

# COMPACT MOBILE FOOD OPERATIONS FREQUENTLY ASKED QUESTIONS

## Introduction:

Starting January 1, 2023, the California Retail Food Code includes a new type of food facility for street food vending operations called a **Compact Mobile Food Operation (CMFO)**. Below are some frequently asked questions for operating a CMFO (also referred to as a food cart).



## Permitting Questions

### **What is a Compact Mobile Food Operation (CMFO)?**

A CMFO is a mobile food business that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized unenclosed conveyance approved to sell packaged food or conduct limited food preparation.

### **Do I need a Health Permit from Environmental Health (EHS)?**

Yes, a permit is required, unless your compact mobile food operation has 25 square feet or less of display area **and sells only** prepackaged, non-potentially hazardous (non-perishable) foods or whole uncooked produce, in which case, a permit is not required. Please note that Plans for your CMFO will need to be submitted to EHS along with a fee. See Plan Check Questions in this document for more information,

### **Where can I get a permit to operate a Compact Mobile Food Operation (food cart)?**

You can [download the application](#) or contact our office [marinehs@marincounty.org](mailto:marinehs@marincounty.org) to have us email you an application.

### **Where can I sell food from my cart?**

A health permit allows you to sell anywhere within the County of Marin, but you should check with local cities regarding specific locations.

### **Once my food cart has been manufactured and approved by Environmental Health Services, do I need a separate permit to operate my food cart?**

Yes, a yearly health permit must be obtained from EHS to operate the food cart. Once a permit has been issued, a vehicle sticker will be attached to your cart indicating the year the permit expires.

### **Once I am issued a permit, how long is the permit good for?**

Your permit is good for one-year. If you decide to operate for more than one year, a renewal application and fee are required. It is a violation of the law to operate without a valid health permit and it is your responsibility to keep your permit valid.

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COUNTY OF MARIN ENVIRONMENTAL HEALTH SERVICES

[www.marincounty.org/ehs](http://www.marincounty.org/ehs) 415-473-6907 [marinehs@marincounty.org](mailto:marinehs@marincounty.org)

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**Will I be inspected during operation of my cart? If so, how many inspections can I expect per year?**

Yes, all permitted food carts will be inspected. The number of inspections a year will depend on the type of food offered on the food cart.

**What type of food training do I need?**

Food cart employees must hold a food handler card if handling open food. A food handler card must be obtained within 30 days of the start of your business or within 30 days an employee is hired.

**Do I need any other permits?**

You may need a local business license or peddlers permit to sell food. Check with the local cities or County Planning Department in the location(s) you plan to sell food to see what permits will be required.

**Are we being given a one-year grace period to operate without a permit?**

No. The California Retail Food Code requires all CMFOs to obtain a health permit prior to selling.

**What happens if I operate without a health permit?**

A notice of violation will be issued initially followed by increasing administrative fines. However, after January 1, 2024, the enforcement agency can charge up to three times the cost of the permit fee in lieu of administrative fines for operating without a health permit. EHS has the authority to impound un-approved food and equipment.

## Plan Check Questions

**Can I design my own food cart, or do I have to buy a prefabricated unit?**

You can design your own food cart. Plans must be submitted to the EHS office along with a food plan check fee. The plans must be approved before you begin construction of your cart. All carts will need a Plan Check final inspection even if it is a design that has been previously approved by this department.

**Can I use home or domestic appliances on my food cart?**

No, you must use commercial equipment that has been certified and approved by the Environmental Health Services. Electrical appliances must meet applicable Underwriters Laboratories (UL) standards for electrical equipment as determined by an ANSI accredited certification program.

**Do I need an integral (built into the cart) three-compartment dish sink?**

No, unless you are handling raw meats, raw poultry, or raw fish. If not, an adequate amount of clean and sanitized utensils must be kept on the food cart for replacing utensils when soiled or every 4 hours if you will be handling open food.

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**Do I need a handwash sink?**

Yes, if you will be handling open food on the food cart you must have a handwash sink on the cart.

**Do I need hot water for handwashing?**

No, unless you are handling raw meats, raw poultry, or raw fish. If you intend to have any of these raw food items on the food cart, additional sinks and hot water are required.

