

City of Sebastopol

Cottage Food Operation Self-Certification Checklist

Name of Cottage Food Operator: _____

Name of Cottage Food Operation: _____

Telephone No.: _____

Email address: _____

Website: _____

Physical Address of Cottage Food Operation: _____

Assessor's Parcel No.: _____

List of Cottage Food Products to Be Prepared and Packaged For Sale: _____

Type of Sales (i.e., direct, indirect, or both): _____

Location of Sales (Please be specific as to whether sales are at the home, or at other specified locations): _____

Is this a 'Class A' or 'Class B' cottage food operation? _____

Please answer "Yes" or "No" to the following:	Yes	No
1. For Class A operations, have you attached written proof that you have registered the business with the County of Sonoma Department of Health Services ?		
2. For Class B operations, have you attached written proof that you have registered the business with the County of Sonoma Department of Health Services , and have received and passed the required County Health inspection?		
3. Has the cottage food operation applied for and paid required fees for a Home Occupation business license from the City of Sebastopol Administrative Services Department?		
4. Will the Cottage food operation utilize the City of Sebastopol public water system?		
● If "No", will the operation utilize private well water?		

Please answer "Yes" or "No" to the following:	Yes	No
5. Have you familiarized yourself with California law as it pertains to cottage food operations?		

Conformance with State Law

Please verify that the cottage food operation will conform to state law including the following requirements:

Please answer "Will Comply" to the following:	Will Comply
1. No cottage food preparation, packaging, or handling may occur in the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.	
2. No infants, small children, or pets may be in home kitchen during the preparation, packaging, or handling of any cottage food products.	
3. Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.	
4. All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use.	
5. All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.	
6. Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.	
7. Any persons with a contagious illness shall refrain from work in the permitted area of the cottage food operation.	
8. Any persons involved in the preparation or packaging of cottage food products shall keep his or her hands and exposed portions of his or her arms clean and shall wash his or her hands before any food preparation or packaging activity in a cottage food operation.	

Please answer "Will Comply" to the following:	Will Comply
9. All persons who prepare or package cottage food products shall complete a food processor course instructed by the California Department of Public Health within the next three (3) months. (Copies of each certificate issued are to be submitted to the County within three months of permit issuance.)	
10. All cottage food products shall be labeled consistent with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.) and the label shall include: <ul style="list-style-type: none"> ● "Made in a Home Kitchen" in 12-point type; ● Name commonly used for the food product; ● Name of the cottage food operation; ● The County Health Department registration number for the business; and ● Product ingredients in descending order by weight. 	

By signing below, the owner/applicant hereby acknowledges that all answers provided herein are accurate and that the owner agrees to comply with all provisions of the California Homemade Food Act as codified in the California Health and Safety Code.

Owner's Signature: _____
 Print Name: _____ Date: _____

PLANNING STAFF DETERMINATION

Based on responses to the above questions, it has been determined that the application:
Does: _____ Does Not: _____
Qualify for the issuance of a cottage food operation Home Occupation permit and a Home Occupation Business License may be issued, provided all other City requirements are met.

Planning Department Signature: _____ Date: _____

City of Sebastopol

COTTAGE FOOD OPERATION

HOME OCCUPATION BUSINESS LICENSE APPLICATION GUIDE

COTTAGE FOOD OPERATION APPLICATION REQUIREMENTS

In order to assure your application is processed expeditiously, we ask for your cooperation in the following items:

1. **Application Form.** The application form shall be properly filled out and signed by the applicants and all property owners. In order to be processed, your application must be complete.
2. All information required in the attached application form must be TYPED or PRINTED NEATLY in black ink. The form is available on our website at <http://ci.sebastopol.ca.us>. **Please note that the City will not process incomplete applications. If you are unable to provide requested information, please talk to one of the City staff to determine a proper course of action.**
3. **Self-Certification Checklist.** A complete self certification checklist is required of all cottage food operations.
4. **Home Occupation Business License.** Issuance of a business license from the City Administrative Services Department is required prior to operation. Business licenses must be renewed annually.
5. **Additional Information.** As the applicant, you may be asked to provide more detailed information on the project as part of the application requirements. You are responsible for providing sufficient information to the City to allow proper review of your application. If you are unable or unwilling to supply adequate information, your application may be denied.
6. **Acceptance of your application for processing does not guarantee your application will be approved.**

COTTAGE FOOD OPERATION FREQUENTLY ASKED QUESTIONS

WHAT IS A COTTAGE FOOD OPERATION (CFO)?

