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**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Department of Environmental Health

SUBMITTAL DATE:
December 12, 2013

SUBJECT: Final Approval and Adoption of Tentatively Approved Amendments to Ordinance No. 580 Relating to Mobile Food Facilities. Countywide. (0); Funded by permits, service fees, and potential fines for non-compliance.

RECOMMENDED MOTION: That the Board of Supervisors approve and adopt the amendments to Ordinance 580.5 that were tentatively approved at the Board of Supervisors hearing on December 10, 2013.

BACKGROUND:

On December 10, 2013, the Board of Supervisors held the noticed public hearing on the adoption of Ordinance 580.5. During the discussion of the ordinance, minor revisions to the Ordinance were tentatively approved by the Board of Supervisors, subject to final approval of the revisions.

(Continued)

Name: Steve Van Stockum
Title: Director

SVS:LW

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Expanded program will be funded by permits, service fees, and potential fines for non-compliance.	Budget Adjustment: Yes
	For Fiscal Year: 13/14

C.E.O. RECOMMENDATION:

APPROVE

BY:
Steven C. Horn, MPA

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY: ERIC STOPHER
DATE: 12/12/13
Departmental Concurrence

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.: 9-2 of 12/10/13

District: ALL

Agenda Number:

3-62

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approve the Tentatively Approved Amendments to the Revision of Ordinance No. 580
Relating to Mobile Food Facilities. Countywide. (0); Funded by permits, service fees, and potential
fines for non-compliance.**

DATE: December 12, 2013

PAGE: 2 of 2

BACKGROUND (continued):

Summary

The approved revisions, as they relate to Ordinance 580.5 are as follows:

1. At Section 3.c., Line 20, the words “and other County ordinances” were added after the word “ordinance” in the second to last sentence of the section. This approved addition will require food trucks to follow other County ordinances related to the time, place and manner of business operation that may be revised and added over time.
2. A brand new subsection, Section 4.e.12., was added with the following language – “Proof of General Liability Insurance naming the County of Riverside as an Additional Insured. (Category 5 only – typically food trucks.)” Specifically, this requirement mandates that Mobile Food Preparation Units are required to provide proof of the stated insurance at the time of applying for the initial permit, as well as during all permit renewals.

Impact on Citizens and Businesses

The expected impact on citizens is to add additional protections to limit potential exposure to the County for potential damage claims made against food trucks. The cost to a food truck operator to add the County as an Additional Insured will depend on the operator's insurance carrier's rates.

SUPPLEMENTAL:

Additional Fiscal Information

There is no cost to the County, as this is part of the permitting process that is already established.

1 ORDINANCE NO. 580.5

2

3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

4 AMENDING ORDINANCE NO. 580 RELATING

5 TO MOBILE FOOD FACILITIES

6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. Ordinance No. 580 is amended in its entirety to read as follows:

8

9 “ORDINANCE NO. 580

10

11 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

12 RELATING TO MOBILE FOOD FACILITIES AND COMMISSARY

13 REQUIREMENTS AND INCORPORATING BY REFERENCE

14 RIVERSIDE COUNTY ORDINANCE NO. 725

15

16 Section 1. PURPOSE AND INTENT. It is the purpose and intent of this ordinance

17 to ensure the safe and sanitary operation of mobile food facilities and commissaries in Riverside

18 County.

19 Section 2. DEFINITIONS. As used in this ordinance, the following terms shall

20 have the following meanings:

- 21 a. Annual Permit. A yearly permit to operate as defined in Ordinance No.
- 22 640.
- 23 b. Commissary. A food facility that services mobile food facilities, mobile
- 24 support units, or vending machines where any of the following occur:
- 25 1) Food, containers, or supplies are stored.
- 26 2) Food is prepared or prepackaged for sale or service at other
- 27 locations.
- 28

1 3) Utensils are cleaned.

2 4) Liquid and solid wastes are disposed, or potable water is obtained.

3 c. Community Event. An event that is of civic, political, public or
4 educational in nature, including state and county fairs, city festivals,
5 circuses and other public gatherings events approved by the local
6 enforcement agency, and which occurs 25 days or less in a 90-day period.

7 d. Department. The Riverside County Department of Environmental Health.

8 e. Enforcement Officer. The Director of the Riverside County Department
9 of Environmental Health or his/her designee.

10 f. Food Preparation. As defined in Health and Safety Code Section
11 113790, as now adopted or hereafter amended.

12 g. Limited Food Preparation. As defined in Health and Safety Code Section
13 113818, as now adopted or hereafter amended.

