

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



1-1

On motion of Supervisor Jeffries, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED, FOUND AND DETERMINED that the following ordinances were duly published:

<u>ORDINANCE</u>	<u>DATE</u>	<u>NEWSPAPER</u>
No. 580.7	April 25, 2017	The Press-Enterprise

Roll Call:

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on July 11, 2017 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: July 11, 2017
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in and
for the County of Riverside, State of California.

(seal)

By: Quil Boyd, Deputy
AGENDA NO.

1-1

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption of Ord. No. 580.7 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

04/25/2017

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: April 25, 2017
At: Riverside, California


Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0010937357-01

P.O. Number:

Ad Copy:

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

ORDINANCE NO. 580
(AS AMENDED THROUGH 580.7)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
RELATING TO MOBILE FOOD FACILITIES AND COMMISSARY
REQUIREMENTS AND INCORPORATING BY REFERENCE
RIVERSIDE COUNTY ORDINANCE NO. 725

Section 1. PURPOSE AND INTENT. It is the purpose and intent of this ordinance to ensure the safe and sanitary operation of mobile food facilities and commissaries in Riverside County.

Section 2. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Annual Permit. A yearly permit to operate as defined in Ordinance No. 640.
- b. Commissary. A food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur:
 - 1) Food, containers, or supplies are stored.
 - 2) Food is prepared or prepackaged for sale or service at other locations.
 - 3) Utensils are cleaned.
 - 4) Liquid and solid wastes are disposed, or potable water is obtained.
- c. Community Event. An event that is of civic, political, public or educational in nature, including state and county fairs, city festivals, circuses and other public gatherings events approved by the local enforcement agency, and which occurs 25 days or less in a 90-day period.
- d. Department. The Riverside County Department of Environmental Health.
- e. Enforcement Officer. The Director of the Riverside County Department of Environmental Health or his/her designee.
- f. Food Preparation. As defined in Health and Safety Code Section 113790, as now adopted or hereafter amended.
- g. Limited Food Preparation. As defined in Health and Safety Code Section 113818, as now adopted or hereafter amended.
- h. Mobile Food Facility. Any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail.
- i. Mobile Food Preparation Unit. A Mobile Food Facility that engages in food preparation, beyond the scope of limited food preparation.
- j. Mobile Support Unit. A vehicle used in conjunction with a commissary or other permanent food facility that travels to, and services, Mobile Food Facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.
- k. Non-prepackaged Food. Any food which is removed from its original packaging material for the purpose of preparation or service to the customer.
- 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. Mobile Food Facilities proposing to operate in the County of Riverside must obtain an annual mobile food facility permit pursuant to this section or may obtain permits to operate only at temporary events. Mobile Food Facility categories 3, 4, and 5, as identified in Section 4.a. of this ordinance, shall meet all Health and Safety Code requirements for annual permitting including compliance through the plan check process to obtain an annual permit. Mobile Food Facilities that choose to operate only at community events, may continue to apply for and operate with temporary event permits. These Mobile Food Facilities must meet the requirements for temporary food facilities pursuant to Health and Safety Code sections 114335 through 114363, as now adopted or hereafter amended.

Section 4. MOBILE FOOD FACILITY OPERATIONS.

