City of Gilroy

STAFF REPORT

Agenda Item Title:	**Food Truck Ordinance**
Meeting Date:	August 19, 2024
From:	Jimmy Forbis, City Administrator
Department:	Administration
Submitted By:	Victoria Valencia, Economic Development Manager
Prepared By:	Victoria Valencia, Economic Development Manager

STRATEGIC PLAN GOALS Promote Economic Development Activities

RECOMMENDATION

Council direction regarding updating the ordinance, establishing permit fees and identifying permitted zones.

EXECUTIVE SUMMARY

Staff is providing this report to summarize several mobile vendor ordinances and guidelines, associated permits and licenses, and proposed mobile vendor zones. The City Council is being asked to provide feedback and guidance so appropriate standards can be developed for mobile vending.

BACKGROUND

At the December 11, 2023 City Council Meeting, Council directed staff to review food truck ordinances in Hollister, Modesto, and Morgan Hill. Council also requested staff to review flexible locations and specific places for food trucks to operate. Staff was also directed to review encroachment permit options, time restrictions, a simplified permit process, as well as minimal licensing and fees.

Mobile vending, including mobile food trucks, currently has regulations in Gilroy City Code Chapter 16A. A mobile vending facility is defined as any portable container, pushcart, stand, vehicle or wagon used for displaying, selling or offering for sale any food, goods or services. The current regulation requires mobile vendors to relocate at

least one hundred (100) feet every ten (10 minutes). The current regulation also prohibits mobile vending facilities from operating in commercial zoning districts, C1 Neighborhood Commercial, C2 Central Commercial and C3 Shopping Center Commercial.

City of Gilroy does have a Mobile Vendor Permit application, the current fee is $158 for new applications, with an annual renewal of $82. There are currently seven approved Mobile Vendors.

There are approximately 25 food trucks that have been observed frequenting downtown, 20 of these are approved to operate in Santa Clara County. The other 5 may either be unpermitted, or may hold a health permit in a neighboring county.

ANALYSIS

City Ordinances and Codes

Staff reviewed and compared ordinances and guidelines from three cities: Morgan Hill, Hollister, and Modesto with the focus being on time limits, permits required, and operating areas. The mobile vendor regulations for Morgan Hill, Hollister, and Modesto share similarities, such as requiring business licenses, California Sellers Permits, and health permits. However, key differences include operating locations and restrictions. Morgan Hill allows vendors to operate on public streets with time limits and prohibits operation near single-family homes, while Hollister distinguishes between short-term, long-term, and private property operations with different time limits. Modesto, in contrast, restricts vendors to private property only, with no operation allowed in public rights-of-way. Guidelines and ordinances from each of the cities mentioned are attached for reference.

Morgan Hill does not have a mobile vendor ordinance, but they do have Operation Guidelines for Public Streets and Right-of-Ways. If operating on a private property, mobile vendor must have written consent, Mobile vendors cannot operate on vacant lots, and cannot operate adjacent to single family homes or duplexes.

They require a business license ($45 annually), a California Sellers permit, insurance, a Santa Clara County Health Permit, and any applicable licenses from federal, state, or local agencies. In general, vendors are limited to thirty minutes, and must move at least 300 feet. If a mobile food vendor is invited by a business, and would like to add tables or chairs, the business must secure an Outdoor Dining Permit, and apply for an encroachment permit, currently $716.10 every seven years. Mobile vendors are allowed to operate between 7:00 am and 10:00 pm and must not obstruct sidewalks or traffic.

Mobile vendors are also not allowed on the sidewalk or within 25 feet of a fire lane or “no parking” zone. They must be at least 100 feet from any public transit signs. They cannot operate within 300 feet of a public-school building, a public park, playground, or city administrative building. They cannot be within 300 feet of another mobile vendor,

except when separated by a public street. They must maintain a clean vending area and must adequately store waste and provide waste containers for customers.

Hollister has separate regulations for short-term, long-term operations, and developed private property operations.

- Short term refers to mobile vendors operating up to one hour and 59 minutes at one location. Four hours must pass to be allowed to return to a previous location. They must move at least one block when moving locations. Mobile vendors can operate in residential zones between 8:00 am and 6:00 pm, and all other zones between 6:00 am and 12:00 am.
- Long term operation refers to vendors operating longer than one hour and 59 minutes, up to four hours, and is only permitted in specific commercial and industrial/manufacturing zones. The same operating hours as short term apply.
- Developed Private Property refers to all zones (except for residential) that have a legally developed site with an established use and parking. Mobile vendors may operate between 6:00 am to 12:00 am, or concurrent with the established business's hours. The vendor must have a written agreement to operate.

The City of Hollister requires the same licenses (business license fee of $72 annually) and permits as the City of Morgan Hill, with the addition of an Authorization for Use of Restroom Facilities, and Bonding.

Hollister only allows food trucks on legally established parallel parking, and sales from mobile vendors parked on the street must face the sidewalk. Mobile vendors are prohibited from operating within 1,000 feet of any public or private school, or preschools between 7:00 am and 4:00 pm.

Modesto does not allow mobile vendors to operate within the public right of way. All mobile vendors must operate on private property and are limited to commercial or industrial uses. The property must be paved or an all-weather surface, and the property owner must pay a Mobile Food Facility Permit Application Review fee of $580.

Mobile vendors are required to obtain a business license ($154 annually), formal agreement for use of properly operating restrooms within 200 hundred feet of operations, California Sellers Permit and a health permit.

County of Santa Clara Permit Requirements

Following Council direction, staff began by reviewing Santa Clara County's requirements for Mobile Food Facilities (MFF). Plan check fees begin at $595 for MFFs with no food prep (prepackaged ice cream trucks or cars, uncut produce) to $1,190 for MFFs with full-service food prep. There is also an additional Food Program fee that ranges from $235 to $863. For a more detailed list of requirements, the MFF Application packet has been attached to this staff report.

The standard conditions that all MFF must follow are:

- If parked longer than one hour at any location, a readily available toilet and handwashing facility must be within 200 feet travel distance of the mobile food facility. For Compact Mobile Food Operations, there must be enough employees to alternate restroom usage.
- Wall-mounted, minimum 10 BC rated approved fire extinguisher.
- Identification needs to be permanently affixed on the consumer side and letters/numbers are contrast with the background:
    - Business name in text at least 3 inches in height
    - Permit Holder name (if different from business name) in text at least 1 inch in height
    - City, state and zip in text at least 1 inch in height

Additional requirements:

- Valid Food Safety Manager Certificate and copies of the Food Handler's Card(s) available on the MFF.
- DEH placard and permit posted in public view.
- Copy of the most recent inspection report available on the MFF.
- Fire suppression system requires bi-annual inspections, and the fire extinguishers require annual inspections.
- Class K extinguisher for cooking media (grease).
- Generator exhaust to be directed away from consumers and food handlers.
- Valid State of California Department of Housing and Community Development (HCD) Insignia affixed to vehicle-vehicle modifications may warrant a HCD inspection.

