

California Health and Safety Code (Cal Code)

Chapter 2: Definitions

113831. Mobile food facility

"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 FACILITY" does not include a "TRANSPORTER" used to transport packaged FOOD from a FOOD FACILITY, or other APPROVED SOURCE to the CONSUMER.

113789. Food facility

(a) "FOOD FACILITY" means an operation that stores, prepares packages, serves, vends, or otherwise provides FOOD for human consumption at the RETAIL level, including, but not limited to, the following:

(1) An operation where FOOD is consumed on or off the PREMISES, regardless of whether there is a charge for the FOOD.
(2) Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for FOOD-related UTENSILS, EQUIPMENT, and materials.

(b) "FOOD FACILITY" includes permanent and nonpermanent FOOD facilities, including, but not limited to, the following:

- (1) Public and private school cafeterias.
- (2) RESTRICTED FOOD SERVICE FACILITIES.
- (3) Licensed health care facilities.
- (4) COMMISSARIES.
- (5) MOBILE FOOD FACILITIES.
- (6) MOBILE SUPPORT UNITS.
- (7) TEMPORARY FOOD FACILITIES.
- (8) VENDING MACHINES.
- (9) CERTIFIED FARMERS' MARKETS, for purposes of permitting and enforcement.

(c) "FOOD FACILITY" does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling FOOD, a private home, church, private club, or other nonprofit association that gives or sells FOOD to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period, or a for-profit entity that gives or sells FOOD to members and guests for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(2) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code and in the regulations adopted pursuant to that section, if no FOOD or BEVERAGE is offered for sale for onsite consumption.

(3) Premises operated by a PRODUCER, selling or offering for sale only whole PRODUCE grown by the PRODUCER, or shell EGGS, or both, provided the sales are conducted on Premises controlled by the PRODUCER.

(4) A commercial food processing plant as defined in Section 111955.

113784. Food compartment

"FOOD COMPARTMENT" means an enclosed space including, but not limited to, an air pot, blender, bulk dispensing system, covered chafing dish, and covered ice bin, with all of the following characteristics:

(a) The space is defined by a physical barrier from the outside environment that completely encloses all FOOD, FOOD-CONTACT SURFACES, and the handling of nonPREPACKAGED FOOD.

(b) All access openings are equipped with TIGHT-FITTING closures, or one or more alternative barriers that effectively protect the FOOD from contamination, facilitate safe FOOD handling, while minimizing exposure to the environment.

(c) It is constructed from materials that are nontoxic, SMOOTH, EASILY CLEANABLE, and durable and is constructed to facilitate the cleaning of the interior and exterior of the compartment.

113791. Food preparation

"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.

113818. Limited food preparation

(a) "LIMITED FOOD PREPARATION" means FOOD PREPARATION that is restricted to one or more of the following:

(1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonPREPACKAGED FOOD.

(2) Dispensing and portioning of nonPOTENTIALLY HAZARDOUS FOOD.

(3) Holding, portioning, and dispensing of any FOODS that are prepared for SATELLITE FOOD SERVICE by the onsite PERMANENT FOOD FACILITY or prepackaged by another APPROVED SOURCE.

(4) Slicing and chopping of FOOD on a heated cooking surface during the cooking process.

(5) Cooking and seasoning to order.

(6) Preparing BEVERAGES that are for immediate service, in response to an individual CONSUMER order, that do not contain FROZEN milk products.

(b) "LIMITED FOOD PREPARATION" does not include any of the following:

(1) Slicing and chopping unless it is on the heated cooking surface.

(2) Thawing.

(3) Cooling of cooked POTENTIALLY HAZARDOUS FOOD.

(4) Grinding raw ingredients or POTENTIALLY HAZARDOUS FOOD.

(5) Reheating of POTENTIALLY HAZARDOUS FOODs for hot holding, except for steamed or boiled hot dogs and tamales in the original, inedible wrapper.

(6) Hot holding of nonPREPACKAGED, POTENTIALLY HAZARDOUS FOOD, except for roasting corn on the cob, steamed or boiled hot dogs, and tamales in the original, inedible wrapper.

(7) Washing of FOODs.

(8) Cooking of POTENTIALLY HAZARDOUS FOODs for later use.

113885 Refrigeration unit

"Refrigeration unit" means a mechanical unit that extracts heat from an area through liquefaction and evaporation of a fluid by a compressor, flame, or thermoelectric device, and includes a mechanical thermostatic control device that regulates refrigerated blown air into an enclosed area at or below the minimum required FOOD storage temperature of potentially hazardous foods in conformance with Section 113996.

Article 2: Employee Knowledge

113947.1. Food safety certification exam

(a) FOOD facilities that prepare, handle, or serve nonprepackaged potentially hazardous foods, except temporary FOOD facilities, shall have an owner or EMPLOYEE who has successfully passed an APPROVED and accredited FOOD safety certification examination as specified in Sections 113947.2 and 113947.3. There shall be at least one FOOD safety certified owner or employee at each Food facility. No certified person at a Food facility may serve at any other food facility as the person required to be certified pursuant to this subdivision. The certified owner or employee need not be present at the food facility during all hours of operation.

(b) Food facilities that are not subject to the requirements of subdivision (a) that prepare, handle, or serve nonprepackaged, nonpotentially hazardous foods, except temporary food facilities, shall do one of the following:

(1) Have an owner or EMPLOYEE who has successfully passed an APPROVED and accredited FOOD safety certification examination as specified in Sections 113947.2 and 113947.3.

(2) Demonstrate to the ENFORCEMENT OFFICER that the employees have an adequate knowledge of FOOD safety principles as they relate to the specific operation involved in their assigned duties.

(c) On and after January 1, 2007, temporary FOOD facilities that prepare, handle, or serve non-prepackaged food shall have an owner or person in-charge who can demonstrate to the ENFORCEMENT OFFICER that he or she has an adequate knowledge of food safety principles as they relate to the specific Food facility operation.