- a. Mobile Food Facility Categories: There are five categories

- of Mobile Food Facilities that may be permitted within Riverside County by the Department:
- 1) Produce Vehicle (typically produce trucks)
 - 2) Prepackaged Food Push Cart (typically ice cream pushcarts)
 - 3) Prepackaged Food Vehicle (typically catering trucks and ice cream vans)
 - 4) Non-prepackaged Food Vehicle and Mobile Support Unit (typically hot dog carts)
 - 5) Mobile Food Preparation Unit (typically food trucks)
- b. The sale of food from an aircraft, watercraft, bicycle or golf cart is not allowed.
- c. Mobile Food Facility categories 1-3 shall be inspected one time per year. Mobile Food Facility categories 4 and 5 that are annually permitted shall be inspected two times per year. Nothing in this section precludes the Department from inspecting and re-inspecting the Mobile Food Facilities with greater frequency if it is determined by the Director that such inspections or re-inspections are necessary to ensure the health and welfare of the public.
- d. Proper labeling of all foods per California Department of Public Health (CDPH) and Food and Drug Administration (FDA) standards shall apply to all Mobile Food Facilities.
- e. The following information shall be provided by the Mobile Food Facility operator, on forms supplied by the Department, prior to the issuance of an initial permit or the renewal of an annually permitted Mobile Food Facility:
- 1) Commissary agreement letter;
 - 2) Commissary schedule;
 - 3) Written operational procedures;
 - 4) Current route sheets for Mobile Food Facilities that operate in multiple locations or other reporting/tracking method as approved by the Department;
 - 5) Provide proof of annual water tank testing;
 - 6) Provide documentation that all water has been supplied solely from an approved commissary or Mobile Support Unit;
 - 7) Provide a Department approved plan for waste grease and trash disposal to the Department;
 - 8) Provide proof that the Mobile Food Facility has been stored at approved commissaries on a daily basis;
 - 9) Provide proof of issuance of Food Manager and Food Handler Certifications, pursuant to Ordinance No. 567 and Health and Safety Code sections 113947 through 113947.6, as now adopted or hereafter amended.
 - 10) Category 4 and Category 5 Mobile Food Facilities shall provide the Department a statement as to the list of general food items to be sold from the Mobile Food Facility; and,
 - 11) Proof of valid driver's licenses for all proposed drivers along with current vehicle registration shall be maintained on the Mobile Food Facility or Mobile Support Unit at all times, and shall be presented at the time of inspection.
 - 12) Proof of General Liability Insurance naming the County as an "Additional Insured". (Category 5 only - typically food trucks.)
- f. Mobile Food Facilities shall not have external access to sewer and water lines, except at approved community events. Mobile Food Facility must be fully self-contained and able to operate as such; servicing of water and wastewater tanks shall take place at the commissary or by an approved Mobile Support Unit (for Mobile Food Facility categories 1-4), as specified and on record as approved by the Department. External electrical supply is allowed via a power supply cord as long as there is no permanent wiring.
- g. All Mobile Food Facilities from categories 4-5 must ensure availability of one conspicuous trash receptacle within 20 feet of the place of operation.

Section 5. GRADING.

- a. Only Mobile Food Preparation Units that are annually permitted shall be graded. Each Mobile Food Preparation Unit shall be inspected and graded uniformly using an official inspection form. The grade of each Mobile Food Preparation Unit shall be evidenced by the posting of a grade card/decals bearing the letter "A", "B", or "C".
- 1) The letter "A" shall indicate a score of ninety percent or higher, and indicates that the Mobile Food Facility passed the inspection by meeting minimum health standards as set forth by the California Health and Safety Code. Grade "A" cards/decals shall be printed in blue on a white background.
 - 2) The letter "B" shall indicate a score of less than ninety percent but not less than eighty percent, and indicates the Mobile Food Facility has not passed the inspection and does not meet minimum health standards. Grade "B" cards/decals shall be printed in green on a white background.
 - 3) The letter "C" shall indicate a score of less than eighty percent and indicates that the Mobile Food Facility has failed the inspection and has conditions existing which may pose a potential or actual threat to public health and safety. The Mobile Food Facility may also be ordered closed with its permit being suspended or revoked by the Department. Grade "C" cards/decals shall be printed in red on a white background.
- b. The grade card/decals shall be provided by the Department and shall be 5 inches by 7 inches in size.
- c. The grade card/decals shall be posted in a conspicuous place

- d. near the ordering window, as selected by the Department, and shall be removed only by the Department.
- e. It shall be unlawful to operate a Mobile Food Facility unless the grade card/decals is in place as posted by the Department.
- f. Mobile Food Facilities shall post a notice provided by the Department, advising consumers that a copy of the most recent routine inspection report is available for review by any interested party. The most recent inspection report must be kept with the Mobile Food Facility at all times.

Section 6. MOBILE FOOD FACILITY INSPECTIONS.