Proposed Locations

The Downtown Parking Management Plan (DPMP), adopted by Council March 4, 2024 recommends food trucks be allowed on less busy side streets, perpendicular to Monterey Street, to minimize vehicle congestion or potential pedestrian conflicts from queuing. Strategy 6 in the Immediate Action Strategies also recommends leasing parking spaces and including requirements such as cleanliness, hours of operation, and safety provisions.

For safety reasons, food trucks can only park parallel to the sidewalk/curb. Most food trucks open up on the right side, which could eliminate some parking areas. Also note,

none of these areas have public restrooms. If the City designates a space, either they or an event organizer would need to provide bathrooms and hand wash stations.

Area	Total Spaces	Type of Spaces	Impact to Traffic Flow
5th and Monterey Lot (Gardner)	24-26(18 in front half)	Angled	None
Hornlein Court	18-20	Parallel	None
Gourmet Parking Lot	140	Perpendicular	None
5th Street (Eigleberry to Monterey)	20-24	Parallel	None
Railroad Street Lot (near Carr Boxing Center)	60	Perpendicular	None
5th and Eigleberry lot (behind Chamber)	60-70	Angled	One private lots may be impacted depending on location.

ALTERNATIVES

Following are some alternatives the City Council might consider:

- Decline to direct staff to update the City's current mobile vending regulations and draft regulations for permits and standards for mobile vendors.
- Identify another method, possibly by resolution or other regulatory document, to regulate mobile vending.

FISCAL IMPACT/FUNDING SOURCE

There are no fiscal impacts for this discussion item. There may be fiscal impacts based on any direction received from Council on amending the food truck ordinance. Staff will analyze the fiscal impacts and include it as part of the report on the proposed ordinance adoption, if so directed, when it returns to Council for review.

NEXT STEPS

Following City Council direction, staff will draft of an appropriate set of rules and requirements to regulate mobile vendors and return with these drafts to the City Council at a future meeting.

Attachments:

1. Gilroy City Code Chapter 16A
2. Morgan Hill Guidelines for Vendors
3. Hollister City Code Excerpt
4. Modesto City Code – Mobile Food Facilities
5. Mobile Food Facilities Application Packet

ARTICLE II. MOBILE VENDING PERMITS

16A.13 Mobile vending permit required.

A mobile vending facility, that is, any portable container, pushcart, stand, vehicle or wagon used for displaying, selling or offering for sale any food, goods or services, shall be prohibited from operating in commercial zoning districts known as C1 Neighborhood Commercial, C2 Central Commercial and C3 Shopping Center Commercial. No person shall place, maintain conduct, park or allow to stand or remain any mobile vending facility within the city limits without first obtaining a written mobile vending permit to do so, as well as any required identity permits under Article I of this chapter, from the chief of police. No mobile vending facility shall display any sign, flag, banner, whether attached or on a separate structure, except such signs as may be painted thereon in compliance with the city zoning ordinance.

The following uses shall not be considered as mobile vending facilities, and are thus not required to obtain a mobile vending permit hereunder:

(1) Vehicles or trucks used for catering or vending prepared foodstuffs and located upon private property at the invitation of the property owner, solely for the use of the owner or said owner's tenants or employees and not for the use of the general public.

(2) Any nonmotorized pushcart or stand selling food on a paved private sidewalk (not a parking lot) in a commercial zone, provided that permanent restroom facilities (both men's and women's) are located on the same parcel of land, are open for public use for all hours that the pushcart or stand is open, and that the owner or operator of the pushcart or stand has written permission from the owner of the restrooms for his customers to use them. Such permission shall be produced and shown on the demand of any person solicited or of any police officer or official of the city.

(3) Temporary fireworks stands, pumpkin patches, Christmas tree lots, or such other seasonal temporary vendors as may be defined by the chief of police. No such vendor shall commence operation more than thirty (30) days in advance of the date of the applicable seasonal holiday.

(4) Temporary vending facilities owned and operated by a nonprofit or charitable organization and conducting sales for an event or occasion not to exceed three (3) consecutive days within any six-month time period. (Ord. No. 97-10, § I, 11-5-97)

16A.14 Permit procedure.

(a) Each application for a mobile vending permit shall be on a form provided by the chief of police, shall be accompanied by an application fee established by the city council, shall be signed by the applicant, and shall include the following:

(1) The names and addresses of each person who will occupy or use the mobile vending facility for purposes of exercising said permit;

(2) A certificate of insurance, stating the insurer's name, policy terms, and principal amounts, not less than a combined single limit, established annually by the city council, of a policy of insurance against public liability, bodily injury, and property damage arising from the permitted activity. Each such policy shall be amendable only upon thirty (30) days' advance notice to the city and shall name the city as an additional insured; and

(3) Such additional information as may be required by the city administrator.

(b) The chief of police shall grant a mobile vending permit, based upon the information contained in the application, public records, and the recommendations of departmental staff, if he concludes that the granting of such a permit would be in compliance with all of the provisions of this chapter and the intent of this article, and it appears that no undue traffic

safety, litter, parking, or other health and safety consequences would result from exercise thereof. Any such permit may be suspended, modified, or revoked by the chief of police when he finds a violation of or noncompliance with the terms of such permit, or with other applicable laws or regulations. (Ord. No. 97-10, § I, 11-5-97)

16A.15 Prohibited locations; prohibition against loitering.

No person required to obtain a mobile vending permit hereunder shall place, park or allow to stand the portable container, pushcart, stand, vehicle or wagon used for displaying, selling or offering for sale any food, goods or services in any of the following places within the city.

(1) Upon private property, except with the written permission of the owner of the property. Such permission shall be produced and shown on the demand of any person solicited or of any police officer or official of the city.

(2) In or upon any street within three hundred (300) feet of the nearest property line of any elementary or junior high school property.

Regardless of whether on public or private property, no person required to obtain a mobile vending permit hereunder shall place, park or allow to stand the portable container, pushcart, stand, vehicle or wagon at any one place except at the request of a bona fide purchaser for a reasonable period of time, not to exceed ten (10) minutes, provided that when such person thereafter moves any such portable container, pushcart, stand, vehicle or wagon, it shall be moved a minimum distance of one hundred (100) feet before again being stopped. (Ord. No. 97-10, § I, 11-5-97)

Operation Guidelines

Public Streets and Rights-of-Way

- Shall operate at least 15' from any driveway or fire hydrant.
- Shall operate at least 100' from any bus stop, intersection, or primary school facility.
- Shall vend only on the same side of the street as the park if operating within 100' of a park.

Prohibited Vending Locations

No person shall place, maintain, conduct, park or allow to stand or remain **for any duration** any portable container, vehicle pushcart, stand or wagon used in selling, vending, peddling, bartering or exchanging any goods in any of the following places within the City.