(d) (1) For the purposes of this section, multiple contiguous FOOD facilities permitted within the same site and under the same management, ownership, or control shall be deemed to be one Food facility, notwithstanding the fact that the food facilities may operate under separate permits.

(2) This subdivision shall not apply to the premises of a licensed winegrower or brandy manufacturer utilized for wine tastings conducted pursuant to Section 23356.1 of the Business and Professions Code of wine or brandy produced or bottled by, or produced and prepackaged for, that licensee when use is limited to wine tasting.

(e) A Food facility that commences operation, changes ownership, or no longer has a certified owner or employee pursuant to this section shall have 60 days to comply with this subdivision.

(f) The responsibilities of a certified owner or EMPLOYEE at a Food facility or an owner or PERSON IN CHARGE of temporary food facility described in subdivision (c) shall include the safety of FOOD PREPARATION and service, including ensuring that all employees who handle, or have responsibility for handling, nonprepackaged foods of any kind, have sufficient knowledge to ensure the safe preparation or service of the FOOD, or both. The nature and extent of the knowledge that each EMPLOYEE is required to have may be tailored, as appropriate, to the employee's duties related to FOOD safety issues.

(g) The FOOD safety certificate issued pursuant to Section 113947.3 shall be retained on file at the FOOD FACILITY at all times, and shall be made available for inspection by the ENFORCEMENT OFFICER.

(h) Certified individuals shall be recertified every five years by passing an APPROVED and accredited FOOD safety certification examination.

(i) A FOOD SAFETY PROGRAM that was not in effect prior to January 1, 1999, shall not be enacted, adopted, implemented, or enforced, unless the program fully conforms to the requirements of this part.

113947.2. Approved and accredited exams

The FOOD safety certification examination shall include, but need not be limited to, all of the following elements of knowledge:

(a) FOODborne illness, including terms associated with FOODborne illness, micro-organisms, hepatitis A, and toxins that can

contaminate FOOD and the illness that can be associated with contamination, definition and recognition of POTENTIALLY HAZARDOUS FOODS, chemical, biological, and physical contamination of FOOD, and the illnesses that can be associated with FOOD contamination, and major contributing factors for FOODborne illness.

(b) The relationship between time and temperature with respect to FOODborne illness, including the relationship between time and temperature and micro-organisms during the various FOOD handling, preparation, and serving states, and the type, calibration, and use of thermometers in monitoring FOOD temperatures.

(c) The relationship between PERSONal hygiene and FOOD safety, including the association of hand contact, PERSONal habits and behaviors, and FOOD EMPLOYEE health to FOODborne illness, and the recognition of how policies, procedures, and management contribute to improved FOOD safety practices.

(d) Methods of preventing FOOD contamination in all stages of FOOD handling, including terms associated with contamination and potential HAZARDS prior to, during, and after delivery.

(e) Procedures for cleaning and sanitizing EQUIPMENT and UTENSILS.

(f) Problems and potential solutions associated with facility and EQUIPMENT design, layout, and construction.

(g) Problems and potential solutions associated with temperature control, preventing cross-contamination, housekeeping, and maintenance.

113947.3. Recognition of certificate

(a) FOOD safety certification shall be achieved by successfully passing an examination from an accredited FOOD protection manager certification organization. The certification organization must be accredited by the American National Standards Institute as meeting the requirements of the Conference for FOOD Protection's "Standards for Accreditation of FOOD Protection Manager Certification Programs." Those FOOD EMPLOYEES who successfully pass an APPROVED certification examination shall be issued a certificate by the certifying organization. The issuance date for each original certificate issued pursuant to this section shall be the date when the individual successfully completes the examination. Certificates shall be valid for five years from the date of original issuance. Any replacement or duplicate certificate shall have as its expiration date the same expiration date that was on the original certificate.

(1) Within 12 months after the effective date of this part, the DEPARTMENT, in consultation with the California Conference of Directors of Environmental Health, representatives of the RETAIL FOOD industry, and other interested parties, shall develop and implement a program for the purposes of demonstrating adequate knowledge for operators of temporary FOOD facilities.

(2) At least one of the accredited statewide FOOD safety certification examinations shall cost no more than sixty dollars (\$60), including the certificate. However, the DEPARTMENT may adjust the cost of FOOD safety certification examinations to reflect actual expenses incurred in producing and administering the FOOD safety certification examinations required under this section. If a FOOD safety certification examination is not available at the price established by the DEPARTMENT, the certification and recertification requirements relative to FOOD safety certification examinations imposed by this section shall not apply.

113947.4. Food certification prohibition

Except as provided in Section 113947.5, no city, county, or city and county may enact, adopt, implement, or enforce any requirement that any FOOD FACILITY or any PERSON certified pursuant to this section do any of the following:

(a) Obtain any FOOD safety certificate or other document in addition to the certificate required by Section 113947.1.

(b) Post, place, maintain, or keep the certificate other than as specified in subdivision (e) of Section 113947.1.

(c) Pay any fee or other sum as a condition for having a certificate verified, validated, or otherwise processed by the city, county, or city and county.

113947.5. Violations of this section

Certification conferred pursuant to this part shall be recognized throughout the state. Nothing in this part shall be construed to prohibit any ENFORCEMENT AGENCY from implementing or enforcing a FOOD HANDLER PROGRAM that took effect prior to January 1, 1998, but only in the form in which the program existed prior to January 1, 1998.

113947.6. Infraction

Notwithstanding Section 114395, a violation of any provision in Sections 113947.1 to 113947.5, inclusive, shall constitute an infraction punishable by a fine of not more than one hundred dollars (\$100) for each day of operation in violation.

Article 3. Employee Health

113949. Intent

It is the intent of the Legislature to reduce the likelihood of foodborne disease transmission by preventing any FOOD EMPLOYEE who is suffering from symptoms associated with an ACUTE GASTROINTESTINAL ILLNESS, or known to be infected with a communicable disease that is transmissible through FOOD, from engaging in the handling of FOOD until the FOOD EMPLOYEE is determined to be free of that illness or disease, or incapable of transmitting the illness or disease through FOOD as specified in this article.