**Do I need a refrigerator?**

Yes, you will need a refrigerator if you are working with potentially hazardous foods, such as cut melons, cut tomatoes, milk products, cooked vegetables, meat, poultry, fish, food containing eggs, beans, or other protein- rich food such as soy products.

**What kind of signage must be on the cart?**

The food cart must have the business name in letters of at least 3 inches in height in a location that is clearly visible to the customer. The city, state, zip code, and name of the operator must be present in letters of at least 1 inch in size. The letters must be of a color that contrasts with the background.

**Do I need to have signage if I sell less than 25 square feet of produce or prepackaged non-potentially hazardous food?**

No. A food business that has less than 25 square feet of whole raw produce or prepackaged nonperishable food is exempt from signage requirements.

## Food Operations

**What is considered a “prepackaged food”?**

Food is considered prepackaged when it has been processed in a permitted food facility or food establishment and properly packaged to prevent any direct human contact between the food product and the consumer prior to consumption and labeled to include the common name of the item, a list of ingredients in descending order of predominance by weight, quantity such as weight, and name and address of the place of business of the manufacturer.

**What kind of food can I prepare from my cart?**

The type of food that can be prepared depends on the type of food cart that has been manufactured. Some considerations:

- If the cart does not have sinks, it is limited to prepackaged food items and raw, whole produce.
- If it has a hand washing sink, you may prepare food in accordance with limited food preparation requirements, excluding raw meats, raw poultry, or raw fish.
- If the cart has a utensil washing sink and a hand washing sink with hot water, you may prepare food following limited food preparation requirements, including raw meats, raw poultry, and raw fish.

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**What is limited food preparation?**

Limited food preparation is food preparation that is restricted to the following, based on the proposed menu and your food cart's ability to support safe preparation and food storage:

1. Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming, or boiling of hot dogs, or assembly of non-prepackaged food.
2. Dispensing and portioning of non-potentially hazardous food (non-PHF) or dispensing and portioning for immediate service to a customer of food that has been held at the required temperatures.
3. Slicing and chopping of non-PHF food or produce that has been washed at an approved facility or slicing and chopping of food on a heated cooking surface during the cooking process.
4. Cooking and seasoning to order.
5. Juicing or preparing beverages that are for immediate service, in response to an individual customer order, that do not contain frozen milk products.
6. Hot and cold holding of food that has been prepared at an approved permanent food facility.
7. Reheating of food that has been prepared at an approved permanent food facility.

**What is non-potentially hazardous food?**

Food that does not require refrigeration or hot holding to prevent bacterial growth. Some examples include cut mango, cut cucumbers, cut jicama, pretzels, churro.

**What is potentially hazardous food?**

In general, food that is required to be refrigerated at 41 degrees Fahrenheit or below to prevent the growth of harmful bacteria. Examples of potentially hazardous food includes cooked and raw meats (beef, chicken, fish, etc.), cut tomatoes, tamales, cut melons, cooked rice, cooked potatoes, cooked beans, dairy, etc.

**Do I need overhead protection?**

Yes, this can include sneezeguards, canopies, umbrellas, and tightly covered food (lids, cake covers, compartments, etc.).

**Can I sell tamales that were prepared in an approved commissary on the food cart?**

It all depends on the type of food cart you have. If you have a food cart with a hand sink, you may be approved to sell tamales in the husk from the permitted cart. If the food cart does not have a hand sink, the tamales must be prepackaged and properly labeled prior to sale on the food cart.

**Can I prepare food at home?**

The only food that can be prepared at a private home is food that has been produced by a Class B Cottage Food Operator (CFO) and only those approved foods can be sold from the food cart. A Class A CFO cannot operate as a CMFO. A Class B CFO will also need to have a CMFO permit to sell the food they produce from their cart.

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**Can I take unsold food back home to use again later or the next day?**

Only uncooked whole fruit and whole vegetables, or prepackaged non-potentially hazardous foods may be stored at a private home that has an endorsement from EHS. All potentially hazardous foods prepared or served from a food cart must be discarded or donated at the end of the day.

**Where can I get a list of food allowed under a Class B Cottage Food Operation permit?**

Information related to foods allowed under Class B Cottage Food Operation permits can be found on the [California Department of Public Health website](#).