- Within fifteen (15) feet of any fire hydrant or public safety alarm box, or driveway
- Upon any sidewalk
- Within twenty-five (25) feet of any designated fire lane or "no parking" zone
- Within one hundred (100) feet of any public transit "bus stop" sign
- Within three hundred (300) feet of a public school building, a public park, playground, library building, center, or a take-out or a city administrative building, city recreational fast food restaurant
- Within three hundred (300) feet of another mobile food vendor, except where separated by a public street

Exemptions

Mobile Vendors are permitted on private property with the permission of the property owner, under the following conditions:

- Vehicles or trucks used for catering or vending prepared foodstuffs and located upon private property at the invitation of the property owner, solely for the use of the owner or said owner's tenants or employees and not for the use of the general public.
- Persons having a fixed and permanent place of business in the city that are licensed and regulated by the state and have complied with the provisions of the Municipal code before offering or selling goods or merchandise outside of their permanent place of business. No person shall be relieved from the provisions of any section of the Municipal code by reason of associating temporarily with, or by conducting a transient business in connection with any local merchant having a fixed place of business within the city.
- Shall only display signs painted on the sides of the mobile vendor's facility. Such sign shall not exceed five feet in width or height. No other signs, flags or banners, whether attached or detached shall be permitted.
- Mobile vendors may encroach on the sidewalk and adjacent parking space in the public right-of-way with tables/chairs only if the host business secures the appropriate Outdoor Dining Permit.

GUIDELINES FOR VENDORS

Mobile Vendors Peddlers and Solicitors

City of Morgan Hill

Phone: (408) 778-6480

Email: planning@morganhill.ca.gov

Purpose of this Summary

The purpose of this summary is to set forth guidelines for vending of goods or services from locations which **are not** a permanent business location. All vendors, peddlers, and solicitors locating at a fixed place must meet all applicable provisions of the Municipal Code. Violation of any section of the municipal code is justification to revoke the business license.

DEFINITIONS

Mobile Food Vendor - Any movable vending facilities including food trucks, portable containers, pushcarts, wagons, bicycles, automobiles, trucks, vans and other vehicles defined in California Vehicle Code Section 670, as amended, that are used for displaying, selling or offering for sale any food, goods or services on public or private property.

Peddler – Any person not having a regularly established place of business in the city, who travels from place to place, or has a stand upon any public street, alley or other public place, doorway of any building, unenclosed or vacant lot, or parcel of land, who sells or offers for sale any goods, wares or merchandise in his or her possession.

Solicitor – Any person who goes from place to place in the City, not having been invited by the occupant or property owner thereof, carrying or transporting goods, wares, merchandise or personal property of any nature, and who offers to sell any goods, wares or merchandise, and/or provide services to be performed in the future. This also includes any person who, without invitation, goes from place to place requesting contribution of funds or anything of value, or selling goods or services for political, charitable, religious, or other non-commercial purposes.

Permitting and Licensing Requirements

All Vendors/Peddlers/Solicitors must have the following:

City Business License
All Vendors/Peddlers/Solicitors must obtain a city business license and comply with all licensing requirements.

- As part of the business license application, a list of all employees who will be making contact with members of the community must be provided.

Applicable Licenses
All Vendors/Peddlers/Solicitors must maintain all applicable licenses and permits from federal, state or local agencies, and provide proof of possession upon request.

California Seller's Permit
All Vendors/Peddlers/Solicitors must possess a valid California Department of Tax and Fee Administration seller's permit that designates "City of Morgan Hill" as a location or sublocation.

Insurance
All Vendors/Peddlers/Solicitors must acquire and maintain any insurance required by the city's risk manager, such as commercial general liability insurance, auto insurance or worker's compensation insurance. Submit copies of all existing insurance policies with your business license application.

Santa Clara County Health Permit
All food product vendors who sell any form of food item are required to acquire and display a county public health permit at all times. Additional regulations apply to mobile food facilities.

Operation Guidelines

If a mobile vendor is not helping customers, the vendor is limited to thirty (30) minutes in their current location. After thirty (30) minutes, the vendor must move their mobile vending equipment at least three hundred (300) feet before stopping again. Violation of this rule is justification to revoke the business license.

Generally Applicable Regulations

- Allowed between the hours of 7:00 a.m. and 10:00 p.m.
- May not obstruct the sidewalks or traffic.
- May not vend in parks or playgrounds
- Shall maintain a clean vending area and properly dispose of trash.
- Mobile Food Vendors shall adequately store waste and provide waste containers for customers.

Private Property Regulations

- Property owner must provide written consent.
- Shall not operate on vacant lots.
- Shall not operate in City-owned parking lots or structures without written consent from the City.
- Shall not operate upon or immediately adjacent to single-family homes or duplexes.
- No free standing or banner signs shall be displayed.
- No tables, chairs, or other site furniture shall be permitted.
- Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
- The vehicle shall only be stopped, standing, or parked on surfaces paved with concrete, asphalt, or another impervious surface.

17.22.235 - Mobile food.

A. *Definitions.* For purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

Mobile *food catering cart* shall mean a self-contained, non-motorized mobile food unit that is used for either the preparation, storage, or transportation of food products for sale, or any combination thereof.

Mobile *food catering vehicle* shall mean a self-contained, motorized mobile food service unit that is used for either the preparation, storage or transportation of food products, or any combination thereof.

Mobile *food unit* shall mean any mobile food facility or portable food service unit for which food is prepared for service, sale, or distribution at retail for profit.

Mobile *food* vending *facility* shall mean any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail for profit.

Mobile *food vendor* shall mean any person selling food from a mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit.

B. *Permit Requirement.* Mobile food uses shall be permitted in the North Gateway (NG) Zoning District, Light Industrial (M1) Zoning District, Industrial Business Park (IBP) Zoning District, Airport (A) Zoning District, and Airport Support (AS) Zoning District, subject to the provisions of this chapter with an Administrative Permit (AP) pursuant to Section 17.24.150 of the Hollister Municipal Code. An Administrative Permit (AP) shall be required for mobile food vendors operating over ten minutes at any one place to ensure that the mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit is in compliance with the following standards:

1. The area proposed for the use, shall be developed to current City Development Standards including, but not limited to, adequate paved parking, paved access routes, fencing, and landscaping standards.
2. A minimum of three standard on-site parking spaces and one designated Americans with Disabilities Act (ADA) parking space in conformance with City Standards and ADA requirements shall be required in conjunction with the location of a business governed by this chapter on private property.
3. Adequate setbacks shall be provided as required by the zoning district where the mobile food vendor proposes to locate.
4. No person may conduct business as a mobile food vendor and no person may park or operate or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise within 20 feet of any driveway.
5. The mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall be kept in a good state of repair and shall be maintained with surfaces, which are clean and not cracked, peeling, or faded. The surfaces, which do not contain advertising display, shall be painted or otherwise covered in muted colors. Each mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall display in a manner legible and visible to its clientele:
    a. The name, physical address and phone number of the vendor operating the vending facility.
    b. The city business license issued to the vending facility.
    c. The county health permit issued to the vending facility.
6. The exterior of a mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit, and the surrounding area, as relating to the operation of food service, shall be maintained in a sanitary condition.
7. All trash or debris accumulating by reason of any mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit shall be collected by the vendor and deposited in a trash container. Trash and recycling receptacles shall be provided on the site for the use of customers. Trash removal and recycling shall either be arranged with the city or the mobile food vendor shall obtain written permission from the property owner to utilize trash and recycling receptacle(s) related to any other business on the same site.
8. The hours of operation of a mobile food vending facility shall be limited to the hours of operation of the fixed-base business on the fixed-base host site if applicable.
9. When not in use, the mobile vendor shall provide proper storage for the mobile food vending facility, mobile food catering cart, mobile food catering vehicle or mobile food unit and specify storage location at time of permit to operate application.
10. The pouring of grease, food waste, wash water, wastewater, or anything else down a storm drain is prohibited. Any spills must be cleaned up and disposed of immediately. A spill kit containing plastic bags, labels, a broom, and absorbent must be handy at all times. All spills must be reported to the city of Hollister Code Enforcement Department to ensure that the spills are properly cleaned.
11. All wash water used for cleaning must be held on board until it can be properly discharged at an approved facility sanitary sewer connection (e.g., sink, clean-out, mop sink).
12. No owner or operator of any mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit may place any chairs, stools, tables or other fixtures or furniture on any portion of the street, sidewalk or public right-of-way.
13. Open flame cooking is prohibited. The generation of smoke/odor pursuant to Section 8.32.060 "Nuisances" of the Hollister Municipal Code is prohibited.
14. Amplified music or other sounds in conjunction with a business governed by this chapter shall comply with the noise requirements in Title 8 of the Hollister Municipal Code.