113949.1. Local health officer notification

(a) When a local health officer is notified of an illness that can be transmitted by FOOD in a FOOD FACILITY or by a FOOD EMPLOYEE of a FOOD FACILITY, the local health officer shall inform the local ENFORCEMENT AGENCY. The local health officer or the local ENFORCEMENT AGENCY, or both, shall notify the PERSON IN CHARGE of the FOOD FACILITY and shall investigate conditions and may, after the investigation, take appropriate action, and for reasonable cause, require any or all of the following measures to be taken:

(1) The immediate RESTRICTION or EXCLUSION of any EMPLOYEE or FOOD EMPLOYEE applicant from the affected FOOD FACILITY.

(2) The immediate closing of the FOOD FACILITY until, in the opinion of the local ENFORCEMENT AGENCY, the identified danger of disease outbreak has been addressed. Any appeal of the closure shall be made in writing within five days to the applicable local ENFORCEMENT AGENCY.

(3) Any medical evaluation of any EMPLOYEE, including any laboratory test or procedure that may be indicated. If an EMPLOYEE REFUSES to participate in a medical evaluation, the local ENFORCEMENT AGENCY may require the immediate exclusion of the refusing EMPLOYEE from that or any other FOOD FACILITY until an acceptable medical evaluation or laboratory test or procedure shows that the FOOD EMPLOYEE is not infectious.

(b) For purposes of this section, "illness" means a condition caused by any of the following infectious agents:

(1) Salmonella typhi.

(2) Salmonella spp.

(3) Shigella spp.

(4) Entamoeba histolytica.

(5) Enterohemorrhagic or shiga toxin producing Escherichia coli.

(6) Hepatitis A virus.

(7) Norovirus.

(8) Other communicable diseases that are transmissible through FOOD.

113949.2. Responsibility of permit holder

The PERMIT HOLDER shall instruct all FOOD EMPLOYEES regarding the relationship between personal hygiene and FOOD safety, including the association of hand contact, personal habits and behaviors, and FOOD EMPLOYEE health to foodborne illness. The PERMIT HOLDER shall require FOOD EMPLOYEES to report the following to the PERSON IN CHARGE:

(a) If an EMPLOYEE or applicant is diagnosed with an illness due to one of the following:

(1) Salmonella typhi.

(2) Salmonella spp.

(3) Shigella spp.

(4) Entamoeba histolytica.

(5) Enterohemorrhagic or shiga toxin producing Escherichia coli.

(6) Hepatitis A virus.

(7) Norovirus.

(b) If a FOOD EMPLOYEE has a lesion or wound that is open or draining and is one of the following:

(1) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover.

(2) On exposed portions of the arms, unless the lesion is protected by an impermeable cover.

(3) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage.

113949.4. Responsibility of the food employee

A FOOD EMPLOYEE shall do both of the following:

(a) Report to the PERSON IN CHARGE the information specified under Section 113949.2.

(b) Comply with the EXCLUSIONS or RESTRICTIONS, or both, that are specified under Section 113950.

113949.5. Responsibility of the person in charge to notify local enforcement agency

(a) The PERSON IN CHARGE shall notify the local ENFORCEMENT AGENCY when notified that the FOOD EMPLOYEE or FOOD EMPLOYEE applicant has been diagnosed with an infectious agent specified under subdivision (b) of Section 113949.1.

(b) A PERSON IN CHARGE shall notify the local ENFORCEMENT AGENCY when he or she is aware that two or more FOOD EMPLOYEES are concurrently experiencing symptoms associated with an ACUTE GASTROINTESTINAL ILLNESS.

113950. Exclusions and restrictions

(a) The local health officer or, in consultation with the local health officer, the local ENFORCEMENT AGENCY shall do either of the following:

(1) EXCLUDE a FOOD EMPLOYEE from a FOOD FACILITY if the FOOD EMPLOYEE is diagnosed with an infectious agent specified in subdivision (b) of Section 113949.1 and the FOOD EMPLOYEE is symptomatic and still considered infectious.

(2) RESTRICT a FOOD EMPLOYEE if the FOOD EMPLOYEE is diagnosed with an infectious agent specified under subdivision (b)

of Section 113949.1 and is not experiencing symptoms of the illness associated with that agent but is still considered infectious with an agent specified in subdivision (b) of Section 113949.1.

(b) The PERSON IN CHARGE shall do either of the following:

(1) EXCLUDE a FOOD EMPLOYEE from a FOOD FACILITY if the FOOD EMPLOYEE is diagnosed with an infectious agent specified under subdivision (b) of Section 113949.1.

(2) RESTRICT a FOOD EMPLOYEE from working with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped single-service and SINGLE-USE ARTICLES in a FOOD FACILITY if the FOOD EMPLOYEE is suffering from symptoms of an ACUTE GASTROINTESTINAL ILLNESS.

113950.5. Removal of exclusions and restrictions

(a) The PERSON IN CHARGE may remove a restriction for a FOOD EMPLOYEE upon the resolution of symptoms as reported by a FOOD EMPLOYEE if the FOOD EMPLOYEE states that he or she no longer has any symptoms of an ACUTE GASTROINTESTINAL ILLNESS.

(b) Only the local health officer or the local ENFORCEMENT AGENCY, or both, shall remove EXCLUSIONS or RESTRICTIONS, or both, related to diagnose illnesses due to infectious agents specified in subdivision (b) of Section 113949.1 after written local health officer clearance stating that the EXCLUDED or RESTRICTED FOOD EMPLOYEE is no longer considered infectious.

113984. Food preparation area, protection from contamination

(a) Adequate and suitable counter space shall be provided for all FOOD PREPARATION operations.

(b) During preparation, unpackaged FOOD shall be protected from dirt, VERMIN, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination.