14 h. Mobile Food Facility. Any vehicle used in conjunction with a
15 commissary or other permanent food facility upon which food is sold or
16 distributed at retail.

17 i. Mobile Food Preparation Unit. A Mobile Food Facility that engages in
18 food preparation, beyond the scope of limited food preparation.

19 j. Mobile Support Unit. A vehicle used in conjunction with a commissary
20 or other permanent food facility that travels to, and services,
21 Mobile Food Facilities as needed to replenish supplies, including food and
22 potable water, clean the interior of the unit, or dispose of liquid or solid
23 wastes.

24 k. Non-prepackaged Food. Any food which is removed from its original
25 packaging material for the purpose of preparation or service to the customer.
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- l. Non-prepackaged Food Vehicle. A Mobile Food Facility that engages in limited food preparation.
- m. Prepackaged Food Push Cart. A Mobile Food Facility limited to the sale of 100% prepackaged foods from non-motorized vehicles that are obtained from an approved source.
- n. Prepackaged Food. Any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, food facility, or other approved source.
- o. Produce Vehicle. A Mobile Food Facility limited to the sale of whole, uncut produce obtained from an approved source.

Section 3. PERMIT APPLICATION REQUIREMENTS.

- a. No person shall operate a Mobile Food Facility without a permit issued pursuant to the provisions of this ordinance.
- b. Nothing in this ordinance shall prevent the Department from denying any permit application for any Mobile Food Facility if, in the opinion of the Department, such Mobile Food Facility poses a real or potential risk to the health and welfare of the public.
- c. A person may operate a Mobile Food Facility if such person has a valid permit issued by the Department. Application for a permit shall be made to the Department on a form supplied by the Department and shall be accompanied by a fee(s) as required by Ordinance No. 640. A permit shall only be issued by the Department if the proposed Mobile Food Facility meets the requirements of the Federal and State laws and regulations and provisions of this ordinance and other County ordinances. A permit shall be valid for not more than one year.
- d. All Mobile Food Facilities proposing to operate in the County of Riverside in any capacity must obtain an annual mobile food facility permit pursuant to this section. There shall be a one year phase-in period from the effective

1 date of this ordinance, for Mobile Food Facility categories 3, 4, and 5, as
2 identified in Section 4.a. of this ordinance, to come into compliance
3 through the plan check process to meet all Health and Safety Code
4 requirements for annual permitting. During this phase-in period Mobile
5 Food Facilities not compliant with current construction standards, but still
6 meeting the requirements for temporary food facilities pursuant to Health
7 and Safety Code sections 114335 through 114363, as now adopted or
8 hereafter amended, will be allowed to operate at approved community
9 events, with proper permits. After the phase-in period all Mobile Food
10 Facilities must meet current Health and Safety Code standards and obtain
11 annual permits to operate as Mobile Food Facilities.

12 Section 4. MOBILE FOOD FACILITY OPERATIONS.

- 13 a. Mobile Food Facility Categories: There are five categories of Mobile Food
14 Facilities that may be permitted within Riverside County by the
15 Department:
- 16 1) Produce Vehicle (typically produce trucks)
 - 17 2) Prepackaged Food Push Cart (typically ice cream pushcarts)
 - 18 3) Prepackaged Food Vehicle (typically catering trucks and ice cream
19 vans)
 - 20 4) Non-prepackaged Food Vehicle and Mobile Support Unit
21 (typically hot dog carts)
 - 22 5) Mobile Food Preparation Unit (typically food trucks)
- 23 b. The sale of food from an aircraft, watercraft, bicycle or golf cart is not
24 allowed.
- 25 c. Mobile Food Facility categories 1-3 shall be inspected one time per year.
26 Mobile Food Facility categories 4 and 5 shall be inspected two times per
27 year. Nothing in this section precludes the Department from inspecting
28 and re-inspecting the Mobile Food Facilities with greater frequency if it is

1 determined by the Director that such inspections or re-inspections are
2 necessary to ensure the health and welfare of the public.

3 d. Proper labeling of all foods per California Department of Public Health
4 (CDPH) and Food and Drug Administration (FDA) standards shall apply
5 to all Mobile Food Facilities.