C. *Application Submittal.* The mobile food vendor shall meet and comply with all applicable laws including, but not limited to, building, zoning, housing, fire, safety, and health regulations relating to health and safety requirements.

1. The mobile food vendor shall complete and submit a project application, in sufficient quantity for City Department Review, to include a site plan indicating the location of all existing buildings, structures, driveways, parking spaces, and improvements, and the location or areas where the proposed vending activity, structures, and improvements related to the mobile food vending, will be located upon the site.
2. Proof of current, valid city business license.
3. Proof of current vehicle registration and a copy of an applicable vehicle insurance policy.
4. Elevation plans showing different exterior views of the mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit (four photographs can substitute the elevation plans).
5. A copy of a current San Benito County environmental health permit.
6. Proof demonstrating acknowledgement and consent of the property owner to permit the mobile food vendor to operate on the site, signed by the property owner.
7. An affidavit from the business or location providing the required restroom facilities for food service workers and customers, stating the hours that those facilities are being made available. At all times during their operation, and prior to the issuance of any permit under this article, access to hand washing and restroom facilities must be made available for use by all owners, operators and employees of the mobile food unit. Access to the hand washing and restroom facilities must be at all times within 200 feet of the mobile food unit and evidence of such access must be sufficiently demonstrated to the satisfaction of the city.
8. A description of the length of time during which it is proposed that the mobile food vending business shall be conducted.
9. A brief description of the nature, character, and quantity of the food, beverage, goods or merchandise to be sold.

10. If employed by another, the name and business address of the employing person, firm, association, organization, company or corporation.
11. Any other information the Director may require to show full compliance with this chapter and any other applicable laws of the city.
12. All signs used in conjunction with any mobile food vending facility shall comply with City Codes.

D. The following may constitute grounds for denial of a permit to operate:
1. The mobile food vending operations or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations.
2. Failure to obtain clearance from San Benito County Environmental Health Department.

E. *Permit Revocation.* Any license issued under this chapter may be suspended or revoked for any of the following reasons:
1. Fraud or misrepresentation of the application for the license.
2. Conducting the business of vending, contrary to the conditions of the license.
3. Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety and welfare.
4. Vending of alcoholic beverages, controlled substances or any other item, the possession or use of which is deemed illegal under any federal, state or local law or regulation, is prohibited and, notwithstanding any provision of this article to the contrary, grounds for immediate revocation of such person's vendor permit by the city.
5. On suspension or revocation, the city shall deliver written notice to the license holder stating the action taken and the reason supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.
6. The Director shall reserve the right to revoke any permit authorized by this section if the Director determines that the mobile food vending facility, mobile food catering cart, mobile food catering vehicle, or mobile food unit is in violation of any of the provisions of this section. The mobile food vendor shall have the right to appeal the Director's decision in accordance with the provisions of Section 17.24.170 (Revocation of Administrative Permits).

Modesto, California, Code of Ordinances MODESTO, CALIFORNIA MUNICIPAL CODE

10-3.210 Mobile Food Facilities.

(a) **Purpose.** The general purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity and general welfare by requiring that new and existing mobile food facilities operate on private property(ies) zoned for commercial or industrial uses and provide the community and customers with a minimum level of cleanliness, quality, safety and security.

(b) **Definitions.**

(1) "Commissary" means a food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur:

(i) Food, containers or supplies are stored.

(ii) Food is prepared or prepackaged for sale or service at other locations.

(iii) Utensils are cleaned.

(iv) Liquid and solid wastes are disposed, or potable water is obtained.

(2) "Mobile Food Facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. Mobile food facilities include the vending and sales of any food product(s) from a vehicle, trailer, or structure that is not affixed to a permanent foundation and any person(s) conducting mobile food vending business activities.

(3) "Persons" means any person, firm, partnership, association or corporation, and includes but is not limited to owners, operators, drivers, workers, employees, lessors and lessees of mobile food facilities.

(4) "Vend" or "vending" means the sale of prepared, prepackaged, unprepared and/or unpackaged food or foodstuffs in the context of mobile food facility as defined herein. Vending generally has the following characteristics:

(i) Food is ordered and served from a take-out counter that is integral to the mobile food facility, as applicable;

(ii) Food is paid for prior to consumption; and,

(iii) Food and beverages are served in disposable wrappers, plates or containers for off-site consumption.

(5) "Vendor" or "operator" means any person who drives, operates, vends, and/or otherwise participates in mobile food vending as described herein.

(c) **Permit.** A person desiring to engage in mobile food facility operations, as defined by this section, shall submit a written application on a form(s) acceptable to and provided by the City. Such application shall be accompanied by a nonrefundable, nontransferable application fee in an amount as established by resolution of the City Council. Vendors must have a valid permit in their possession when vending. There must be at least one (1) vendor with a valid permit where vending operations occur. Documentation of property owner consent shall be required prior to permit issuance. A City business license shall also be required, subsequent to mobile food facility permit issuance. The application for a mobile food facility permit shall include, but not be limited to:

(1) The name, address and telephone number of the applicant.

(2) Copy of a government issued photo identification.

(3) Copy of the State of California seller's permit number issued by the California Department of Tax and Fee Administration.

(4) A description of the type of food to be sold, including whether such foods are prepared on site, whether such foods will require a heating element inside the mobile food facility for food preparation, and the type of heating element, if any.

(5) The location at which the mobile food facility is to operate and the proposed dates and times of operation, the physical dimensions of the intended equipment displays, shade covers, tables and chairs, carts, kiosk or other items.

(6) A photo of the proposed mobile food facility location, and a legible site plan sketch of the intended setup.

(7) The name and location of the commissary or permanent food facility used by the mobile food facility.

(8) Agreement by the applicant to indemnify and hold harmless the City, its officers and employees from any and all damages or injury to persons or property proximately caused by the act or neglect of the applicant, or by hazardous or negligent conditions maintained at the applicant's sales or vending location.