(c) Except as specified in subdivision (d), FOOD PREPARATION shall be conducted within a fully enclosed FOOD FACILITY.

(d) LIMITED FOOD PREPARATION shall be conducted within a FOOD COMPARTMENT or as APPROVED by enforcement agency. All food shall be thawed, washed, sliced, and cooled within an APPROVED fully enclosed food facility.

(e) Food shall be prepared with suitable utensils and on surfaces that, prior to use, have been cleaned, rinsed, and sanitized as specified in Section 114117 to prevent cross-contamination.

(f) Overhead protection shall be provided above all food preparation, food display, and food storage areas.

VENTILATION

114149 Ventilation systems

(a) All areas of a FOOD FACILITY shall have sufficient ventilation to facilitate proper FOOD storage and to provide a reasonable condition of comfort for each EMPLOYEE, consistent with the job performed by the EMPLOYEE.

(b) Toilet rooms shall be vented to the outside air by means of an openable, screened window, an air shaft, or a light-switch-activated exhaust fan, consistent with the requirements of local building codes.

114149.1 Mechanical exhaust ventilation

(a) Mechanical exhaust ventilation EQUIPMENT shall be provided over all cooking EQUIPMENT as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors. All mechanical exhaust ventilation EQUIPMENT shall be installed and maintained in accordance with the Uniform Mechanical Code, except that for units subject to Part 2 (commencing with Section 18000) of Division 13, an alternative code adopted pursuant to Section 18028 shall govern the construction standards.

(b) RESTRICTED FOOD SERVICE FACILITIES shall be exempt from subdivision (a); provided, however, that ventilation shall be provided to remove gases, odors, steam, heat, grease, vapors and smoke from the FOOD FACILITY. In the event that the ENFORCEMENT OFFICER determines that the ventilation must be mechanical in nature, the ventilation shall be accomplished by methods APPROVED by the ENFORCEMENT AGENCY.

(c) This section shall not apply to cooking EQUIPMENT when the EQUIPMENT has been submitted to the local ENFORCEMENT AGENCY for evaluation, and it has found that the EQUIPMENT does not produce toxic gases, smoke, grease, vapors, or heat when operated under conditions recommended by the manufacturer. The local ENFORCEMENT AGENCY may recognize a testing organization to perform any necessary evaluations.

(d) Makeup air shall be provided at the rate of that exhausted.

114149.2 Ventilation hood systems

(a) Every hood shall be installed to provide for thorough cleaning of all interior and exterior surfaces, including but not limited to, the hood, filters, piping, lights, troughs, hangers, flanges, and exhaust ducts. 70

(b) Exhaust ventilation hood systems in FOOD PREPARATION and WAREWASHING areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-USE ARTICLE.

(c) Filters or other grease extracting EQUIPMENT shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(d) Every joint and seam shall be substantially tight. No solder shall be used, except for sealing a joint or seam.

(e) When grease gutters are provided they shall drain to a collecting receptacle fabricated, designed, and installed to be READILY ACCESSIBLE for cleaning.

(f) Exhaust hood ducting shall meet the following requirements:

- (1) All seams in the duct shall be completely tight to prevent the accumulation of grease.
- (2) The ducts shall have sufficient clean-outs to make the ducts READILY ACCESSIBLE for cleaning.
- (3) All ducts in the exhaust system shall be properly sloped.
- (4) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

Chapter 10. Mobile Food Facilities

114294. Applicable requirements; certification; approval by enforcement agency

- (a) All MOBILE FOOD FACILITIES and MOBILE SUPPORT UNITs shall meet the applicable requirements in Chapters 1 to 8, inclusive, and Chapter 13, unless specifically exempted from any of these provisions as provided in this chapter.
- (b) The ENFORCEMENT AGENCY shall initially approve all MOBILE FOOD FACILITIES and MOBILE SUPPORT UNITs as complying with the provisions of this chapter and may require reapproval if deemed necessary.
- (c) Each MOBILE FOOD FACILITY that is either a special purpose commercial modular and coach as defined by Section 18012.5 or a commercial modular coach as defined by Section 18001.8 shall be certified by the Department of Housing and Community Development, consistent with Chapter 4 (commencing with Section 18025) of Part 2 of Division 13, and regulations promulgated pursuant to that chapter. In addition, the ENFORCEMENT AGENCY shall approve all EQUIPMENT installation prior to operation.

114295. Operation from a commissary

- (a) Except as specified in subdivision (b), all MOBILE FOOD FACILITIES shall operate in conjunction with a COMMISSARY, MOBILE SUPPORT UNIT, or other facility APPROVED by the ENFORCEMENT AGENCY.
- (b) This section does not apply to MOBILE FOOD FACILITIES that operate at COMMUNITY EVENTS as defined in Section 113755 and that remain in a fixed position during FOOD PREPARATION and its hours of operation.
- (c) MOBILE FOOD FACILITIES shall be stored at or within a COMMISSARY or other location APPROVED by the ENFORCEMENT AGENCY in order to have protection from unsanitary conditions.
- (d) MOBILE SUPPORT UNITs shall be operated from and stored at a designated COMMISSARY and shall be subject to permitting and plan review.
- (e) Notwithstanding any other provisions of this section, a MOBILE FOOD FACILITY that is engaged in FOOD PREPARATION, other than LIMITED FOOD PREPARATION, as defined in Section 113818, shall not operate in conjunction with a MOBILE SUPPORT UNIT.

114297. Cleaning and servicing

- (a) MOBILE FOOD FACILITIES shall be cleaned and serviced at least once daily during an operating day.
- (b) Except as specified in subdivision (c), all MOBILE FOOD FACILITIES shall report to the COMMISSARY, or other APPROVED facility on a daily basis.
- (c) MOBILE FOOD FACILITIES that are serviced by a MOBILE SUPPORT UNIT and that do not report to a COMMISSARY on a daily basis shall be stored in a manner that protects the MOBILE FOOD FACILITY from contamination. All FOOD shall be stored at the COMMISSARY or other APPROVED facility at the end of the operating day.
- (d) MOBILE SUPPORT UNITs shall report to a COMMISSARY or other APPROVED facility for cleaning, servicing, and storage at least daily.