6 e. The following information shall be provided by the Mobile Food Facility
7 operator, on forms supplied by the Department, prior to the issuance of an
8 initial permit or the renewal of a permit of any Mobile Food Facility:

- 9 1) Commissary agreement letter;
- 10 2) Commissary schedule;
- 11 3) Written operational procedures;
- 12 4) Current route sheets for Mobile Food Facilities that operate in
13 multiple locations or other reporting/tracking method as approved
14 by the Department;
- 15 5) Provide proof of annual water tank testing;
- 16 6) Provide documentation that all water has been supplied solely from
17 an approved commissary or Mobile Support Unit;
- 18 7) Provide a Department approved plan for waste grease and trash
19 disposal to the Department;
- 20 8) Provide proof that the Mobile Food Facility has been stored at
21 approved commissaries on a daily basis;
- 22 9) Provide proof of issuance of Food Manager and Food Handler
23 Certifications, pursuant to Ordinance No. 567 and Health and
24 Safety Code sections 113947 through 113947.6, as now adopted or
25 hereafter amended.
- 26 10) Category 4 and Category 5 Mobile Food Facilities shall provide the
27 Department a statement as to the list of general food items to be
28 sold from the Mobile Food Facility; and,

1 11) Proof of valid driver's licenses for all proposed drivers along with
2 current vehicle registration shall be maintained on the Mobile Food
3 Facility or Mobile Support Unit at all times, and shall be presented
4 at the time of inspection.

5 12) Proof of General Liability Insurance naming the County as an
6 "Additional Insured". (Category 5 only – typically food trucks.)

7 f. Mobile Food Facilities shall not have external access to sewer and water
8 lines, except at approved community events. Mobile Food Facility must be
9 fully self-contained and able to operate as such; servicing of water and
10 wastewater tanks shall take place at the commissary or by an approved
11 Mobile Support Unit (for Mobile Food Facility categories 1-4), as specified
12 and on record as approved by the Department. External electrical supply
13 is allowed via a power supply cord as long as there is no permanent
14 wiring.

15 g. All Mobile Food Facilities from categories 4-5 must ensure availability of
16 one conspicuous trash receptacle within 20 feet of the place of operation.

17 Section 5. GRADING.

18 a. Only Mobile Food Preparation Units shall be graded. Each Mobile Food
19 Preparation Units shall be inspected and graded uniformly using an official
20 inspection form. The grade of each Mobile Food Preparation Units shall be
21 evidenced by the posting of a grade card/decal bearing the letter "A", "B",
22 or "C".

23 1) The letter "A" shall indicate a score of ninety percent or higher, and
24 indicates that the Mobile Food Facility passed the inspection by
25 meeting minimum health standards as set forth by the California
26 Health and Safety Code. Grade "A" cards/decals shall be printed in
27 blue on a white background.
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1 2) The letter "B" shall indicate a score of less than ninety percent but
2 not less than eighty percent, and indicates the Mobile Food Facility
3 has not passed the inspection and does not meet minimum health
4 standards. Grade "B" cards/decals shall be printed in green on a
5 white background.

6 3) The letter "C" shall indicate a score of less than eighty percent and
7 indicates that the Mobile Food Facility has failed the inspection and
8 has conditions existing which may pose a potential or actual threat
9 to public health and safety. The Mobile Food Facility may also be
10 ordered closed with its permit being suspended or revoked by the
11 Department. Grade "C" cards/decals shall be printed in red on a
12 white background.

- 13 b. The grade card/decal shall be provided by the Department and shall be 5
14 inches by 7 inches in size.
- 15 c. The grade card/decal shall be posted in a conspicuous place near the
16 ordering window, as selected by the Department, and shall be removed
17 only by the Department.
- 18 d. It shall be unlawful to operate a Mobile Food Facility unless the grade
19 card/decal is in place as posted by the Department.
- 20 e. Mobile Food Facilities shall post a notice provided by the Department,
21 advising consumers that a copy of the most recent routine inspection report
22 is available for review by any interested party. The most recent inspection
23 report must be kept with the Mobile Food Facility at all times.

24 Section 6. MOBILE FOOD FACILITY INSPECTIONS.

25 a. The Department shall inspect each Mobile Food Facility at random
26 intervals within the specified time frames listed in Section 4 of this
27 ordinance. All Mobile Food Facilities shall comply with the requirements
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1 set forth in Health and Safety Code sections 114294 through 114327, as
2 now adopted and hereafter amended.

3 b. No food shall be displayed or sold from any place other than the permitted
4 Mobile Food Facility at any time. No additional tables shall be allowed for
5 sales, storage, preparation or distribution in the area adjacent to the Mobile
6 Food Facility except when operating at an approved community event, or
7 with prior Department approval.