(9) Any such further information that the City deems reasonably necessary.

(d) **Review Procedure.**

(1) Upon filing of any mobile food facility application subject to review under this article, planning staff within the Community and Economic Development Department shall make a determination as to completeness of the application and associated information. Planning staff may refer the application and all accompanying maps, drawings, plans, elevations, tabulations and other information to various City departments for review and comment.

(2) Following a determination that the application is complete, the Director shall review the application for compliance relative to the Modesto Municipal Code and shall, following completion of such review, provide written notice of the decision to the applicant, which may include conditions and corrections required to establish conformance with applicable rules and regulations. A copy of this decision shall be mailed to the owner, if different than the applicant.

(3) The administrative decision shall be final and effective fifteen (15) days following the date of approval or denial, unless the decision is appealed in writing to the Planning Commission within the fifteen (15) day period pursuant to Section 10-9.301.

(e) **Requirements.** In approving a mobile food facility application, the following requirements apply.

(1) The use shall be conducted entirely upon private property, on a paved or all-weather surface, and not within any public right-of-way.

(2) The use shall not create any demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

(3) The use shall not interfere with pedestrian and vehicular traffic and circulation on the site and public sidewalk.

(4) The use shall maintain site circulation for pedestrians and access consistent with the Americans for Disabilities Act.

(5) The use shall conform to all applicable building, electrical, fire, plumbing, engineering, solid waste, wastewater, and water quality requirements.

(6) No permanent structure(s) may be constructed.

(7) No signs, balloons, banners, or flags may be displayed to promote the mobile food facility except those affixed to the mobile food facility vehicle/trailer/cart.

(8) No outdoor music, amplified sound, horns, nor any other excessive noise is permitted.

(9) Temporary canopies smaller than one hundred (120) square feet may be used, to protect customers from sun or rain, and must be removed at the end of each business day.

(10) No more than two (2) small tables and ten (10) chairs may be available for dining and must be removed at the end of each business day.

(11) The site shall be continuously maintained to be free of weeds, litter, trash and/or debris.

(12) The mobile food facility business operator shall maintain a valid City of Modesto business license, and a formal agreement for use of properly operating restrooms within two hundred (200) feet of the mobile food facility business operation.

(13) A health permit issued by the Stanislaus County Department of Environmental Resources is required prior to any mobile food facility business operations.

(14) The use shall not adversely affect any adjacent property, its owners or occupants, nor the surrounding neighborhood.

(15) Any additional limitations, restrictions, or conditions as required by the Director.

(f) **Suspension, Revocation.** Any approved mobile food facility permit may be suspended or revoked at the Director's discretion based on lack of compliance with conditions of approval or other applicable regulations or requirements. The permit shall be automatically suspended and may be revoked when the operator's health permit issued by the Stanislaus County Department of Environmental Resources is suspended or revoked for any reason.

(Ord. No. 3740-C.S., § 2, effective 12-23-21)

Editor's note(s)—Ord. No. 3684 C.S., § 2, effective February 15, 2018, repealed § 10-3.210, which pertained to medical marijuana uses and derived from Ord. No. 3641-C.S., § 4, effective 2-26-16; Ord. No. 3683-C.S., § 2, effective January 16, 2018.

DEPARTMENT OF ENVIRONMENTAL HEALTH
CONSUMER PROTECTION DIVISION
1555 Berger Drive, Suite #300 • San Jose, CA 95112
MFF line: (408) 918-1908 • Main line: (408) 918-3400
Website: www.ehinfo.org/cpd • Email: dehmff@deh.sccgov.org

NEW MOBILE FOOD FACILTY (MFF) PERMIT FORM

(Change of Ownership or Previously Permitted in California)

This document must be completed and submitted along with applicable documents to the Department of Environmental Health (DEH) prior to scheduling your inspection. A non-refundable new operating permit application fee is required after submitting this packet. You will receive an invoice by e-mail from the Department with instructions on how to pay this fee online. You may submit to the front counter or to DEHMFF@deh.sccgov.org as a PDF. **Incomplete packets will be rejected.** Once the complete packet is submitted, the department will respond within ten (10) business days. MFF Permit applications will expire 90 days after submittal.

NOTE: If structural or equipment modifications have been made to an existing MFF, submit plans to our Plan Check Department. **Do not submit the permit application packet until plans are approved.**

BUSINESS NAME: _____ LICENSE PLATE: _____

CONTACT NAME: _____ PHONE NUMBER: _____

CONTACT EMAIL: _____

Attached	Required Document
☐	MFF PERMIT APPLICATION
☐	COMMISSARY/APPROVED FACILITY AGREEMENT FORM: If overnight parking is not at a food facility, provide a recent storage receipt.
☐	MENU with ingredients
☐	STANDARD OPERATING PROCEDURE
☐	DMV REGISTRATION: N/A for Pushcart
☐	Proof of HCD Approval (occupied vehicles) Photo of insignia or documentation from HCD (N/A for non-occupied vehicles)
☐	ROUTE SHEET: If not available, operator to provide at the inspection
For MFF that has been permitted in another county/city:	
☐	ENVIRONMENTAL HEALTH PERMIT or INSPECTION REPORT with License Plate or VIN # from previously permitted county.

OFFICE USE ONLY	**INSPECTION APPT: Date:**	**Time:**	
FA0	SR0	Intake:	Date:
Decal #:	Permit Dates:	Senior:	Date:
Permit Condition:		Supervisor:	Date:
		Admin:	Date:

County of Santa Clara

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MOBILE FOOD FACILITY (MFF) APPLICATION INFORMATION SHEET

Contact Name:_____ **Phone #:**_____

Vehicle/Cart Name (dba):_____ **License Plate #:**_____

Please note: Permit decals are issued during the scheduled initial permitting inspection and annual permit renewal inspections. MFFs, including compact food mobile operations (CMFO) are not permitted to operate without a valid permit decal. A non-refundable application fee is required after submitting this packet. You will receive an invoice by e-mail from the Department with instructions on how to pay this fee online. If modifications have been made to an existing MFF, submit a drawing of the changes and the manufacturer specifications sheets for the new equipment as the changes will be evaluated at the time of the inspection. **Depending on the modifications, Plan Review, applicable fees, and a new HCD insignia may be required before the permit can be issued.**

I'M APPLYING FOR A MOBILE FOOD FACILITY PERMIT AND I HAVE A: (Check the two boxes that apply.)

All occupied vehicles must obtain an insignia from the Department of Housing and Community Development (HCD) prior to scheduling an inspection with this department.

A)

- ☐ Non-motorized conveyance: individual, cart, stand, display, wagon, showcase or rack. (Non-Occupied vehicle)
- ☐ Motorized, unenclosed: trailer or cart (Non-occupied vehicle)
- ☐ Fully enclosed vehicle: truck, trailer or van. (Occupied vehicle)

AND

B)

- ☐ Newly built MFF/CMFO and not permitted in another county in California. (Plan Check is required)
- ☐ MFF/CMFO which will be built/fabricated. (Plan Check is required)
- ☐ CMFO which will be built/fabricated from a standardized plans that have been approved by another county in California (Plan Review may be required)*
- ☐ CMFO less than 25 square feet (Plan Check may not be required)
- ☐ MFF/CMFO which operates in another county or city in California.**
- ☐ MFF/CMFO that has been permitted with Santa Clara County. (Change of Ownership)

* Submit plans with approval stamp or certification from the County the CMFO was approved.
**Submit copy of City or County's Environmental Health permit or inspection report with vehicle information.