114299. Identification of owner

- (a) Except as specified in subdivision (c), the business name or name of the operator, city, state, ZIP Code, and name of the permittee, if different from the name of the FOOD FACILITY, shall be legible, clearly visible to CONSUMERS, and permanently affixed on the CONSUMER side of the MOBILE FOOD FACILITY and on a MOBILE SUPPORT UNIT.
- (b) The name shall be in letters at least 3 inches high and shall be of a color contrasting with the vehicle exterior. Letters and numbers for the city, state, and ZIP Code shall not be less than one inch high.
- (c) Notwithstanding subdivision (a), motorized MOBILE FOOD FACILITIES and MOBILE SUPPORT UNITs shall have the required identification on two sides.

114301. Equipment construction requirements

- (a) Except to the extent that an alternative construction standard is explicitly prescribed by this section, construction standards for MOBILE FOOD FACILITIES that are subject to Part 2 (commencing with Section 18000) of Division 13 shall be governed by that part.
- (b) MOBILE FOOD FACILITY EQUIPMENT, including, but not limited to, cooking EQUIPMENT, the interior of cabinet units, and compartments, shall be designed and made of materials that result in SMOOTH, readily accessible, and EASILY CLEANABLE surfaces.
 - (1) Unfinished wooden surfaces are prohibited.
 - (2) Construction joints and seams shall be tightly fitted and SEALED so as to be EASILY CLEANABLE. Silicone sealant or equivalent waterproof compounds shall be acceptable, provided that the gap is smaller than one-quarter inch and applied SMOOTH so as to prevent

the entrance of liquid waste or VERMIN.

(3) Except as specified in Section 114314, nonPORTABLE EQUIPMENT shall be an integral part of the primary unit.

(c) MOBILE FOOD FACILITIES that handle POTENTIALLY HAZARDOUS FOODs, except for PREPACKAGED FROZEN READY-TO-EAT FOODs, whole FISH, and whole aquatic invertebrates, shall be equipped with REFRIGERATION UNITs as defined in Section 113885.

(d) All new and replacement gas-fired appliances shall meet applicable ANSI standards. All new and replacement electrical appliances shall meet applicable Underwriters Laboratory standards. However, for units subject to Part 2 (commencing with Section 18000) of Division 13, these appliances shall comply with standards prescribed by Sections 18028, 18029.3, and 18029.5.

(e) Space around pipes, conduits, or hoses that extend through cabinets, floors, or outer walls shall be SEALED. The closure shall be SMOOTH and EASILY CLEANABLE.

(f) EQUIPMENT in which spillage is likely to occur shall have a drip tray fitted so that spillage drains into a waste tank.

(g) All EQUIPMENT shall be installed so as to be EASILY CLEANABLE, prevent VERMIN harborage, and provide adequate access for service and maintenance.

(1) EQUIPMENT shall be spaced apart or SEALED together for easy cleaning. There shall be a minimum of four inches of unobstructed space provided for sanitary maintenance beneath counter mounted EQUIPMENT or between the sides of adjacent EQUIPMENT.

(2) PORTABLE EQUIPMENT or machinery need not comply with the minimum leg height requirement.

(3) Threads, nuts, or rivets shall not be exposed where they interfere with cleaning. Threads, nuts, or rivets that interfere with cleaning shall be SEALED or capped.

(4) All floor mounted EQUIPMENT shall be SEALED to the floor to prevent moisture from getting under the EQUIPMENT, or it shall be raised at least six inches off the floor by means of an EASILY CLEANABLE leg and foot.

(h) Floors, walls, and ceilings of all enclosed FOOD PREPARATION areas shall be constructed so that the surfaces are impervious, SMOOTH, and EASILY CLEANABLE. Floor surfaces shall provide EMPLOYEE safety from slipping. The juncture of the floor and wall shall be covered with a 3/8 inch minimum radius coving, with the floor surface extending up the wall at least four inches.

(i) Notwithstanding Section 114143, ground or floor surfaces where cooking processes are conducted from a grill, barbecue, or other unenclosed cooking unit on a MOBILE FOOD FACILITY shall be impervious, SMOOTH, EASILY CLEANABLE, and shall provide EMPLOYEE safety from slipping. Ground or floor surfaces in compliance with this section shall extend a minimum of five feet on all open sides of where cooking processes are conducted.

114303. Food and utensils, protection from contamination

(a)

EMPLOYEE entrance doors to FOOD PREPARATION areas shall be self-closing and kept closed when not in use.

(b)

The MOBILE FOOD FACILITY, and all EQUIPMENT and UTENSILs shall be protected from potential contamination and kept clean, in good repair, and free of VERMIN.

(c)

During transportation, storage, and operation of a MOBILE FOOD FACILITY, FOOD, FOOD-CONTACT SURFACEs, and UTENSILs shall be protected from contamination.

(d)

The PERMIT HOLDER of an unenclosed MOBILE FOOD FACILITY handling nonPREPACKAGED FOOD shall develop and follow written operational procedures for FOOD handling and the cleaning and sanitizing of FOOD-CONTACT SURFACEs and UTENSILs. The ENFORCEMENT AGENCY shall review and approve the procedures prior to implementation and an APPROVED copy shall be kept on the MOBILE FOOD FACILITY during periods of operation.

114305. Food handling

(a) During operation, no FOOD intended for RETAIL shall be conveyed, held, stored, displayed, or served from any place other than a MOBILE FOOD FACILITY, except for the restocking of product in a manner APPROVED by the ENFORCEMENT AGENCY.

(b) FOOD PREPARATION counter space shall be provided commensurate with the FOOD operation, adjacent to all cooking EQUIPMENT.

(c) Except as specified in subdivision (d), FOOD products remaining after each day's operation shall be stored in an APPROVED COMMISSARY or other APPROVED facility.