A CFO is an enterprise at a private home where low-risk food products are prepared or packaged for public consumption.

WHAT IS MEANT BY “PRIVATE HOME?”

“Private home” means a dwelling, including an apartment or other leased space, where individuals reside.

WHAT ZONING DISTRICTS PERMIT CFOs?

A CFO may be established in any dwelling regardless of zoning provided the CFO complies with all applicable state laws.

WHAT ARE THE DIFFERENT TYPES OF CFOS?

- (1) “Class A” CFOs are only allowed to engage in “direct sale” of cottage food products.
- (2) “Class B” CFOs may engage in both “direct sale” and “indirect sale” of cottage food products.

WHAT IS MEANT BY “DIRECT SALE” OF COTTAGE FOOD?

“Direct sale” means a transaction between a CFO operator and a consumer, where the consumer purchases the cottage food product directly from the CFO. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers’ markets, or through community supported agriculture subscriptions, and transactions occurring in person in the CFO.

WHAT IS MEANT BY “INDIRECT SALE” OF COTTAGE FOOD?

“Indirect sale” means an interaction between a CFO, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the CFO from a third-party retailer that holds a valid permit issued by the local health department in their jurisdiction. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.

CAN A CFO SELL COTTAGE FOOD OUTSIDE THE COUNTY OF RESIDENCE?

CFOs can only sell cottage food outside the county of residence when the local health department of the outside county allows it.

WHAT TYPES OF COTTAGE FOOD CAN A CFO PREPARE?

Only foods that are defined as “non-potentially hazardous” by the State are approved for preparation by CFOs. These are foods that do not require refrigeration to keep them safe from bacterial growth that could make people sick. The California Department of Public Health maintains a list of these approved foods on their website. The list currently includes:

1. Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas;
2. Candy, such as brittle and toffee;
3. Chocolate-covered nonperishable foods, such as nuts and dried fruit;
4. Dried fruit;
5. Dried pasta;
6. Dry baking mixes;
7. Fruit pies, fruit empanadas, and fruit tamales;
8. Granola, cereals, and trail mixes;
9. Herb blends and dried mole paste;
10. Honey and sweet sorghum syrup;
11. Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations;
12. Nut mixes and nut butters;
13. Popcorn;
14. Vinegar and mustard;
15. Roasted coffee and dried tea; and
16. Waffle cones and pizelles.

WHAT ARE THE CFO'S OPERATIONAL REQUIREMENTS?

(1) Prior to permit issuance, all CFOs must submit a self-certification checklist to verify the following criteria are met:

(a) No cottage food preparation, packaging, or handling may occur in the home kitchen concurrent with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.

(b) No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products.

(c) Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.

(d) All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use.

(e) All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.

- (f) Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.
- (g) Persons with contagious disease must refrain from work.
- (h) Hands and exposed portions of arms of food workers must be kept clean and washed before any food preparation or packaging.
- (i) Water used in food preparation activities must be “potable” as defined by Health and Safety Code § 113869. This includes:
 - (1) Wash, rinsing, and sanitizing equipment used in food preparation;
 - (2) Washing and sanitizing hands and arms; and
 - (3) Water used in ingredients of food.
- (j) All persons who prepare or package cottage food products must complete a food processor course instructed by the California Department of Public Health within three (3) months of becoming permitted.
- (k) No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils.
- (l) Gloves shall be worn when contacting food and food-contact surfaces if the cottage food operator has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), uncleanable orthopedic support devices, or fingernails that are not clean, smooth, or neatly trimmed. (Please refer to Health & Safety Code Section 113973 for the full text of the law.)
- (m) All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage; shall have been obtained from approved sources; shall be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of the Sherman Food, Drug, and Cosmetic Law.