CHECK ONE OF THE FOLLOWING:

☐ **No food preparation (FP24) – Occupied or Non-occupied Vehicle:**

- All items are prepackaged foods or whole uncut produce and seafood only. (EXAMPLES: Prepackaged ice cream trucks/carts, produce vehicles or display.)

☐ **Limited food preparation (FP25) – Occupied Vehicle (Truck/trailer) and Non-occupied Vehicle (Cart):**

- Includes preparing beverages that are for immediate service, in response to an individual consumer order.
- Includes most push carts which have a food compartment.
- Includes shaving of ice, blending of beverages.
- Includes hot and cold holding of foods that are prepared at an approved permanent facility.
- Includes reheating of foods that have been previously prepared at an approved permanent facility.
    - Does not include hot holding of potentially hazardous foods (except for roasting corn on the cob, steamed or boiled hot dogs, and tamales in original, inedible wrapper).
- Includes heating, frying, baking, roasting, popping.
- Includes cooking and seasoning to order.
- Includes slicing and chopping on heated surface during the cooking process ONLY.
- Includes cooking potentially hazardous foods to order.
    - Does not include cooking of potentially hazardous foods for later use.
- No washing, thawing or cooling of foods.
- No grinding of raw ingredients or potentially hazardous foods.
- (EXAMPLES: serve snow cones, fruit, hot dog, popcorn, coffee, churros, pastries, roasted corn on a cob, scooped ice cream, hot dog carts and taco carts.)

☐ **Full food preparation (FP26) – Occupied Vehicle (Food Truck/Trailer/Van):**

- Includes full food service operations.
- Includes cooking, heating, hot holding, cooling and reheating of potentially hazardous foods (PHFs), extensive handling and assembly of PHFs. (EXAMPLES: Most full-service catering food trucks, trailers and vans)
- Special processes on MFF, such as frozen or semi-frozen dairy products that require CDFA license.

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MOBILE FOOD PROGRAM (MFF)
PERMIT APPLICATON & CERTIFICATION STATEMENT

Owner Information:

Owner Name: _____
(Corporation, LLC Name or First and Last Name of Primary Owner)

Address: _____ Unit# _____ City: _____ ST: _____ Zip: _____

Phone: _____ Ext: _____ Email: _____

Alternate Contact Name: _____ Contact Phone: _____

Do you currently hold a permit to operate a Food Facility in Santa Clara County? ☐ *No* ☐ *Yes (If Yes, please answer the following):*

Facility ID#: FA0_____ Facility Name: _____

MFF/CMFO Information:

Vehicle/Cart Business Name: _____ License Plate Number: _____

Commissary Name: _____

Commissary Address: _____ City: _____ ST: CA Zip: _____

Commissary Phone: _____ Ext: _____ Email: _____

Send Official/Billing Correspondence to: ☐ Owner ☐ Facility ☐ Other (Please specify below):

Name: _____

Address: _____ City: _____ ST: _____ Zip: _____

THE PERMIT AND DECAL WILL BE ISSUED ANNUALLY WHEN ALL FEES HAVE BEEN PAID IN FULL AND THE VEHICLE HAS PASSED ALL APPLICABLE INSPECTIONS. TO RENEW THE PERMIT AND OBTAIN THE CURRENT DECAL, A SCHEDULED INSPECTION IS REQUIRED PRIOR TO PERMIT EXPIRATION. If found operating without a valid permit and decal, a penalty will be assessed, and further legal action may be taken. The undersigned certifies, under penalty of perjury, that to the best of his/her knowledge and belief, the statements made herein are complete, correct, and true.

The undersigned hereby applies for a Permit to Operate and agrees to operate in accordance with all applicable state and local regulations, laws, ordinances, and codes. Payment of the required fee(s) and late penalties, if any, to secure a valid permit, is required before commencing or continuing operation. Failure to do so may result in a misdemeanor citation, fines, and permit suspension/revocation proceedings. **NOTIFY** the Department of Environmental Health of any change in the type of business activity, name, billing address, or ownership, including the closure of business or a commissary change, by phone or email above within 14 calendar days of a change. **PERMITS AND FEES ARE NOT TRANSFERABLE.**

NOTE: Any information contained in this application is a matter of public record and is available to the public under the California Public Records Act (CPRA).

Signature: _____ Date: _____

Print Name: _____ Phone: _____

FOR OFFICE USE ONLY:

Owner ID#: OW0_____ (☐Add New) Facility ID#: FA0_____ (☐Add New) Program ID#: PR0_____ (☐Add New)

Food Safety Certificate Required: ☐Yes ☐No, exempt Designated Employee ID: _____ Current Status: _____

MFF Vehicle Information: Plate#: _____ VIN: _____ Make: _____ Year: _____ Type: _____

Permit ID#: PT0_____ (☐Add New) P/E: _____ Permit Status: 21_____ Permit Type: ☐P ☐PE ☐PV

Permit Valid: _____ to _____

Permit Conditions and Descriptions: ☐ Add ☐ Modify ☐ Delete [Supervisor Initials____]

_____

_____

_____

Approved by: _____ Employee #: _____ Date: _____ Supervisor: _____ Date: _____

Support Staff: _____ Entered Date: _____ New AR#: AR_____ Ck# _____ $_____

FOR OFFICE USE ONLY:	
Current Status:	01-Active Billable, 04-Active, Exempt
Permit Type:	P-Permanent, PE-Permanent Exempt, PV-Permanent Veteran

COMMISSARY AGREEMENT/APPROVED FACILITY

Mobile Food Facility (MFF), Compact Mobile Food Operation (CMFO), Temporary Food Facility (TFF), Mobile Support Unit (MSU) & Vending Machines

This form is to be submitted with proposals for a Vehicle, Trailer, Cart, or Temporary Food Facility. Any foods sold or given away to the public must be prepared and stored in an approved facility.

APPLICANT INFORMATION

Type of Facility: ☐ Occupied Truck/Trailer ☐ Unoccupied Truck/ Trailer/Cart ☐ MSU ☐ Vending Machines ☐ TFF

Owner Name: Name of Business: License Plate:

Owner Address: City: State: Zip:

Email Address: Telephone: ( ) Mobile: ( )

Provide dates/days of the week and times of commissary use:

Where will you be operating? (list address/market/event)

I, the above –mentioned owner/operator will operate out of the commissary noted below. The facility noted will be providing the following services to my food operations (Check all that apply):

- ☐ Facilities to prepare/package food
- ☐ Food storage (dry or refrigeration)
- ☐ Equipment/utensil storage
- ☐ Warewash facilities (3 compartment sink)
- ☐ Electrical hook-up
- ☐ Potable (drinkable) water supply
- ☐ Supply food product (i.e. ice, meats)
- ☐ Chemical storage
- ☐ Overnight parking
- ☐ Garbage disposal
- ☐ Grease/ oil disposal
- ☐ Waste tank/sewage disposal

For MFF/CMFO/MSU: *I will report to the facility at least once each operating day for cleaning and servicing. I will store the vehicle and equipment at the commissary or another DEH approved location by completing the MFF Storage Agreement.*

If the use of the commissary is discontinued, I will notify DEH at DEHMFF@deh.sccgov.org to make necessary changes.
I understand the use of an unapproved facility for any of the operations above may lead to the revocation of my permit to operate.