8 c. Mobile Support Units shall only be used to service Produce Vehicles,
9 Prepackaged Food Carts, Prepackaged Food Vehicles, and Non-
10 prepackaged Food Vehicles. Mobile Support Units shall not be used in
11 conjunction with Mobile Food Preparation Units. Mobile Support Units
12 shall require a separate permit from the supported Mobile Food Facility, as
13 defined in Ordinance No. 640.

14 d. Food preparation and storage equipment and sanitation requirements for
15 each Mobile Food Facility shall be inspected and based on the food service
16 activity to be conducted, the type of food that is to be prepared or served,
17 and the extent of food preparation that is to be conducted at the Mobile
18 Food Facility.

19 e. A copy of the Official Inspection Form shall be provided to the owner,
20 operator, or person in charge of the Mobile Food Facility.

21 f. Any Mobile Food Preparation Unit that has received a non-passing grade
22 (“B” or “C”) and all Mobile Food Facilities that do not meet the minimum
23 health and safety requirements shall be re-inspected within five (5)
24 business days of the initial inspection, or as otherwise arranged, to assure
25 that the violations have been corrected. The grade card shall remain posted
26 on the Mobile Food Facility as placed by the Department, indicating to the
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1 public that the particular Mobile Food Facility failed to maintain minimum
2 health standards during its most recent routine inspection.

3 g. If, after a re-inspection, the Mobile Food Facility does not meet minimum
4 health and safety standards or attain a score a 90% or higher, any or all of
5 the following legal actions may ensue:

6 1) Administrative hearing for the suspension or revocation of the
7 permit pursuant to Health and Safety Code section 114405, et seq.,
8 as now adopted or hereafter amended.

9 2) Issuance of a citation.

10 3) Initiation of civil, criminal or other legal proceedings.

11 h. Notwithstanding the foregoing, the Department may order immediate
12 closure of a Mobile Food Facility pursuant to Health and Safety Code
13 section 114409, as now adopted or hereafter amended, whenever the
14 Department reasonably believes the Mobile Food Facility presents an
15 immediate danger to the public health or safety unless the violation is
16 immediately corrected.

17 i. Any re-inspections following an Administrative Hearing pursuant to
18 section 6.g.i., may result in the operator being charged an hourly on-site fee
19 as set by Ordinance No. 640.

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21 Section 7. CONSTRUCTION AND PLAN REVIEW REQUIREMENTS FOR NEW
22 MOBILE FOOD FACILITES.

23 a. Prior to issuing permits for Mobile Food Facility categories 3, 4, and 5, as
24 referenced in section 4.a., plans are required to be submitted and reviewed
25 by the Department.

26 b. A physical inspection of the Mobile Food Facility shall be conducted by
27 the Department prior to operation of the Mobile Food Facility even if plans
28 are not required.

- 1 c. All Mobile Food Facilities permitted in Riverside County must meet the
2 minimum requirements set forth in the California Health and Safety Code
3 sections 114294 through 114327, as now adopted or hereafter amended.
- 4 d. Mobile Food Facilities permitted prior to the effective date of this
5 ordinance that undergo a change of ownership or a change in menu and/or
6
7 equipment shall be required to obtain approval from the Department prior
8 to making the modifications, and plan submittal shall be required.
- 9 e. At a minimum, submitted plans shall consist of:
- 10 1) Two (2) sets of identical plans, drawn to scale;
 - 11 2) Full views of the Mobile Food Facility, from each viewpoint, drawn
12 to scale (top down, front, back, employee and customer views);
 - 13 3) A full plumbing diagram showing the flow of water from fresh
14 water tank through sinks and/or equipment to waste tank. Plans
15 shall include and identify all sinks, water heaters, water pumps, and
16 any other water using piece of equipment;
 - 17 4) A complete finish schedule detailing construction material
18 information;
 - 19 5) A complete equipment list showing the make, model, and
20 commercial certification of all pieces of equipment, and their
21 location on the Mobile Food Facility; and,
 - 22 6) Identification of all gas and electric lines.

23 Section 8. REQUIREMENT FOR COMMISSARIES.

- 24 a. All Mobile Food Facilities must operate from a permitted commissary, or
25 other Department approved facility. All approved facilities must be located
26 within Riverside County unless otherwise approved by the Department.
- 27 b. Each commissary is required to have facilities specific to the type of Mobile
28 Food Facility to be serviced and stored.