- a. The Department shall inspect each Mobile Food Facility at random intervals within the specified time frames listed in Section 4 of this ordinance. All Mobile Food Facilities shall comply with the requirements set forth in Health and Safety Code sections 114294 through 114327, as now adopted and hereafter amended.
- b. No food shall be displayed or sold from any place other than the permitted Mobile Food Facility at any time. No additional tables shall be allowed for sales, storage, preparation or distribution in the area adjacent to the Mobile Food Facility except when operating at an approved community event, or with prior Department approval.
- c. Mobile Support Units shall only be used to service Produce Vehicles, Prepackaged Food Carts, Prepackaged Food Vehicles, and Non-prepackaged Food Vehicles. Mobile Support Units shall not be used in conjunction with Mobile Food Preparation Units. Mobile Support Units shall require a separate permit from the supported Mobile Food Facility, as defined in Ordinance No. 640.
- d. Food preparation and storage equipment and sanitation requirements for each Mobile Food Facility shall be inspected and based on the food service activity to be conducted, the type of food that is to be prepared or served, and the extent of food preparation that is to be conducted at the Mobile Food Facility.
- e. A copy of the Official Inspection Form shall be provided to the owner, operator, or person in charge of the Mobile Food Facility.
- f. Any Mobile Food Preparation Unit that has received a non-passing grade ("B" or "C") and all Mobile Food Facilities that do not meet the minimum health and safety requirements shall be re-inspected within five (5) business days of the initial inspection, or as otherwise arranged, to assure that the violations have been corrected. The grade card shall remain posted on the Mobile Food Facility as placed by the Department, indicating to the public that the particular Mobile Food Facility failed to maintain minimum health standards during its most recent routine inspection.
- g. If, after a re-inspection, the Mobile Food Facility does not meet minimum health and safety standards or attain a score a 90% or higher, any or all of the following legal actions may ensue:
 - 1) Administrative hearing for the suspension or revocation of the permit pursuant to Health and Safety Code section 114405, et seq., as now adopted or hereafter amended.
 - 2) Issuance of a citation.
 - 3) Initiation of civil, criminal or other legal proceedings.
- h. Notwithstanding the foregoing, the Department may order immediate closure of a Mobile Food Facility pursuant to Health and Safety Code section 114409, as now adopted or hereafter amended, whenever the Department reasonably believes the Mobile Food Facility presents an immediate danger to the public health or safety unless the violation is immediately corrected.
- i. Any re-inspections following an Administrative Hearing pursuant to section 6.g(1), may result in the operator being charged an hourly on-site fee as set by Ordinance No. 640.

Section 7. CONSTRUCTION AND PLAN REVIEW REQUIREMENTS FOR NEW ANNUALLY PERMITTED MOBILE FOOD FACILITIES.

- a. Prior to issuing permits for Mobile Food Facility categories 3, 4, and 5, as referenced in section 4.a., plans are required to be submitted and reviewed by the Department.
- b. A physical inspection of the Mobile Food Facility shall be conducted by the Department prior to operation of the Mobile Food Facility even if plans are not required.
- c. All Mobile Food Facilities permitted in Riverside County must meet the minimum requirements set forth in the California Health and Safety Code sections 114294 through 114327, as now adopted or hereafter amended.
- d. Mobile Food Facilities permitted prior to the effective date of this ordinance that undergo a change of ownership or a change in menu and/or equipment shall be required to obtain approval from the Department prior to making the modifications, and plan submittal shall be required.
- e. At a minimum, submitted plans shall consist of:
 - 1) Two (2) sets of identical plans, drawn to scale;
 - 2) Full views of the Mobile Food Facility, from each viewpoint, drawn to scale (top down, front, back, employee and customer views);
 - 3) A full plumbing diagram showing the flow of water from fresh water tank through sinks and/or equipment to waste tank. Plans shall include and identify all sinks, water heaters, water pumps, and any other water using piece of equipment;
 - 4) A complete finish schedule detailing construction material information;

- 5) A complete equipment list showing the make, model, and commercial certification of all pieces of equipment, and their location on the Mobile Food Facility; and,
- 6) Identification of all gas and electric lines.
- f. Non-occupied Mobile Food Facilities which utilize gas or electrical power may be required to obtain a third party safety certification for gas and/or electric installations prior to the issuance of a permit.
- g. Mobile Food Facilities will not be allowed to install a rest-room facility integral to the unit.

Section 8. REQUIREMENT FOR COMMISSARIES.

- a. All annually permitted Mobile Food Facilities must operate from a permitted commissary, or other Department approved facility. All approved facilities must be located within Riverside County unless otherwise approved by the Department.
- b. Each commissary is required to have facilities specific to the type of Mobile 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.
- f. 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. No person shall operate a Mobile Food Facility without holding a valid permit issued by the Department of Environmental Health. All required permit and plan check fees are provided in Ordinance No. 640.

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

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

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

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

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

Section 15. This ordinance shall take effect 30 days after the date of adoption.

- 5) A complete equipment list showing the make, model, and commercial certification of all pieces of equipment, and their location on the Mobile Food Facility; and,
- 6) Identification of all gas and electric lines.
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 - 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.
- d. Any person found not in compliance with state law and/or this ordinance is subject to citation, permit suspension/revocation, lien, or other legal action as deemed necessary by the Department.

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Section 15. This ordinance shall take effect 30 days after the date of adoption.

John Tavaglione, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **April 11, 2017**, the foregoing Ordinance consisting of fifteen (15) sections was adopted by said Board by the following vote:

AYES: Jeffries, Tavaglione, Washington, and Ashley
NAYS: None
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

4/25