Print Name _____ Signature of Applicant _____ Date _____

COMMISSARY/APPROVED FACILITY INFORMATION

Type of Facility: ☐ Commissary ☐ Restaurant ☐ Rental Kitchen ☐ MEHKO ☐ CFO (Class A or B)

Name of Commissary/Approved Facility:

Facility Address: City: State: Zip:

Email Address: Telephone: ( ) Mobile: ( )

I, the commissary/approved facility owner/operator, can and will provide the necessary services, as indicated by the applicant, at my permitted food facility. I acknowledge that I am ultimately responsible for the maintenance and sanitation of this commissary/approved facility. In addition, I will notify DEH when this agreement is terminated.

Print Name _____ Signature of Commissary/Facility, Owner/Operator _____ Date _____

OUT-OF-COUNTY COMMISSARY/APPROVED FACILITY

If the proposed commissary/approved facility is outside of Santa Clara County, the local environmental health jurisdiction shall verify that the above-mentioned establishment has a valid health permit, and the above checked services are available to the to the applicant. The facility is located in _____ County/City.

Print Name _____ Signature of Approval, REHS _____ Date _____ Email Address _____

FOR OFFICE USE ONLY		
Commissary/Approved Facility Within Santa Clara County: Dist. Staff Initials:_____Emp #_____ Date:_____ Sr. Staff Initials:_____Emp #_____Date:_____		
FA0	PR0	☐ Primary ☐ Secondary

SANTA CLARA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH) • CONSUMER PROTECTION DIVISION
1555 Berger Drive, Suite 300 • San Jose, CA 95112, MFF Line (408) 918-1908 • Main Line: (408)918-3400 • Email: dehmff@deh.sccgov.org • www.ehinfo.org/cpd

Rev. 9/2023

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Mobile Food Facility (MFF) Written Operational Procedures

The permit holder of an MFF handling unpackaged food shall develop and follow written operational procedures for maintaining food safety such as, food handling, cleaning and sanitizing of food-contact surfaces and utensils. **The following must be completed and returned to the Department of Environmental Health (DEH) for approval before a permit is issued.** Use additional paper if necessary

Business/MFF Name: _____ License Plate #: _____

Owner Name: _____ Phone: _____

Owner Email: _____

Kitchen Commissary Name: _____

Kitchen Commissary Address: _____

A. FOOD HANDLING PROCEDURES

1. Which of the food items will be prepared in advance at the kitchen commissary? *i.e. Rinsing of produce and meats, slicing, chopping, thawing, etc.(Kitchen commissary must have a designated food prep sink).*

(i.e. Lettuce - washed in prep sink and sliced; frozen chicken – thawed in refrigeration unit or running cold water in prep sink)

2. Which of the food items will be prepared on the MFF?
If foods are purchased pre-washed and pre-cut, please indicate so.

(i.e. tacos – meat cooked to order, tacos/burritos/sandwiches assembled, rice and beans cooked on truck daily and then placed in hot holding unit.

3. Indicate which foods will be cooked, cooled, reheated and/or served and describe the cooling process:
(i.e. beans, rice, soups, curries,etc.)

B. CLEANING AND SANITIZING OF FOOD EQUIPMENT AND UTENSILS (Check all that apply):

1. Describe how food utensils and food contact surfaces will be cleaned and sanitized.

☐ Manually sanitize on MFF (wash, rinse, sanitize, and air-dry)
☐ Manually sanitize at commissary
☐ Mechanical dishwasher at commissary

2. What sanitizer or sanitizing method will be used? (Note: Appropriate test strips are required.)

☐ Contact with a solution of 100 parts per million (ppm) available **chlorine** for at least 30 seconds.
☐ Contact with a solution of 200 parts per million available **quaternary ammonium** for at least one minute.
☐ Other: _____

C. Initial each statement to show you understand the requirements:

_____ All food shall be stored and prepared at the commissary or MFF and not at a private home, except foods that are approved from a permitted Cottage Food Operation (CFO) or Micro-Enterprise Home Kitchen Operation (MEHKO)

_____ All necessary equipment shall be properly functioning on the MFF when in operation (hot water supply, adequate holding temperatures, sufficient sanitizer, wastewater to be properly disposed, adequate power supply etc.)

_____ Hands will be washed with warm water, hand soap, and clean paper towels, prior to food handling, after hands are contaminated, after handling raw meats, and before donning gloves. (CRFC section 113953.3).

_____ Employees will not handle food when diagnosed with communicable disease(s) or have symptoms of vomiting and diarrhea.

_____ After service, all left over hot foods will be discarded at the end of the day.

_____ A copy of these procedures will be kept on the MFF during periods of operation.

By signing below you are certifying that you meet the requirements of the California Retail Food Code (CRFC), as it applies to a Mobile Food Facility. Non-compliance may result in permit suspension or revocation. Prior to making any changes, I acknowledge that I shall notify the Department of Environmental Health if I change commissary, operating procedures or would like to cancel my permit.

Owner/Authorized Agent Signature	Print Name	Date

FOR OFFICE USE ONLY		
Sr. Staff Initials:_____ Emp #_____ Date: _____		
SR0	FA0	PR0

California Retail Food Code Reference

113791
“Food preparation" means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce.

114002
(a) Whenever food has been prepared or heated so that it becomes potentially hazardous, it shall be rapidly cooled if not held at or above 135°F.
(b) After heating or hot holding, potentially hazardous food shall be cooled rapidly from 135°F to 41°F or below within six hours and, during this time the decrease in temperature from 135*F to 70°F shall occur within two hours.
(c) Potentially hazardous food shall be cooled within four hours to 41°F or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
(d) Except as specified in subdivision (e), a potentially hazardous food received in compliance with laws allowing a temperature above 41°F during shipment from the supplier as specified in Section 114037, shall be cooled within four hours to 41°F or less.

114002.1
(a) The rapid cooling of potentially hazardous foods shall be accomplished in accordance with the time and temperature criteria specified in Section 114002 by using one or more of the following methods based on the type of food being cooled:

(1) Placing the food in shallow pans.
(2) Separating the food into smaller or thinner portions.
(3) Using rapid cooling equipment.
(4) Using containers that facilitate heat transfer.
(5) Adding ice as an ingredient.
(6) Using ice paddles.
(7) Inserting appropriately designed containers in an ice bath and stirring frequently.
(8) In accordance with an HACCP plan adopted pursuant to this part.
(9) Utilizing other effective means that have been approved by the enforcement agency.