For a more complete understanding of the regulations by which CFOs must operate, please familiarize yourself with Health and Safety Code Sections 109947, 110050, 110460, 111955, 113758, 113789, 113851, 113953.3, 113967, 113973, 113980, 114021, 114023, 114088, 114365, 114365.2., 114365.5., 114365.6., 114390, 114405, 114409, 114259.5, 114285, 114286, 114405, 114407, 114409, 114411, and 114413. This information is located at: <http://www.leginfo.ca.gov/calaw.html>.

HOW DO I KNOW IF MY WATER IS POTABLE?

If the CFO is served by the City of Sebastopol public water system, the water has already been tested and determined to be potable. If the CFO is not served by a public water system, for example if water will be obtained from a private well, the County Health Department may require samples of water from the source to be utilized to be tested and the results submitted.

HOW OFTEN ARE CFOs INSPECTED?

“Class A” CFO food preparation and storage areas are only inspected when a consumer complaint is being investigated.

“Class B” CFO food preparation and storage areas are inspected prior to permit issuance and when a consumer complaint is being investigated.

ARE THERE INCOME LIMITS ASSOCIATED WITH CFOs?

CFOs may not have gross annual sales that exceed \$35,000 in 2013, \$45,000 in 2014, and \$50,000 in 2015 and each year thereafter.

ARE CFOs ALLOWED TO HAVE EMPLOYEES?

In addition to the cottage food operator, one full-time equivalent cottage food employee is permitted. Cottage food employees do not include immediate family members or members of the same household as the cottage food operator.

WHAT TYPE OF LABELING IS REQUIRED OF COTTAGE FOOD PRODUCTS?

All cottage food products must be labeled consistent with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). Additionally, to the extent permitted by federal law, the label shall include, but is not limited to, all of the following:

- (1) The words “Made in a Home Kitchen” in 12-point type on the cottage food product’s primary display panel.
- (2) The name commonly used for the food product or an adequately descriptive name.
- (3) The name of the CFO which produced the cottage food product.
- (4) The permit number of the CFO that produced the cottage food product and, in the case of a “Class B” CFO, the name of the county that issued the permit.
- (5) The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.

If a cottage food product is served by a food facility without packaging or labeling, it shall be identified to the consumer as “Homemade” on the menu, menu board, or other location that would reasonably inform a consumer of its homemade status.

WHAT PERMITS AND/OR LICENSES ARE NEEDED TO ESTABLISH A CFO?

Prior to establishing a CFO in the City of Sebastopol, the CFO must apply for and be issued a permit (CFO Permit) by the Sonoma County Department of Health Services. In addition, a City of Sebastopol Business License must be obtained from the City Administrative Services Department.

Current fees for a business license can be obtained from the City Administrative Services Department. Registration and inspection fees for the County of Sonoma Department of Health Services may be obtained by contacting that agency.

WHAT IF I SUSPEND WORK ON MY APPLICATION?

In the event that an application has not been determined to be complete and ready for processing within six (6) months after the date of the first incomplete notice, the applicant must complete all outstanding requirements within thirty (30) days of written notice to complete the application requirements. In the event that the applicant fails to complete the application submittal requirements within this time frame, the application will be considered abandoned.

WHAT ARE THE CONDITIONS OF THE PERMIT?

An approved permit is valid only for the person, location, type of food sales, and distribution activity specified by that permit, and, unless suspended or revoked for cause, for the time period indicated on the permit.

For environmental health and safety related questions, please contact:

Environmental Health and Safety Programs
625 5th Street
Santa Rosa, CA 95404
Office: 707/565-6565
Email: eh@sonoma-county.org

For business license related questions, please contact:

City of Sebastopol Administrative Services Department
7120 Bodega Avenue
Sebastopol, CA 95472
Office: 707/823-7863
Fax: 707/823-1135

For all other questions, please contact:

City of Sebastopol Planning Department
714 Johnson Street
Sebastopol, CA 95472
Office: 707/823-6167
Fax: 707/823-4721