, or revoked as provided in the California Retail Food Code, Part 7 of Division 104 of the Health and Safety Code. (Ord. 2024-05 § 2.)

413-3.2008 Operational Requirements for Microenterprise Home Kitchen Operations.

A microenterprise home kitchen operation must comply with all requirements set forth in Health and Safety Code sections 114367 through 114367.6 and with all of the following:

(a) Any person participating in a microenterprise home kitchen operation shall obtain a Contra Costa County Food Handler Certification within 30 days after joining the

microenterprise home kitchen operation, as specified in Health and Safety Code section 113948.

(b) All food storage within a permitted area shall comply with the requirements of Article 5 of Chapter 4 of Part 7 of the Health and Safety Code. Any other detached rooms on the premises, including accessory buildings and garages, may be used to store food items only if all food is stored inside of an approved refrigerator or freezer with a closable door or lid. Sleeping quarters or second units may not be used as a permitted area or for food storage.

(c) Only one microenterprise home kitchen operation may operate per residence.

(d) The microenterprise home kitchen operation permit must be prominently displayed internally on the site of the microenterprise home kitchen operation during all hours of operation. The permit may not be used as an outdoor display to advertise the microenterprise home kitchen operation as indicated in Health and Safety Code section 114367.4(a)(1)(A).

(e) Delivery of any food prepared by a microenterprise home kitchen operation shall comply with Health and Safety Code section 114367.5. (Ord. 2024-05 § 2.)

413-3.2010 Inspections.

(a) The health officer may inspect a microenterprise home kitchen operation as authorized by Health and Safety Code section 114367.3.

(b) Fees for inspections of microenterprise home kitchen operations, as authorized by Health and Safety Code section 114367.3(c), will be in amounts established by the Board of Supervisors.

(c) A microenterprise home kitchen operation is not subject to the placard program requirements of Article 413-3.18. (Ord. 2024-05 § 2.)

413-3.2012 Initial Term.

This article expires on June 30, 2026, unless repealed or extended by the Board of Supervisors before that date. (Ord. 2024-05 § 2.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective thirty (30) days after the date of its passage. Within fifteen (15) days after passage, this ordinance shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

_____
Board Chair

By: _____
Deputy

[SEAL]