- c. Commissaries are limited as to the number of Mobile Food Facilities that may be serviced and stored at the facility by the available space at the commissary. The number of Mobile Food Facilities allowed will be determined by the Department for each commissary.
- d. The commissary and Mobile Food Facility hours of operation must match for accessibility purposes.
- e. All commissaries must be built per construction standards set forth in the Health and Safety Code.
- f. Commissaries must obtain a permit to operate, as per Ordinance No. 640.
- g. Evaluation of commissary locations may require onsite inspection, and/or plan submittal to the Department, per the fee schedule set forth in Ordinance No. 640.
- h. Commissary operators must maintain current sign in sheets for all Mobile Food Facilities indicating the date, time, DBA and operator name, each time the Mobile Food Facility leaves and returns to the commissary.
- i. Commissary operators must notify the Department within thirty (30) days if a Mobile Food Facility discontinues using the commissary as described in this ordinance.

Section 9. REQUIRED FEES. The fees listed in this section shall be valid until such time as Ordinance No. 640 is revised to incorporate these new fees therein. Any annual permit or registration shall be valid for no more than one year from the month of issue.

- a. Annual permit fees.
 - 1) Category 1 (Produce Vehicle) \$199.00
 - 2) Category 2 (Prepackaged Food Push Cart) \$128.00
 - 3) Category 3 (Prepackaged Food Vehicle) \$329.00
 - 4) Category 4 (Non-prepackaged Food Vehicle and Mobile Support Unit) \$464.00
 - 5) Category 5 (Mobile Food Preparation Unit) \$653.00

- b. Plan review fees.
 - 1) Category 3 (Prepackaged Food Vehicle) \$247.00
 - 2) Category 4 (Non-prepackaged Food Vehicle and Mobile Support Unit) \$493.00
 - 3) Category 5 (Mobile Food Preparation Unit) \$580.00

Section 10. CRIMINAL PENALTIES.

a. Any person violating any provision of this ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each day during which any violation of this ordinance is committed or allowed to exist.

- b. Any individual convicted of a violation of this ordinance shall be:
 - 1) Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00), but not exceeding one hundred dollars (\$100.00) for the first offense.
 - 2) Guilty of an infraction and punished by a fine of not less than one hundred dollars (\$100.00), but not exceeding two hundred dollars (\$200.00) for the second offense.
 - 3) The third and subsequent offenses shall constitute misdemeanor and shall be punishable by a fine of not less than five hundred dollars (\$500.00) but not to exceed one thousand dollars (\$1,000.00), imprisonment of up to six months in the county jail, or both.
 - 4) Notwithstanding subsections a. and b. above, the first or second offense may be charged and prosecuted as misdemeanor

c. Payment of any penalty herein shall not relieve any individual from the responsibility of correcting the violations as found by the enforcement officer.

1 d. Any person found not in compliance with state law and/or this ordinance is
2 subject to citation, permit suspension/revocation, lien, or other legal action
3 as deemed necessary by the Department.

4 Section 11. CIVIL AND ADMINISTRATIVE PENALTIES. In addition to the
5 criminal penalties stated above, the Department may enforce the provisions of this ordinance through the
6
7 procedures provided for in Riverside County Ordinance No. 725, which is incorporated herein by
8 reference.

9 Section 12. PUBLIC NUISANCE DECLARATION. Any violation of this
10 ordinance is hereby declared to be unlawful and a public health nuisance and may be abated by the
11 Department, irrespective of any other remedy provided in this chapter.

12 Section 13. RIGHT OF INSPECTION. Pursuant to the Health and Safety Code, the
13 Department shall have the right to inspect any Mobile Food Facility, or commissary, or any facility
14 suspected of being a Mobile Food Facility or commissary, at any reasonable time. Unless the
15 Department fails to provide proper identification, refusing an inspection may result in the permit being
16 suspended or revoked, and/or the owner or operator shall be guilty of an infraction or misdemeanor
17 offense. The Mobile Food Facility must remain stationary and available for inspection once an official
18 inspection has been initiated by the enforcement officer.

19 Section 14. SEVERABILITY. If any provision, clause, sentence or paragraph of
20 this ordinance or the application thereof to any person or circumstances shall be held invalid, such
21 invalidity shall not affect the other provisions of this ordinance which can be given effect without the
22 invalid provision or application and, to this end, the provisions of this ordinance are hereby declared to be
23 severable.”

24 Section 2. This ordinance shall take effect on April 8, 2014.

25
26 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

27 By: _____
28 Chairman

1 ATTEST:

2 CLERK OF THE BOARD:

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4 By: _____
Deputy

5
6 (SEAL)

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8 APPROVED AS TO FORM

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10 By:  _____
ERIC STOPHER
11 Deputy County Counsel

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