(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.

114306. Single operating mobile food facility

(a) A single operating site MOBILE FOOD FACILITY is restricted to PRODUCE, PREPACKAGED FOOD, and LIMITED FOOD PREPARATION.

(b) Notwithstanding Section 113984, a MOBILE FOOD FACILITY operating within a fully enclosed structure shall not be required to provide a secondary FOOD COMPARTMENT over FOOD PREPARATION areas.

(c) A single operating site MOBILE FOOD FACILITY that is required to provide WAREWASHING and handwashing FACILITIES

shall provide a WAREWASHING sink and a handwashing sink per site operation. A WAREWASHING and handwashing sink contained in a FACILITY to which this subdivision applies shall be conveniently located so as to be accessible during all hours of operation. Additional handwashing sinks may be required pursuant to paragraph (1) of subdivision (b) of Section 113953.

(d) Notwithstanding Section 114095, a WAREWASHING sink may be shared by not more than four MOBILE FOOD FACILITIES operating as a single operating site MOBILE FOOD FACILITY that is required to provide a WAREWASHING sink, if the sink is conveniently located as to be accessible during all hours of operation.

(e) For purposes of permitting and enforcement, the PERMIT HOLDER of each single operating site MOBILE FOOD FACILITY location shall be the same.

114307. Mobile food facilities that operate at community events

MOBILE FOOD FACILITIES that operate at COMMUNITY EVENTS and that remain fixed during FOOD PREPARATION and its hours of operation may:

(a) Include a staffed counter that serves hot and cold BEVERAGES and ice that are not POTENTIALLY HAZARDOUS FOOD and that are dispensed from APPROVED bulk dispensing units.

(b) Store supplies and FOOD that are not POTENTIALLY HAZARDOUS in unopened containers adjacent to the MOBILE FOOD FACILITY or in a nearby temporary storage unit. "Unopened container" means a factory SEALED container that has not been previously opened and that is suitably constructed to be resistant to contamination from moisture, dust, insects, and rodents.

(c) Operate an OPEN-AIR BARBECUE adjacent to the MOBILE FOOD FACILITY if APPROVED by the ENFORCEMENT AGENCY.

114309. Mobile food facility exemptions

(a) MOBILE FOOD FACILITIES and MOBILE SUPPORT UNITS shall be exempt from the requirements of Sections 114250, 114256.1, and 114279.

(b) Nothing in this chapter shall be deemed to require any PERSON to replace or modify an existing MOBILE FOOD FACILITY APPROVED for operation prior to adoption of this part, so long as the facility is operated in accordance with the conditions of approval. Plans and specifications may be required by the ENFORCEMENT AGENCY if it determines that they are necessary to assure compliance with this part.

(c) MOBILE FOOD FACILITIES equipped with a one-compartment sink or two-compartment sink that was APPROVED for operation prior to adoption of this part need not provide a three-compartment sink.

114311. Handwashing sink requirements

MOBILE FOOD FACILITIES not under a valid PERMIT as of January 1, 1997, from which nonPREPACKAGED FOOD is sold shall provide handwashing facilities. The handwashing facilities shall be separate from the WAREWASHING sink.

(a) The handwashing sink shall have a minimum dimension of nine inches by nine inches in length and width and five inches in depth and be easily accessible by FOOD EMPLOYEES.

(b) The handwashing facility shall be separated from the WAREWASHING sink by a metal splashguard with a height of at least six inches that extends from the back edge of the drainboard to the front edge of the drainboard, the corners of the barrier to be rounded. No splashguard is required if the distance between the handwashing sink and the WAREWASHING sink drainboards is 24 inches or more.

(c) This section shall not apply to MOBILE FOOD FACILITIES handling only whole PRODUCE or the bulk dispensing of nonPOTENTIALLY HAZARDOUS BEVERAGES.

114313. Warewashing sink requirements

(a) Except as specified in subdivisions (b) and (c), a MOBILE FOOD FACILITY where nonPREPACKAGED FOOD is cooked, blended, or otherwise prepared shall provide a WAREWASHING sink with at least three compartments with two integral metal drainboards.

(1) The dimensions of each compartment shall be large enough to accommodate the cleaning of the largest UTENSIL and either of the following:

(A) At least 12 inches wide, 12 inches long, and 10 inches deep.

(B) At least 10 inches wide, 14 inches long, and 10 inches deep.

(2) Each drainboard shall be at least the size of one of the sink compartments. The drainboards shall be installed with at least one-eighth inch per foot slope toward the sink compartment, and fabricated with a minimum of one-half inch lip or rim to prevent the draining liquid from spilling onto the floor.

(3) The sink shall be equipped with a mixing faucet and shall be provided with a swivel spigot capable of servicing all sink compartments.

(b) If all UTENSILS and EQUIPMENT of a MOBILE FOOD FACILITY are washed and sanitized on a daily basis at the APPROVED COMMISSARY or other APPROVED FOOD FACILITY, and the MOBILE FOOD FACILITY provides and maintains an adequate supply of spare preparation and serving UTENSILS in the MOBILE FOOD FACILITY as needed to replace those that become soiled or contaminated, then the MOBILE FOOD FACILITY shall not be required to provide a WAREWASHING sink to only handle any of the following:

- (1) NonPOTENTIALLY HAZARDOUS FOODS that do not require preparation other than heating, baking, popping, portioning, bulk dispensing, assembly, or shaving of ice.
- (2) Steamed or boiled hot dogs.
- (3) Tamales in the original, inedible wrapper.
- (c) An unenclosed MOBILE FOOD FACILITY that prepares POTENTIALLY HAZARDOUS BEVERAGES for immediate service in response to an individual CONSUMER order shall do one of the following:
 - (1) Provide a three-compartment sink described in subdivision (a).
 - (2) Provide at least one two-compartment sink that complies with subdivision (e) of Section 114099.3.
 - (3) Provide a one-compartment sink with at least one integral metal drainboard, an adequate supply of spare preparation and serving UTENSILS to replace those that become soiled or contaminated, and WAREWASHING facilities that comply with subdivision (a) in a reasonable proximity to, and readily accessible for use by, FOOD EMPLOYEES at all times.