(b) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be arranged in the equipment to provide maximum heat transfer through the container walls, loosely covered, or uncovered if protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food and stirred as necessary to evenly cool a liquid or a semi-liquid food.

114305(d)
Potentially hazardous foods held at or above 135°F on a mobile food facility or mobile support unit shall be destroyed at the end of the operating day.

114018
Frozen foods shall be stored and displayed in their frozen state unless being thawed in accordance with Section 114020.

114020
Frozen potentially hazardous food shall only be thawed in one of the following ways:
(a) Under refrigeration that maintains the food temperature at 41°F or below.
(b) Completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain.
(c) In a microwave oven if immediately followed by immediate preparation.
(d) As part of a cooking process.

County of Santa Clara

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MOBILE FOOD FACILITY (MFF) ROUTE/LOCATION SHEET

MFF Name: _____ License Plate#: _____

List operation schedule in Santa Clara County:

Route(s) or Address(es) of the Location(s) and City or Cities	Days of Operation	Start Time	End Time
1. _____	M ☐ T ☐ W ☐ TH ☐ F ☐ Sat ☐ Sun ☐	_____	_____
2. _____	M ☐ T ☐ W ☐ TH ☐ F ☐ Sat ☐ Sun ☐	_____	_____
3. _____	M ☐ T ☐ W ☐ TH ☐ F ☐ Sat ☐ Sun ☐	_____	_____
4. _____	M ☐ T ☐ W ☐ TH ☐ F ☐ Sat ☐ Sun ☐	_____	_____
5. _____	M ☐ T ☐ W ☐ TH ☐ F ☐ Sat ☐ Sun ☐	_____	_____
6. _____	M ☐ T ☐ W ☐ TH ☐ F ☐ Sat ☐ Sun ☐	_____	_____
7. _____	M ☐ T ☐ W ☐ TH ☐ F ☐ Sat ☐ Sun ☐	_____	_____

☐ In addition, the operating location is also posted online and/or on social media

Website/Handle: _____

Note: The Department of Environmental Health (DEH) must be able to contact you in order to inspect your vehicle while in operation if we cannot find the vehicle using the above information. List telephone numbers for the person in charge. **Please ensure we can reach you.**

Mobile #: _____ Alt Mobile #: _____ Alt Mobile #: _____

If parked longer than one hour at any of the above locations, I will ensure a readily available toilet and handwashing facility is within 200 feet travel distance of my mobile food facility. For Compact Mobile Food Operations, I will ensure there are enough employees to alternate restroom usage.

I understand and agree that if I make any changes to my route or business location, I must notify DEH via in person or e-mail. I further understand that failure to notify DEH of any changes may result in the suspension of revocation of my Health Permit to Operate as a Mobile Food Facility.

_____ _____ _____

Owner/Operator/Authorized Agent Signature | Print Name | Date

FOR OFFICE USE ONLY		
SR0	FA0	PR0

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MOBILE FOOD FACILITY (MFF) SELF-INSPECTION CHECKLIST

Permit decals are issued during the scheduled initial permit and annual permit renewal inspections. Vehicles are not permitted to operate without a valid permit. To schedule a permit renewal inspection, please submit the commissary agreement form(s), route sheet, and a copy of the menu and vehicle registration.

Please arrive on time for your inspection with all hot and cold holding equipment in operation. If you are 15 minutes late, you may be asked to reschedule. Failure to meet the requirements listed below may result in a delay in permit issuance. Please be prepared to wait in the event the inspection prior to your appointment runs longer than expected.

Your inspection is scheduled for:_____ Time:_____

	MOBILE FOOD FACILITY Requirements:
	Approved *active mechanical refrigeration capable* of maintaining cold foods 41ºF or below at all times. **Cold plates are not permitted in refrigerators storing potentially hazardous foods.** Only freezers storing prepackaged frozen ready-to-eat foods are permitted to have cold plates.
	Hot holding equipment capable of maintaining hot foods at or above 135ºF.
	Adequate supply of hot (120ºF minimum) and cold running water of adequate pressure available at unobstructed and accessible 3-compartment sink.
	Adequate supply of warm (100ºF minimum) and cold running water of adequate pressure available at unobstructed and accessible handwash sink.
	Soap and paper towels in dispensers at the handwash sink. A wall-mounted paper towel dispenser is required.
	Free of vermin infestation and free of dead insects/rodents/droppings.
	Approved sanitizer with appropriate test strips available for wiping cloths, food service utensils and equipment. Use chlorine (unscented bleach) or quaternary ammonium (QUAT). Wiping cloth sanitizing buckets/pails and a clean supply of wiping cloths.
	Accurate thermometers in all refrigeration units and hot holding/warming units.
	All food obtained, stored and prepared at an approved food facility. **No food or equipment is to be prepared or stored at home.**
	All drain lines free of leaks and connected to wastewater tank.
	Waste lines equipped with proper cap and valve assemblies.
	Protective screen (filter), cap and valve for water inlet.
	Mechanical ventilation equipment in good operating condition and equipped with approved baffle filters.
	All seams, holes, and gaps are sealed, smooth and easily cleanable.
	Cutting boards are smooth, durable, easily cleanable and non-absorbent.
	Identification is permanently affixed on the consumer side and letters/numbers are contrast with the background: • Business name in text at least 3 inches in height • Permit Holder name (if different from business name) in text at least 1 inch in height • City, state and zip in text at least 1 inch in height *Motorized mobile food vehicles and mobile support units must have identification on both sides.

	First-aid kit (enclosed case) and located in a convenient area.
	Wall-mounted, minimum 10 BC rated approved fire extinguisher.
	All equipment is NSF/ANSI certified.
	Drinking water safe hose to obtain potable water AND a separate hose for cleaning the vehicle.
	Approved probe thermometer accurate within ±2ºF. Recommend thermometers with a calibration function
	Accurate thermometers in all refrigeration units and hot holding/warming units.
	Approved emergency exit (minimum 2 feet x 3 feet) in the side opposite the main exit door, roof, or the rear of the unit. The exit shall be labeled "Safety Exit" with at least 1-inch highlettering.
	Self-closing device present on doors of the food preparation area.
	Tight-fitting screens present at ceiling openings.
	Positive closing lids and latches for coffee urns, fryers, and steam tables.
	Pass-through window openings not to exceed 216 square inches with at least an 18" separation. Screening material is at least 16 Mesh per square inch and the pass-through screen is self-closing.
	All food obtained, stored and prepared at an approved food facility. **No food or equipment is to be prepared or stored at home.**
Additional requirements:	
	Valid Food Safety Manager Certificate and copies of the Food Handler's Card(s) available on the MFF.
	DEH placard and permit posted in public view.
	Copy of the most recent inspection report available on the MFF.
	Fire suppression system requires bi-annual inspections and the fire extinguishers require annual inspections.
	Class K extinguisher for cooking media (grease).
	Generator exhaust to be directed away from consumers and food handlers.
	Valid HCD Insignia affixed to vehicle – vehicle modifications may warrant a HCD inspection.

This document serves as guidance and is not inclusive of all mobile food requirements.