## Commissary Requirements

**What is a commissary?**

A commissary is a food facility that has been approved by the Environmental Health Services to support the proposed operation of a food cart where any of the following occur:

1. Food, containers, and supplies are stored.
2. Food is prepared for sale or display on the food cart.
3. Food is prepackaged for sale or display on the food cart.
4. Utensils are cleaned and sanitized.
5. Potable water is obtained.
6. Liquid and solid wastes are disposed.
7. Carts are washed.
8. Water tanks are filled, and wastewater tanks are emptied.

**Do I need a commissary?**

Yes

**Do I need to store my food cart at a commissary?**

It depends on what you are selling. The California Retail Food Code was expanded to provide more options for the storage of a food cart. Options now include:

- A Class B Cottage Food Operation may store two food carts used to sell the food produced by the Cottage Food Operation.
- A Private home upon endorsement from the Environmental Health Services can store two food carts used to sell non-potentially hazardous prepackaged food and raw whole produce.
- Permanent permitted food facilities can serve as a commissary for food carts that sell prepared food.

**Can food be prepackaged at a commissary?**

If a commissary has been permitted for food preparation, then yes, food can be properly packaged and labeled to prevent any direct human contact with the food product and the consumer prior to consumption.

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**Can I use my home to store my food cart?**

Yes, you may be allowed through an endorsement by the Environmental Health Services to store up to two food carts in your home. You may also store prepackaged, non-potentially hazardous foods and whole produce in your home for sale on the food cart. A separate commissary is required for a food cart that sells and/or prepares any foods, in addition to the home cart storage.

**What is an endorsement?**

An endorsement is a documented and recorded approval of compliance with code requirements issued by the Environmental Health Services. An endorsement may include an inspection or evaluation but does not require a registration or permit. A one-time fee is charged for this service.

**What does the endorsement include?**

A site visit to determine that the storage in the private home will not pose a public health hazard and there is sufficient room to store carts in a manner that protects the food carts from contamination.

**Do I need to own my home to store food carts here?**

No, but you should check with your landlord to confirm storing food carts is allowed onsite and/or if running a business from your home is allowed.

**Can my Cottage Food Operation serve as a commissary for a Compact Mobile Food Operation?**

A Class B permitted Cottage Food Operation may serve as a commissary for up to two food carts after an evaluation is completed by the Environmental Health Services. Only approved cottage food made at permitted Cottage Food Operation can be sold on the food cart. Other commercially prepared prepackaged, non-potentially hazardous foods, such as bottled water and soda, may also be sold.

**Do I need access to restrooms when I am selling food?**

Yes, if the food cart is stopped in one location for longer than one-hour, restrooms must be located within 200 feet of the food cart unless at least two employees are present on site.

**Can I rent a portable toilet instead of operating within 200 feet of an approved restroom?**

No.

**For additional questions contact Environmental Health Services at (415) 473-6907 or [visit our website.](http://www.marincounty.org/ehs)**



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## OVERVIEW OF STRUCTURAL/OPERATIONAL REQUIREMENTS FOR A CMFO

Operational Requirements	Prepackaged* non-potentially hazardous food (greater than 25 square feet)	Prepackaged* potentially hazardous food	Limited food preparation (hot/cold holding, dispensing, portioning, slicing/chopping)	Limited food preparation with raw meat, raw poultry or raw fish
Food handler card	Not required	Not required	Required	Required
Overhead protection	Required	Required	Required	Required
Food from approved source	Required	Required	Required	Required
Food properly stored	Required	Required	Required	Required
Integral equipment	Not required	Required	Required	Required
Mechanical refrigeration	Not required	Required	Required	Required
Three-compartment sink	Not required	Not required	Not required - may provide adequate utensils in lieu of three-compartment sink	Meet Chapter 10 requirements for a MFF
Handwashing sink	Not required	Not required	Required - warm water not required	Meet Chapter 10 requirements for a MFF
Food to be disposed at end of operating day	Not required	Required	Required	Required
Access to commissary	Required	Required	Required	Required
Access to restrooms	Allows for exemption if the CMFO is operated by multiple employees or operators			
* <i>Prepackaged food means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.</i>				

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