114314. Handwashing and warewashing facilities, location

- (a) Handwashing sinks and WAREWASHING sinks for unenclosed MOBILE FOOD FACILITIES shall be an integral part of the primary unit or on an APPROVED auxiliary conveyance that is used in conjunction with the MOBILE FOOD FACILITY.
- (b) WAREWASHING sinks for unenclosed MOBILE FOOD FACILITIES shall be equipped with overhead protection made of wood, canvas, or other materials that protect the sinks from bird and insect droppings, dust, precipitation, and other contaminants.

114315. Toilet and handwashing facilities

- (a) A FOOD FACILITY shall be operated within 200 feet travel distance of an APPROVED and readily available toilet and handwashing facility, or as otherwise APPROVED by the ENFORCEMENT AGENCY, to ensure that restroom facilities are available to facility EMPLOYEES whenever the MOBILE FOOD FACILITY is stopped to conduct business for more than a one-hour period.
- (b) This section does not limit the authority of a local governing body to adopt, by ordinance or resolution, additional requirements for the public safety, including reasonable time, place, and manner restrictions pursuant to its authority under subdivision (b) of Section 22455 of the Vehicle Code.

114317. Exterior and surrounding area to be sanitary

The exterior of a MOBILE FOOD FACILITY and the surrounding area, as relating to the operation of FOOD service, shall be maintained in a sanitary condition.

114319. Storage of non-food items, chemicals, food, utensils

- (a) Spare tires, related automotive EQUIPMENT, or special tools relating to the mechanical operation of the MOBILE FOOD FACILITY shall not be stored in the FOOD PREPARATION or FOOD storage areas.
- (b) A separate cabinet or drawer shall be installed for the storage of insecticides or other poisonous substances in accordance with Section 114254, if these substances are used. All poisonous chemicals shall be kept in this cabinet or drawer in their original containers and in a manner that offers no contamination HAZARD to FOOD or UTENSILS.
- (c) During periods of inoperation, FOOD and UTENSILS shall be stored in one of the following methods:
 - (1) Within APPROVED FOOD storage facilities at the COMMISSARY or other APPROVED facility.
 - (2) In FOOD COMPARTMENTS APPROVED by the ENFORCEMENT AGENCY where the FOOD is protected at all times from contamination, exposure to the elements, ingress of rodents and other VERMIN, and temperature abuse.

114321. Height and width of occupied areas

MOBILE FOOD FACILITIES that are occupied during normal business operations shall have a clear, unobstructed height over the aisleway portion of the unit of at least 74 inches from floor to ceiling, and a minimum of 30 inches of unobstructed horizontal aisle space. This section shall not apply to vehicles under PERMIT prior to January 1, 1996.

114322. Location of compressors

Compressor units that are not an integral part of FOOD EQUIPMENT, auxiliary engines, generators, and similar EQUIPMENT shall be installed in an area that is completely separated from FOOD PREPARATION and FOOD storage and that is accessible from outside the unit for proper cleaning and maintenance.

114323. Safety requirements

- (a) A first-aid kit shall be provided and located in a convenient area in an enclosed case.
- (b) MOBILE FOOD FACILITIES that operate at more than one location in a calendar day shall be equipped to meet all of the following requirements:
 - (1) All UTENSILS in a MOBILE FOOD FACILITY shall be stored so as to prevent their being thrown about in the event of a sudden stop, collision, or overturn. A safety knife holder shall be provided to avoid loose storage of knives in cabinets, boxes, or slots along counter aisles. Knife holders shall be designed to be EASILY CLEANABLE and be manufactured of materials APPROVED by the ENFORCEMENT AGENCY.

(2) Coffee urns, deep fat fryers, steam tables, and similar EQUIPMENT shall be equipped with positive closing lids that are fitted with a secure latch mechanism that will prevent excessive spillage of hot liquids into the interior of a MOBILE FOOD FACILITY in the event of a sudden stop, collision, or overturn. As an alternative to this requirement, a coffee urn may be installed in a compartment that will prevent excessive spillage of coffee in the interior of the unit.

(3) Metal protective devices shall be installed on the glass liquid level sight gauges on all coffee urns.

(c) Light bulbs and tubes shall be covered with a completely enclosed plastic safety shield or its equivalent, and installed so as to not constitute a HAZARD to personnel or FOOD.

(d) All liquefied petroleum EQUIPMENT shall be installed to meet applicable fire authority standards, and this installation shall be APPROVED by the fire authority. However, for units subject to Part 2 (commencing with Section 18000) of Division 13, this EQUIPMENT and its installation shall comply with standards prescribed by Sections 18028 and 18029.5.

(e) A properly charged and maintained minimum 10 BC-rated fire extinguisher to combat grease fires shall be properly mounted and readily accessible on the interior of any MOBILE FOOD FACILITY that is equipped with heating elements or cooking equipment.

(f)

(1) Except for units subject to Part 2 (commencing with Section 18000) of Division 13, a second means of exit shall be provided in the side opposite the main exit door, or in the roof, or the rear of the unit, with an unobstructed passage of at least 24 inches by 36 inches. The interior latching mechanism shall be operable by hand without special tools or key. The exit shall be labeled "Safety Exit" in contrasting colors with letters at least one inch high.

(2) For units subject to Part 2 (commencing with Section 18000) of Division 13, the size, latching, and labeling of the second means of exit shall comply with standards prescribed by Sections 18028 and 18029.5.

(g) All gas-fired appliances shall be properly insulated in a manner that will prevent excessive heat buildup and injury.

114325. Water heater requirements

(a) Except on a MOBILE FOOD FACILITY that only utilizes the water for handwashing purposes, a water heater or an instantaneous heater capable of heating water to a minimum of 120°F, interconnected with a POTABLE WATER supply, shall be provided and shall operate independently of the vehicle engine. On a MOBILE FOOD FACILITY that only utilizes the water for handwashing purposes, a water heater or an instantaneous water heater capable of heating water to a minimum of 100°F, interconnected with a POTABLE WATER supply, shall be provided and shall operate independently of the vehicle engine.

(b)

(1) Except as specified in paragraph (2), a water heater with a minimum capacity of three gallons shall be provided for MOBILE FOOD FACILITIES.

(2) A minimum water heater capacity of one-half gallon shall be provided for MOBILE FOOD FACILITIES APPROVED for LIMITED FOOD PREPARATION.

114219. Potable water tanks, enclosed system

A POTABLE WATER tank shall be enclosed from the filling inlet to the discharge outlet and emptied to ensure complete drainage of the tank.

114221. Potable water tanks, inspection and cleaning port

(a) Water tanks shall be designed with an access port for inspection and cleaning. The access port shall be in the top of the tank and flanged upward at least one-half inch and equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place and flanged to overlap the opening and sloped to drain.

(b) Notwithstanding subdivision (a), water tanks that are not accessible for inspection may comply with this section by submitting written operational procedures for the cleaning and sanitizing of the POTABLE WATER tank. The ENFORCEMENT AGENCY shall review and approve the procedures prior to implementation and an APPROVED copy shall be kept on the MOBILE FOOD FACILITY during hours of operation.

114223. Potable water tanks, "V" type threads, use limitation

A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

114225. Potable water tanks, inlet and outlet

(a) POTABLE WATER tanks shall be installed in a manner that will allow water to be filled with an easily accessible inlet.

(b) A POTABLE WATER tank's inlet and outlet shall be positioned so that they are protected from contaminants such as waste discharge, dust, oil, or grease.

(c) NONPERMANENT FOOD FACILITIES shall be provided with a connection of a size and type that will prevent its use for any other service and shall be constructed so that backflow and other contamination of the water supply is prevented.

114227. Potable water tanks, filter

A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and POTABLE WATER system when compressed air is used to pressurize the water tank system.

114229. Potable water tanks, protective cover or device

If not in use, a POTABLE WATER tank and hose inlet and outlet fitting shall be protected using a cap and keeper chain, quick disconnect, closed cabinet, closed storage tube, or other APPROVED protective cover or device.

114231. Potable water tank inlet

A NONPERMANENT FOOD FACILITY's POTABLE WATER tank inlet shall be three-fourths inch in inner diameter or less and provided with a hose connection of a size or type that will prevent its use for any other service.

114233. Potable water tanks, system flushing and disinfection

A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.

114235. Potable water tank, using a pump and hoses, backflow prevention

A PERSON shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

114238. Potable water tanks, tank, pump, and hoses dedication

A water tank, pump, and hoses used for conveying POTABLE WATER shall not be used for any other purpose.

114239. Potable water tanks, refilling and storage

(a) POTABLE WATER tanks may be constructed in a manner that will allow for a POTABLE WATER tank to be removed from within the NONPERMANENT FOOD FACILITY compartments for refilling or replacing.

(b) Refilling of a POTABLE WATER tank shall be conducted through an APPROVED and sanitary method, such as at the COMMISSARY.

(c) Storage of any prefilled water tank, or empty and clean water tanks, or both, shall be within the NONPERMANENT FOOD FACILITY or in an APPROVED manner that will protect against contamination.

114240. Wastewater tanks, capacity and drainage

(a) Wastewater tanks shall be of a capacity commensurate with the level of FOOD handling activity.

(b) Wastewater tanks shall have a minimum capacity that is 50 percent greater than the POTABLE WATER tanks. In no case shall the wastewater capacity be less than 7.5 gallons. Where POTABLE WATER for the preparation of a FOOD or BEVERAGE is supplied, an additional wastewater tank capacity equal to at least 15 percent of the water supply shall be provided.

(c) Additional wastewater tank capacity may be required where wastewater production is likely to exceed tank capacity.

(d) Where ice is utilized in the storage, display, or service of FOOD or BEVERAGES, an additional minimum wastewater holding tank shall be provided with a capacity equal to one-third of the volume of the ice cabinet to accommodate the drainage of ice melt.

(e) Wastewater tanks on nonpermanent FOOD facilities shall be equipped with a shut-off valve.

114241. Wastewater tanks, removing wastes

(a) Wastewater tanks may be constructed in a manner that will allow the wastewater tank to be removed from within the APPROVED NONPERMANENT FOOD FACILITY compartments for replacing.

(b) RETAIL FOOD operations shall cease during removal and replacement of tanks.

(c) Sewage and other liquid wastes shall be removed from a NONPERMANENT FOOD FACILITY at an APPROVED waste servicing area or by an APPROVED sewage transport vehicle in such a way that a public health HAZARD or nuisance is not created.

114242. Wastewater tanks, flushing

Wastewater tanks shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

San Mateo County, California, Code of Ordinances- Title 4- Sanitation and Health Chapter 4.56

4.56.060- Mobile food facility duration time in one location: Notwithstanding any other provision of this chapter, a mobile food facility shall comply with all the State health laws and regulations and the provisions of this code concerning "food establishment" if it sells or displays food in a single location for more than thirty minutes. A mobile food facility shall also comply with State health laws and regulations and the provisions of this code concerning food establishment if it sells or display food within 500 feet of a location where it has sold or displayed food for 5 minutes in the previous 4 hour period.

San Mateo County, California, Code of Ordinances- Title 5- Business Regulations Chapter 5.52

5.52.050-Hours of Operation: Mobile food preparation units shall operate on County roads only between the hours of 7AM and 6PM, Monday through Friday and between 10AM and 6PM on Saturday and Sunday. The first, second and third violation of this ordinance within one year shall be an infraction punishable as Stated in Government Code Section 25135(b). Any violation within one year after the third violation shall be a misdemeanor.